

### 22.3.2. A 'No Win' Situation?

*Not calling upon the authorities:*

- may mean that in practice you allow the cycle of impunity to continue;
- will also undermine the credibility of your demand that they assume their responsibility and provide you with security. Because, from their perspective, when they are prepared to do so, you refuse their intervention (Scenarios 1 & 2) or you refuse to cooperate (Scenario 3).

*Calling upon the authorities, however, in itself creates problems and potential risks:*

- it may mean that an affected staff member has to return to be interrogated and perhaps to testify, which is psychologically very stressful (Scenarios 3 & 4);
- it can cause serious tension among your national staff and/or a serious rift between international and national staff (Scenario 2);
- it could antagonise the governmental administration against you if you press charges against another civil servant (Scenario 4) to the point that you may not be able to continue your programme;
- it could expose you to retaliation from friends or kinsmen of the criminals (Scenarios 1 & 3), which may force you to close your programmes.

These sorts of situations may be beyond the scope of good practice recommendations and crisis management guidelines. They will require situational judgement and an acceptance that there is no 'best solution'.

## ANNEXES

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## Annex 1 Trends in Aid Agency Security Risks

The insecurity of aid agencies has received much attention in recent years. A seminal incident in this regard was the targeted assassination of six ICRC staff members in Chechnya in late 1996. Generally speaking, there are two perceptions that have become quite common:

1. Aid work has become more risky; more aid workers get injured and killed.
2. Aid organisations and aid workers are being targeted.

### Problematic Statistics

Are these perceptions correct? This is very difficult to say in the absence of reliable statistics. Following are some of the figures that have been circulated:

- The ICRC reports an increase in the number of incidents from around 24 per annum in the early 1990s, to around 135 per annum between 1994–1997.
- Out of a total of 1074 military personnel killed in all past and ongoing missions of the UN up to late March 1994, 202 were killed in 1993 alone.
- Between 1 January 1992 and 1 March 1997, 131 civilian UN staff (ie, excluding peacekeepers) lost their lives due to violence.
- Between 1989 and 1998, 45 staff members of the World Food Programme lost their lives, of which 32 through murder, 3 due to work-related illness, and 10 through accidents.
- Between 1 January 1994 and 11 March 1997, 35 cases of hostage taking/kidnapping of UN staff involved 80 internationally recruited and 39 locally-recruited staff.
- Three-quarters of all country programmes of an experienced and reputed French NGO will face a smaller or larger security problem every year, and the organisation as a whole has to deal with at least one major security incident every year.

What does this tell us? Very little in fact. The following box summarises the problems for trend analysis:

### Why we Can't Determine Larger Trends in Aid Agency Security

- **Underreporting:** Many aid agencies, especially NGOs, don't keep statistics on security incidents affecting their own staff and assets; a number of organisations do not have a policy in place that enforces incident reporting as well as incident analysis; where reports exist they may be kept confidential.
- **No common reporting categories:** There is no common use of reporting categories between and even within organisations:
  - some incident statistics do not distinguish between loss of assets, eg, from theft of looting, and incidents that affected the physical integrity of a staff member (injury and death);
  - some reports of staff lives lost do not indicate whether this was due to accident, illness or an act of violence;
  - there is no clear distinction between 'incidents' and 'casualties': with more effective security measures, eg, it is imaginable that the number of incidents would continue to rise but the number of casualties, especially fatalities, would decrease;
  - agencies use different categories in attributing acts of violence, eg, one might classify its incidents under the categories 'crime/banditry/act of war'; another under the categories 'banditism/terrorism/acts of war and of the police'. As a result many available statistics are not comparable without returning to the original incident reports.
- **There can be no valid trend analysis without a determined 'population' (demoninator):** in other words, we need to know the (changing) population of aid workers over time, per organisation, and across the sector, in order to see whether the number of aid workers injured or killed by manmade violence/1000 aid workers increases or decreases!

### Some Trend Impressions

Given the problems with the data we cannot analyse trends, rather deduce trend impressions:

- **Rising criminality:** The proportion of security incidents classified as acts of crime and banditry as distinct from acts of war increased during the 1990s to 50 per cent or more.

