

Private security contracting in the humanitarian sector: time to take responsibility

POLICY BRIEF

Humanitarian principles and security

Humanitarian action is governed by the principles of humanity, neutrality, impartiality and independence, which are essential to secure access to affected populations in emergency contexts. Acceptance is at the centre of humanitarian operations' security. However, with the growing security threats to their staff and assets noticed in the last decades, humanitarian organisations have implemented more protection and some deterrence measures, including the use of private security providers. These measures can, in some circumstances, clash with humanitarian principles and acceptance, potentially endangering organisations and programs.



ICoCA: The International Code of Conduct Association is a multi-stakeholder initiative formed in 2013 to ensure that providers of private security services respect Human Rights and International Humanitarian Law. It serves as the governance and oversight mechanism of the International Code of Conduct for Private Security Service Providers (the "Code").

GISF: The Global Interagency Security Forum (formerly EISF) is a member-led NGO forum established in 2006 to provide a platform for global security focal points to share experiences, knowledge and learning. It is committed to influence good security risk management practice that works for the whole humanitarian sector, improving the security of aid workers and operations for sustainable access.

Executive summary

When contracting with private security providers, the practices of the humanitarian sector are largely unknown. Risks are present but they are often not considered in the contracting process. Contracting PSPs may create serious concerns in terms of adherence to humanitarian principles, leading to risks for the security, reputation, and acceptance of humanitarian organisations. This policy brief identifies why humanitarian actors should fully acknowledge these risks, and work towards more responsible private security contracting which respects humanitarian principles and does not breach any applicable duty of care.

What is at stake?

In recent years, a number of humanitarian organisations have progressively relied on more protection and deterrence measures to secure their staff and assets, in addition to traditional acceptance strategies. This evolution has been accompanied by a growing reliance on private security providers (PSPs). In some situations, this growing reliance on PSPs has been criticised

for its apparent incompatibility with humanitarian principles and values. Despite this, the private security contracting practices of humanitarian organisations have to date not been adequately studied or quantified. This seeming limited understanding of relevant practices and perceived lack of transparency may generate criticism and suspicion of neglect across the sector.

To start addressing this knowledge gap, the International Code of Conduct Association (ICoCA) and the Global Interagency Security Forum (GISF) in 2021 conducted a study based on a survey and interviews of various actors in the humanitarian sector. This work aimed at better understanding the current contracting practices of humanitarian organisations when engaging the services of PSPs and identifying the challenges that can entail¹. Further research on the issue of contracting PSPs in the humanitarian sector is still needed, enlarging the scope of the research to field and HQ managers in both humanitarian organisations and PSPs, to provide country and regional good practice case studies.

This study confirmed that the use of PSPs by humanitarian organisations is widespread today. Importantly, it evidenced that there is no uniformity

of practice or preferred approaches amongst organisations. The results of the study point to a clear need to acknowledge and address the potential risks of not adopting and implementing robust and consistent practices when contracting PSPs.

In addition, the study highlighted that more needs to be done to better integrate PSP contracting practices into duty of care considerations by humanitarian agencies and their donors. Indeed, somewhat surprisingly, the issue of duty of care was almost never referenced by participants in the study. This should give rise to concern, as substandard practices in the contracting of PSPs can pose risks not only to beneficiary recipient communities, their staff and implementing partners, but also to the employees of the contracted PSPs themselves.

Key Findings

This policy brief presents the five key findings of the study and makes recommendations to humanitarian organisations and donors.

1. Today, humanitarian organisations regularly rely on the services of private security providers, yet many are not equipped to make informed decisions when contracting PSPs.
2. Cost is most often the main driver in the selection of PSPs, despite the fact that this approach can generate more risks for humanitarian organisations.
3. Humanitarian organisations have limited awareness of and make little reference to international standards governing PSPs.
4. Private security contracting entails major risks for humanitarian organisations: it calls for careful risk assessment, an understanding of its impact on acceptance and effective mitigation measures.
5. In many contexts, the working conditions of guards are very poor. For humanitarian organisations, investing in the relationship with their security providers is critical.

1 The full ICoCA/GISF report on private security contracting in the humanitarian sector is forthcoming.



Findings and recommendations

1) Today, humanitarian organisations regularly rely on the services of private security providers, yet many are not equipped to make informed decisions when contracting PSPs.