- **Risks to local staff:** Local staff are more often victims of security incidents than expatriate staff (in a ratio of two-to-four local staff for one international staff). Whether this is only due to there generally being a larger number of local staff is unclear.
- **Risks to international staff:** International staff are generally more at risk from hostage-taking and kidnapping.
- **Trend changes are not a proportional issue alone:** An increase or decrease in the population of aid workers (ie, the total population 'at risk') does not automatically lead to an increase or decrease in the number of incidents.

Statistics of ICRC and UN casualties indicate a rapid rise in security incidents towards the mid-90s, with a subsequent decrease. The impressionistic picture from NGOs, however, does not follow this pattern and indicates an ongoing increase in incidents. It is not very clear what the contributing factors are for the decreases among UN and Red Cross/Crescent staff: a renewed respect for their staff, the agencies erring more on the side of caution and withdrawing more quickly from dangerous situations, better security skill among staff, better security strategies, or etc.

## Safety or Security Risks?

It is often asserted that more aid workers get injured or killed from safety-related causes (especially car accidents and medical conditions) than from security-related causes.

Statistics on death of aid workers from medical causes seem no less difficult. There are persistent rumours that a much higher number of aid workers contract sexually transmitted diseases, including HIV/AIDs, than is popularly assumed. Difficulties related to identifying the precise moment when a disease was contracted, getting information from former employees no longer under contract, and medical confidentiality, all make it unlikely that any 'hard data' can be expected. But it is well known that 'safe sex' remains a problem and stressful and violent environments may lead to more unprotected sex. This appears to remain a high-risk factor, which needs to be more openly and vigorously addressed by aid agencies.

Car accidents are a major cause of injury and death, and assertive action by agencies and field-managers is required.

But does it matter? The question whether safety risks are greater than security risks is not simply one of statistics. Rightly or wrongly, the impact of a serious

security incident on the aid agency concerned, but sometimes also on the presence and programmes of other agencies in the same environment, is much greater. For instance, the targeted assassination of an expatriate aid worker will affect your work much more than the death of three expatriates in car accidents.

From an organisational and management point of view the safety and security of all staff matters equally and merits equal attention. From a humanitarian action and impact point of view, security may be a greater concern.

## A Sample Study

A recent research project funded by WHO collected information on 382 deaths among humanitarian workers between 1985–1998, from 32 organisations. Some of the conclusions are quite startling:

- Over the 13 years there was an increase in death due to intentional violence and a decrease from motor vehicle accidents. However, not all agencies contributing case material and figures gave their car accident figures, so there remains uncertainty about whether the sample was indeed 'representative'. The number of deaths increased up to the mid-90s and then fell for the UN but continued to rise for NGOs. Intentional violence accounted for 67.4 per cent of deaths, whereas car accidents accounted for only 17.1 per cent – except among UN peacekeepers where they amounted to nearly one-third of deaths. Many violent deaths are caused by crime and banditry. Only 4.5 per cent of the total sample, but nearly 33 per cent of NGO deaths, were due to 'other causes', a category in which diseases are most prominent.
- National and international staff appeared equally at risk, but national staff deaths may have been underreported.
- The average age of death for national and international staff is the late 30s - it is not only the younger and less experienced aid workers that are at risk.
- Over 30 per cent of deaths occurred within the first three months in a particular assignment. A major factor contributing to risk therefore seems to be the (lack of) familiarity with the new environment. Length of previous field experience did not correlate with the time of death. (Agencies that rapidly rotate international staff on short-term assignments therefore put them at considerably higher risk than those who encourage and support longer term field assignments.)
- Guards, medical staff and general field staff were at high risk of intentional violence. Drivers, peacekeepers and office staff were most at risk from car accidents.
- Nearly 64 per cent of deaths occurred in Africa, with the genocide in Rwanda causing a peak in 1994.

## Annex 2 The Legal Protection of Aid Workers

**Human rights law is primarily concerned with the right of individuals, particularly in relation to the state. In times of public emergency, such as during armed conflict, states may suspend all but the most fundamental of these rights.**

### Protection Accorded under the Geneva Conventions

In situations of international armed conflict, international humanitarian law remains applicable. One of its strongest expressions is the Geneva Conventions of 1949 and the two Additional Protocols of 1977; international treaties which are almost universally ratified.

International humanitarian law does not give an unconditional right to receive or provide humanitarian assistance. The primary responsibility to provide such assistance in times of conflict rests with the state or the occupying power. Only when a state or occupying power is unable to supply a population's needs is it required to facilitate relief schemes by states or 'by impartial humanitarian organisations such as the International Committee of the Red Cross'. The use of 'such as' implies that other organisations can also qualify, but emphasis is put on the fact that such organisations must be impartial, neutral and have obtained the consent of the authorities. How you are perceived by the authorities is therefore important. Moreover, the Geneva Conventions, like other forms of international law, also recognise the interests of sovereign states. This means that humanitarian needs are weighed against a state's concerns with national security and its perception of military necessity. Under the Geneva Conventions, therefore, the authority which grants free passage to relief shipments has the right to regulate the times and routes of these shipments, and the right to search, so that it can be 'reasonably satisfied' that the enemy will not use them for its benefit.

Although the four Geneva Conventions of 1949 were drawn up to apply to international armed conflicts (conflicts between states), all four contain an identical Article 3 extending general coverage to non-international (intra-state) conflicts. Although not nearly as extensive as the coverage for international armed conflicts, Common Article 3 does provide basic human rights guarantees such as prohibitions against violence to life and person and the taking of hostages, as well as judicial guarantees in the passing of sentences and the carrying out of executions. The protections of Common Article 3 are extended in Protocol II of 1977; however, they

only apply to states which have ratified the Protocol and to internal conflicts which have reached the high threshold requirements of an actual civil war.

Under international humanitarian law your role in an armed conflict determines your 'status'. Three distinct roles have been accepted, namely, combatant, non-combatant and impartial party (or organisation). International humanitarian law offers general protection to wounded, sick or captured combatants, and to civilians.

'General protection' means that they should be treated humanely, should receive material assistance, and can be accessed by authorised impartial relief organisations. Further provisions relate, for example, to the conditions of confinement of non-combatants and restrictions on the displacement and transfer of civilian populations.

Although 'privileged status' is granted to 'medical personnel', this category is narrowly defined in the Geneva Conventions. While military medical personnel are clearly covered, civilian medical personnel are only included when they have received an assignment from the Party to the conflict to which they belong. Privileged status confers certain rights, such as the right of access to those needing care, the right not be punished for having discharged medical functions compatible with medical ethics, generally a right not to be compelled to give information about those in their care, and the right to use the protective emblem. But it also confers certain duties, such as the obligation to provide treatment to all on an impartial basis, abstention from acts of hostility, and the need to be identifiable as medical personnel.

According to Additional Protocol I 71, which extends protective coverage during conflicts of an international character, humanitarian personnel taking part in relief operations are to be respected and protected in the following manner:

1. Where necessary, relief personnel may form part of the assistance provided in any relief action, in particular for the transportation and distribution of relief consignments; the participation of such personnel shall be subject to the approval of the Party in whose territory they will carry out their duties.
2. Such personnel shall be respected and protected.
3. Each Party in receipt of relief consignments shall, to the fullest extent practicable, assist the relief personnel... in carrying out their relief mission. Only in case of imperative military necessity may the activities of relief personnel be limited or their movements temporarily restricted.
4. Under no circumstances may such personnel exceed the terms of their mission under this Protocol. In particular they shall take account of the

security requirements of the Party in whose territory they are carrying out their duties. The mission of any of the personnel who do not respect these conditions may be terminated.

Note, however, that most humanitarian personnel will not fall within the narrow definition of ‘medical personnel’ with its attendant privileged status. As a rule, therefore, they will only receive the general protections of the civilian population and may put themselves at heightened risk by assuming protections that are not in fact granted them under international humanitarian law.