Findings

More than 82% of the survey respondents indicated that their organisations use PSPs. PSPs are mainly contracted for unarmed guarding, the enhancement of physical protection of premises, security and awareness training, crisis management support and intelligence and situational analysis services. In those contexts where armed guarding was used, it was seen as entailing particularly serious risks. From the perspective of humanitarian organisations, the use of PSPs can offer several advantages – including in terms of availability, cost-efficiency, specific skills, additional management capacities and the possible displacement of liability. Yet the study showed that there can be a lack of clarity among humanitarian organisations on why they actually contract PSPs. Sometimes decisions seem to be made without an actual assessment of their benefits and relevance, and can be influenced

by some misconceptions and “security myths”. Moreover, it seems that organisations do not always know for *what* exactly they are contracting PSPs. Organisations at times lack knowledge and understanding of the private security sector and its market, which can itself be opaque in certain contexts. The difficulties humanitarians have in identifying the potential links between some PSPs and other stakeholders, such as politicians, are particularly concerning regarding neutrality and impartiality. This risk is heightened given the fragile contexts where humanitarian organisations are often engaged. This lack of information and assessment in the decision-making process suggests that organisations often carry out private security contracting without a clear understanding of its actual implications, including how it may impact the duty of care owed to their staff, implementing partners, host-communities and beneficiaries.

Recommendations

1. *Organisations should* understand that private security contracting can have serious negative consequences on reputation, perceived neutrality and impartiality. They should ensure that their contracting practices are compatible with humanitarian principles and acceptance.
2. *Organisations should* ensure contracting policies and guidance are established, disseminated and applied systematically across the organisation. These policies should include a risk assessment and clear statement of why PSPs should be used and what services they will be providing.
3. *Organisations should* have a clear position on the use of private armed guards and engage in specific discussions regarding their use. They should ensure specific guidelines are provided and strictly limit and control the use of such services.
4. *Donors should* exert a duty of care in ensuring that responsible private security contracting is carried out by the humanitarian organisations they support, as well as their potential local partners.



2) Cost is most often the main driver in the selection of PSPs, despite the fact that this approach can generate more risks for humanitarian organisations.

Findings

According to the study, cost and reputation are the two main factors for PSPs selection. The fact that security budgets do not often appear in proposals and that security departments are often sidelined from budget decision-making were identified as a determining factor in the choice of PSP. This lack of available budget impedes staff from contracting the PSPs with the highest standards and quality. Contracting the lowest cost providers results in poorly vetted PSP personnel working long shifts (12 hours being the industry norm) for very little pay and inadequate training. The contracting of PSPs, especially in field offices, is often the responsibility of the administrative team and security staff can lack the time and resources to conduct risk assessments, evaluation and monitoring of PSPs, which heightens the risks of incidents. This lack of resources was considered as incompatible with the requirement to carry-out programs safely in high risk contexts where PSPs are seen as necessary to protect staff and assets. PSPs that are not properly selected and monitored may not provide the protection required and can bring additional risks to the organisation.

Recommendations

1. *Organisations should* ensure security budgets are systematically included in proposals and that private security contracting costs are clearly referenced. They should raise awareness among donors on security needs and on their importance for programme continuity.
2. *Organisations should* develop and implement clear selection criteria for the contracting of PSPs. Cost should not be the overriding element or consideration in selecting a PSP.
3. *Donors should* make sure a requirement for security budgets is included in their requests for proposals where necessary and that these cover the costs for contracting responsible PSPs. They should communicate to implementing partners that adequate provision for all security risk management requirements including the contracting of private security should be included in budgets.



3) Humanitarian organisations have limited awareness of and make little reference to international standards governing PSPs.

Findings

The majority of survey participants asserted that they rely on internal policies and national licensing regulations, where they exist, to regulate the contracting of PSPs. Only 5% of respondents to the survey cited the International Code of Conduct as a reference document used in their organisation and only 2% said ICoCA Certification was considered a determinant factor for selection. Third-party verification mechanisms seem to be hardly ever used.

Despite important differences among the organisations represented, the findings point to an overall lack of understanding and engagement with standards and best practices for private security contracting. Although internal policies regulating the contracting of PSPs seem to be present in a majority of organisations, informality can play a key role at implementation level. Additionally,

humanitarian organisations seem to be either unaware of or overlook the International Code of Conduct for Private Security Service Providers (the Code) as a reference document and Membership and Affiliation to ICoCA as selection requirements. These could help organisations navigate the private security market more safely. The study also evidenced the need for humanitarian organisations to have better contracts protecting them against some of the risks brought by PSPs, and should include provisions such as insurance, minimum wage etc. A critical grey area remains the issue of sanctions and accountability for cases of misconduct by contracted staff (especially guards) and mechanisms to deal with disputes and contract termination. Organisations also need to ensure that security staff are included in the contracting process when it is carried out by procurement or administrative teams.

Recommendations

1. *Organisations should* ensure that the selected PSPs respect internationally recognised standards. For instance, they should consider requiring PSPs to be operating in full compliance with international standards, such as the International Code of Conduct and be Members or Affiliates of ICoCA.
2. *Organisations should* design contracts containing all necessary legal provisions on responsibility, misconduct and contract termination.
3. *Donors should* ensure that the funded humanitarian organisations select PSPs on the basis of internationally recognised standards such as ICoCA Certification, Affiliation and Membership.



4) Private security contracting entails major risks for a humanitarian organisation: it implies a careful risk assessment, an understanding of its impact on acceptance and effective mitigation measures.

Findings

A large majority of security managers interviewed identified the contracting of PSPs as entailing major security, reputational and/or contractual risks. The study crucially highlighted the necessity for organisations to understand and evaluate all the reputational, contractual and security risks PSPs can generate, as well as the risk of clashes with humanitarian principles. More precisely, organisations need to assess the relationship PSPs have with the environment in which they operate, as these can gravely affect their acceptance, depending on their behaviour, reputation, and links with other stakeholders. Systematic background checks, training and monitoring are also crucial to prevent potential violations of Human Rights or domestic law by PSPs, for instance when apprehending or detaining

individuals or using firearms. Other possible violations include discrimination, torture or other cruel, inhuman or degrading treatment or punishment, human trafficking, slavery and forced labour or the worst forms of child labour. In particular, cases of sexual exploitation are known in the industry, and the study showed that sexual harassment and gender-based violence committed by private security guards are probably under-reported and could be widespread in certain contexts. The study further evidenced that very few humanitarian organisations conduct specific Human Rights due diligence when selecting PSPs. Yet, as previously stated, they have a duty of care towards their own staff, personnel of implementing partners, host-communities and beneficiaries who can be seriously impacted by the behaviours of PSPs.

Recommendations

1. *Organisations should* ensure they mitigate all reputational, contractual and security risks when contracting PSPs directly as part of their duty of care towards staff, host communities and beneficiaries.
2. *Organisations should, where relevant, ensure* that their local partners mitigate all reputational, contractual and security risks when contracting PSPs by providing them with guidance and support as required.
3. *Organisations should ensure* Human Rights due diligence is systematically included in private security contracting processes, where possible in cooperation with ICoCA, as part of their duty of care towards staff, host communities and beneficiaries. They should guarantee remedies are available in case of any Human Rights related incident.
4. *Organisations should set clear* sanction mechanisms and conditions for contract termination for cases of misconduct or non-compliance with contracts on the part of contracted PSPs.
5. *Organisations should ensure* clear policies and sanction mechanisms are in place to deal with cases of sexual harassment and gender-based violence committed by PSP personnel. They should ensure the PSP can guarantee remedies are available for the victims/survivors.



5) In many contexts, the working conditions of guards are very poor. For humanitarian organisations, investing in the relationship with their security providers is critical.

Findings

There are clear concerns about the poor working conditions of the staff of many PSPs, including guards, and about their level of training on humanitarian organisations' values and standards. The consequences of granting the contract to the cheapest provider contributes to a race to the bottom whereby employees are poorly paid and poorly treated which in itself lead to heightened security risks.

The relationship with PSPs and their personnel was mentioned in the study as playing a determinant role in defining what quality of services and standards organisations can expect from contracted PSPs, and also how these impact security and acceptance. The private security sector is often characterised by poor salaries and working conditions, yet contracting humanitarian organisations have a duty of care towards contracted personnel and should ensure they are provided with adequate salaries and that their labour rights are respected. This is not only an ethical responsibility, but also a security responsibility for the organisation to ensure that contracted personnel are able to carry out their duties effectively, for example, that they do not have to take a second job. It is important to understand the payment agreement between the PSP and the recruited staff, e.g in South Sudan a PSP was insisting on payment in USD to avoid the rampant inflation, however they were paying the guards in local currency who were then unable to feed themselves.

Guards are often the first people one meets at the gates of the organisation, acting as their public face. It is therefore essential that they are trained on their clients' mandate, mission, operating procedures, code of conduct and acceptance strategies. Involving them in daily security work and decisions was mentioned as crucial in that respect.

Recommendations

1. *Organisations should* understand the importance of the role of contracted personnel and especially guards in their own acceptance strategies. They should provide them training on their mandate, missions, operating procedures, code of conduct and acceptance strategies and involve them as much as possible in security decisions.
2. *Organisations should* acknowledge that they have a duty of care towards contracted personnel, just as they do to their own staff and other implementing partners, and must ensure that PSPs provide them with the salaries and working conditions set in contracts, which should respect applicable standards.
3. *Donors should* engage with humanitarian partners on issues related to the use of private security and support the capacity development of organisations in working with PSPs.



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