Another category of personnel entitled to be respected and protected under international humanitarian law is civil defence staff. These have to use their own international distinctive sign: a blue triangle against an orange background.

The logos and signs widely used by aid organisations are not recognised as emblems, nor do they provide any protective status from a legal point of view. Any protection gained from them is entirely dependent on the good will of the authorities or a positive profile in the community. The emblem of the Red Cross/Red Crescent, on the other hand, is recognised under international humanitarian law and does offer protection. Its use, however, is subject to very strict regulation, and misuses are considered a grave breach of law.

## The Convention on the Safety of UN and Associated Personnel

In 1994 the UN General Assembly adopted by consensus the Convention on the Safety of UN and Associated Personnel. Article 1 defines who is protected by the Convention. This includes ‘United Nations personnel’, who are persons engaged or deployed by the Secretary General of the UN as members of the military, police or civilian components of a UN operation, and also other officials and experts on mission for the UN or its specialised agencies or the International Atomic Energy Agency, who are present in an official capacity in the area where a UN operations is being conducted. ‘Associated Personnel’ includes personnel assigned by a government or an intergovernmental organisation with the agreement of the competent organ of the UN and persons deployed by a humanitarian NGO or agency under an agreement with the Secretary General of the UN, or with a specialised agency or with the International Atomic Energy Agency. In other words, it covers only those non-UN staff, civilian contractors and NGOs who are engaged in UN operations through a close contractual link. The reason for this delineation is the difficulty in broadening the scope of

protection to as many categories of personnel as possible, but without extending it to the point that certain states become unwilling to ratify it.

The ICRC has explicitly expressed a desire not to enjoy the protection from this Convention for two main reasons: first because it is already protected through the Geneva Conventions, but secondly and mainly because, in order to maintain its image of impartiality and neutrality and to be able to act as a neutral intermediary, also in situations where UN troops are engaged in hostilities, it needs to be seen as separate and different, including from the UN.

The Convention is applicable not only in situations of armed conflict but also in situations of exceptional risk. It is not applicable, however, where a UN intervention is given a mandate of enforcement under Chapter VII of the Charter. International humanitarian law, however, applies in all situations where the Convention applies, including the latter where the Convention does not apply.

The Convention further specifies a series of acts regarded as breaches of the Convention, such as murder and kidnapping of personnel. States hosting a UN operation are obliged to guarantee the inviolability of personnel, premises and equipment assigned to an operation.

This 1994 Convention entered into force on 15 January 1999. Aid workers with close contractual relationships with the UN should not rely too heavily on the protections of the Convention at this time as there are potential contradictions in its terms and its scope of application remain uncertain and untested.

## Extending Legal Protection

During its review in 1996, the 1980 UN Convention on Certain Conventional Weapons was strengthened with regard to Article 8, which originally provided for the protection of UN missions from the effects of mines and booby-traps. The revised version obliges each party to an armed conflict, in every area under its control, to provide protection against the effects of mines, booby-traps and other devices for missions of the ICRC, the National Red Cross or Red Crescent Societies or of their International Federation, and missions of other impartial humanitarian organisations.

Efforts continue to extend, by law, the level of protection, but especially also the scope of ‘protected persons’. These are complicated, for example, by different interpretations of what constitutes ‘humanitarian activity’ and a ‘humanitarian organisation’, and by the multiplication of logos.



## Country-specific Security Plan

This is the primary management tool at country level. The plan needs the approval of UNSECOORD. Currently the UN's response to different risk levels is structured according to a standard formula of five phases. The declaration of Phase 1 and 2 is at the discretion of the Designated Official, the declaration of Phase 3 and 4 requires authorisation from UNSECOORD and Phase 5 the authorisation of the Secretary General through UNSECOORD. Different parts of the country can be under different 'phases'.

- Phase 1:** precautionary; travel to the thus identified area only after prior clearance.
- Phase 2:** restricted movement; some staff members and their families to stay at home; essential staff to report for work; only essential travel authorised in and out of the country.
- Phase 3:** relocation of staff and/or their eligible dependants to a designated concentration site or to another part of the country, or outside the country.
- Phase 4:** programme suspension; evacuation of all internationally recruited staff except those involved in emergency humanitarian operations or security matters.
- Phase 5:** evacuation of the last remaining internationally recruited staff.

The UN also takes out a 'malicious accidents' insurance policy for its staff members.

## Applicability

The UN 'security umbrella' covers all persons employed by the organisation and their recognised dependants. This includes locally recruited personnel, except for those paid by the hour. It also includes UN volunteers and transient consultants, officials or experts on mission for a UN organisation.

Locally recruited personnel and their dependants will not normally be evacuated, except when their security is endangered as a direct consequence of their employment by the UN. The 'malicious acts' insurance does not apply if an employee has acted in violation of the instructions of the designated official, except where the employee put his/her life at risk to save someone else.

The UN will seek to ensure that due process of law be observed in case of arrest or detention of its employees. This relates to the formulation of a formal charge,

the right of visitation by the UN, and the right to medical assistance and legal council organised or supervised by the UN.

## Non-UN Personnel

Some staff members of NGOs and inter-governmental organisations can benefit from the UN 'security umbrella'. This does not happen automatically, but requires the signing of a specific Memorandum of Understanding with the UN to this effect. The non-UN organisation is first 'sponsored' by a UN agency, then the MoU required is screened by the DoI and then has to be approved by the UN Security Coordinator in New York. Inquire into the details with your local UN office.

Note, however, a number of general characteristics of this arrangement:

1. The option only applies to organisations considered 'implementing partners' of the UN, in other words to organisations that have programme and project agreements with the UN. The MoU only applies for as long as the non-UN organisation is recognised as an 'implementing partner'. This may mean that it comes to an end when an agency no longer implements programmes or projects on behalf of a UN organisation. The arrangement applies to the national and international staff of the implementing partner. In crisis situations, and especially when it comes to evacuation, the UN's ability to do anything concrete for national staff may be limited.
2. Entering into such an agreement obliges the non-UN organisation to share security-related information with the UN, and to follow the security directives of the designated official.
3. UN specialist field security officers and area coordinators are usually funded on a cost-share basis by the various UN agencies in-country. Entering into a security arrangement with the UN implies that a non-UN organisation will participate in the cost-sharing arrangement. In case of evacuation, the cost of the evacuation will also be reimbursable to the UN.
4. The non-UN organisation remains responsible for risk and liability, and the UN will only assume limited liability in connection with travel on UN-provided aircraft.

The UN keeps the terms of this MoU under review so liaise regularly with the UN to keep yourself up-to-date.

## Annex 4 Who is Responsible for Security at Field Level?

### Models and Practice

Three ideal-type approaches among operational agencies are to regard security responsibility as:

- a general management responsibility among others, such as programme, personnel, finance management, etc;
- a specialist responsibility, located in a 'security officer';
- a combination of both with the security officer providing additional capacity and expertise to the managers.

In practice aid agencies, and NGOs in particular, not infrequently 'delegate' security responsibilities to people with other responsibilities, often the logistician, sometimes the administrator/office manager. Somewhat surprisingly these are the people sent to field security training courses, with no senior manager participating.

The rationale for this practice is not hard to see: risks and vulnerabilities are easily perceived with regard to vehicles and vehicle movements, cash and sites and site security. The logistician and/or the office manager are the staff members dealing with this, therefore they become a focal point for security. In addition, senior field managers tend to be totally overburdened and cannot add daily security management to their already difficult task. This GPR confirms that security management requires dedicated attention, and, in a fairly high risk environment, can become a full-time task. But it also indicates why such 'delegation' is problematic.

### A Management Responsibility

The principle that security management, of staff and assets, is and remains the responsibility of the employing organisation and therefore of its senior managers, must be affirmed. At field level this means that the ultimate responsibility lies with the country representative whose authority can only be overridden by more senior managers at HQ.

A second principle is that all other managers, the deputy representative and sectoral or regional managers, as well as supervisors, also have a responsibility

for security. This responsibility does not disappear when there is a designated security focal point or even specialist 'security officer'.

A logistician or administrator/office manager, as a mid-level manager, can therefore have delegated responsibility for security. But there are powerful arguments why they should not be the implicitly or explicitly 'designated focal point on security':

- Although telecoms, vehicles and movements, cash and site security and perhaps personnel issues come under their direct purview, these are only some of the areas of vulnerability and potential risk. They have in no way a comparative advantage, eg, with regard to sexual violence, abduction, civil unrest, political terrorism, or resentments and aggression resulting from programme matters.
- They are not typically the people who have responsibility for and access to the information to monitor the surrounding conflict, its dynamics and political economy. For that the agency director is normally best placed.
- They can experience contradictory pressures from their multiple tasks: as a logistician, the priority is to get the supplies to point X; as a security focal point, however, the same person has a different priority and should decide to delay the trucks because the situation is too unstable and risky; as an office manager, paying all the staff at the end of the month is desirable but from a security point of view it may be advisable to split the payroll and pay a third of the staff each on different dates to reduce the amount of cash kept in the office at any one time.
- Security being an additional function, the staff members are first and foremost a 'logistician' or 'administrator'. As such they have no authority over programme managers and programme staff who may be their peers or even superiors in the management hierarchy.

Being a full-time job and requiring certain expertise as well as a perspective not encumbered by other priorities and responsibilities, security management may be delegated to a staff member specifically recruited for that task. Already fairly common among the UN and the OSCE, this approach is gradually being introduced by NGOs in high-risk environments. A frequent problem here remains the common management mistake of 'responsibility without authority'.

Having a security officer separated from programme operations and senior management discussions and whose advice is only 'advice' and who can happily be ignored by all or by his/her superiors, is a waste of money and may give a false impression that you are 'managing' your security. For all practical purposes, as managers no longer see 'security' as their responsibility, it may even mean that your security is no longer 'managed'.

## A Senior Management Team Task

The argument made here, therefore, is that, especially in more volatile and higher-risk environments, the third approach be adopted whereby security is dealt with by a senior management team that involves the country representative, programme and office management, the logistician and any full-time security officer and, if at all possible, competent national staff. Only such a team can bring in the relevant information from a variety of sources, weigh the various priorities and risks against each other, and ensure the required observance of decisions.

## Annex 5 Private Security Companies

The subject of private security companies is sensitive in the aid world. Yet many aid agencies, at one time or another, have had recourse to private security companies, either international or national. This annex sets out some key questions, but does not pretend to offer a comprehensive review. Nor should its inclusion in this GPR be taken as a judgement for or against private security companies.

### Prejudice and Principle

There are at least four possible reservations in principle against the use of private security companies:

#### Mercenaries

It is incorrect to confuse private security companies with mercenaries. The term private security companies encompasses as wide a range of actors as the term NGOs, and therefore similarly obscures more than it illuminates. Without claiming that this is a well-researched classification, it is important to distinguish between:

- **'Private armies'**: armed personnel for hire for active battle operations are indeed 'mercenaries'. The most prominent example was Executive Outcomes (South Africa) which operated in Angola and Sierra Leone, for example.
- **'Military advisors'**: these are private companies which may not deploy armed personnel themselves but which act as 'military advisors' for the armies of contracting governments and therefore get involved in operational army manoeuvres and/or in the training and reorganisation of armies or army units for such purposes. These are functions that have been regularly performed under the heading of official, bilateral 'military assistance', certainly during the Cold War, and that now can be privatised. An example is the role of Military Professional Resources Inc. (US) during the northern Balkans war with the forces of Croatia.
- **'Private security companies with non-offensive roles'**: these do not engage in any of the above, but provide security skills and expertise to clients other than armed groups such as corporate business, diplomatic missions or aid agencies.

The distinction between these categories can, in practice, be fuzzy: involvement of a 'private security company' in 'security sector reform', for example, will involve retraining of police and army units, and as a term can cover positive retraining for greater discipline, respect for human rights and the rule of law, and greater accountability. But the phrase can also conceal training and equipping for more aggressive or repressive purposes.

## Military and Police

Most staff in private security companies may currently be assumed to have a military or police background. But unless one is a principled pacifist, opposed not only to war but also to the existence of a well-disciplined police force, that in itself will not be a decisive factor. Most societies in the world recognise that there can be a legitimate use of force. Moreover, police and the military are likely to have a certain expertise and specialised skills with regard to security management. This should not be rejected a priori. In recent years ex-military personnel have also found new employment in many aid agencies, often in logistics and/or security management. Whereas there have been problems with individuals, these occur equally with other aid workers from a different background. In addition, there are examples of ex-aid workers who have gone on to work for private security companies. Reportedly at least one private security company has formally subscribed to the 'Red Cross/International NGO Code of Conduct'. One strand of opinion holds that former police may have a more appropriate preparation: they have been trained to deal with criminality, may have more investigative skills and may be more restrained with regard to using arms. But much can depend on individual personalities.

## Ethics and Transparency

Your organisation may come to an acceptable working agreement with a private security company, but do you know what type of work the same company does for other clients? It is in principle conceivable that the same company – or if it is part of a larger holding, another subsidiary, perhaps trading under a different name – is involved in objectionable activities, for example, the production of landmines, the sale and export of weapons, the training of private militias for exploitative international corporations, etc. Similarly, the same company may be providing VIP protection to a government official whom you hold to be responsible for violent repressive actions or who is rumoured to be involved in illegal trade. In general it is very difficult to find out about such other 'services'. The structures of subsidiaries in holdings are, usually deliberately, complex and non-transparent. And a key

trading principle of private security companies is 'confidentiality'. They may well not release the names of all their clients to you, nor provide details about the precise nature of the services they perform for other clients.

Several private security companies will argue that they are themselves very careful to operate ethically because they need to maintain a clean 'reputation'. That is correct, but your request for transparency does not fit well with the operating principle of 'confidentiality' on behalf of the client.

Another consideration is the background of the personnel in the company: have they ever been involved in illegal, criminal or abusive actions before joining the private company? This is not as simple a question as it may first appear: the first national police forces in Europe, set up in the nineteenth century, often recruited criminals since they knew how bandits and criminals operated. Similarly the armies of a number of states in a post-conflict situation may well contain soldiers who have committed atrocities and abuses but were given formal amnesty or were simply 'absorbed' into a new national army. And there will be teenagers who used to be child soldiers but are now trying to reintegrate into a 'normal' environment.

## Privatisation of Security

The ineffectiveness of armies and police forces worldwide, including in so-called developed countries has created a growing market for private security companies. This is a worrying trend because these are for-profit companies. Basically they will only work for those who can pay for their services. This means that the 'rich' can buy increased security, whereas the 'poor' not only remain unprotected but also become comparatively easier targets for criminals. Spending on private security rather than on the reform and capacity-building of official law and order forces whose task is to provide general public security and protection reinforces this trend (Chapter 6). Also, in the same way as aid agencies undermine national capacities by drawing away the best staff, the proliferation of private security companies may undermine the quality of national police forces by drawing away their best personnel.

### What Is It You Want?

Different private security companies (with non-offensive roles) offer different services. If you consider calling upon their services you need to ask yourself what you want and whether what they offer is appropriate for your type of organisation.

In general, the services on offer range from information and analysis, advice, training, the provision of personnel (experts/guards/intervention or quick reaction force) and project services to management services. The following examples are illustrative but not exhaustive.

Information and analysis can be what we have called in this GPR context assessment and threat assessment: an update on the overall political, economic and social developments in a country from a security point of view, and therefore a general appreciation of threats and risks. An advisory service can include a field-level security assessment of programme or project operations under consideration or it can also follow a 'security audit' of your current security management measures. Another type of 'advisory/management' service can be the development of overall standard operating procedures (SOP) to control risk, or a more specific component of your security plan such as the evacuation plan or measures to keep confidential information indeed confidential. They may advise/take the management decision that you should replace discretionary with mandatory procedures. Private companies can offer trained guards and specialised security equipment (for example, for site protection) and/or expert personnel to take over the management role for the security of your personnel and assets.

A number of private security companies also offer training for people operating in hostile environments. Journalists and aid workers are a new type of clientele for this kind of training. Training packages can be very diverse, ranging from general security awareness, to battlefield survival or hostage survival and rescue, with sometimes special sessions on topics such as surviving in extreme climates (hot/cold), counter-surveillance, post-traumatic stress disorder, route reconnaissance, map reading and navigation, or cultural sensitivity. It is up to you to be very clear about your specific training needs and priorities before you send people on a training course, or before negotiating a tailor-made training for you and your staff.

A key consideration in using private security companies, as with every hiring of outside expertise, is how to make it contribute to your in-house knowledge and expertise. How can you learn from them, and retain that knowledge and skill? The services offered by private for-profit companies, especially when they are used to working with corporate clients, may also carry quite a serious price tag. How do you invest so that your organisation gets the best value for money?

## Match and Mismatch

Anecdotal evidence indicates that the experience of aid agencies with private security companies is mixed. Some have genuinely benefited from the specialised security skills that they provide, others have found that they tended to offer a 'one size fits all' approach to security management (generally towards the protection and deterrence strategies, rather than acceptance-oriented). What fits diplomatic missions or business corporations (and the UN?) is not necessarily appropriate for NGOs, with their decentralised mode of decision making, comparatively weak authority structures and discipline, charitable or humanitarian impulse and desire to be close to their target communities and intended beneficiaries. Security services and advice need to be adapted to their specific considerations and styles.

## Selecting a Private Security Company

There are a number of questions that you may want to ask when considering using a private security company.

- If of international character, where are they registered, and/or are they registered and/or licensed also in the country where you want to use their services?
- What are they willing to tell you about their owners and shareholders and their affiliation with other companies or subsidiaries?
- What information are they willing to give about their clients and the services they have provided to different clients; do you get a selective sample or a fuller record?
- Whom of former or current clients could you get references from? (Other clients may not necessarily know more about the full range of activities of the company than you do!)
- What range of services do they offer?
- What precise service are you looking for?
- If they provide armed guards, are they properly licensed to carry arms and trained to use them?
- What is the background to their personnel, and what procedures do they have for screening their personnel before hiring them?
- Does the company subscribe to an internal or external code of practice? What does it say about:

- compliance with international and national laws and regulations;
- the clients they will not work with;
- the services they will not provide;
- the integrity of subcontractors they in turn may work with;
- the background of staff they will employ;
- relations with manufacturers/suppliers of security equipment/arms;
- the practice of 'commissions' or other inducements for information or services;
- the confidentiality surrounding clients and information about clients obtained in the course of service;
- procedures and actions following a suspected or reported breach of the ethical code?

### Some Observations

The relationship between aid agencies and private security companies is clearly an uneasy one. It is up to the private security companies which want to market themselves as 'bona fide' and relevant to make clear their distinctions from 'private armies' and the like, and to put forward the guarantees they can offer about their quality and also their ethical integrity. It is also time aid organisations get together to review and evaluate their experiences with private security companies, and to formulate what they would consider the minimum ethical standards and the provision of security expertise appropriate for the aid world.

## Annex 6 Insurance Cover

**Insurance cover provides compensation, not protection!**

### Cost of Insurance and Non-insurance

Safety and security accidents and incidents can have major financial consequences for the aid worker concerned, for his/her family and for the agency. There are:

- immediate costs, such as for evacuation on medical grounds, bills for medical treatment, funeral expenses, etc, which can quickly run into very large sums of money;
- potential longer term costs, such as those resulting from permanent disability (for example, following the loss of one or two legs on a landmine); or the inability to obtain future insurance coverage when HIV positive.

Aid workers are often not briefed on the details of the insurance coverage the agency provides. Many aid agencies also do not have adequate insurance cover for war risk and malicious acts because of the high cost involved. This may be in breach of Health and Safety Regulations. Aid agencies are gradually paying more attention to this, stimulated, in part, by cases in which insurance companies refused to pay out or injured aid workers or the families of deceased aid workers sued the agency for compensation. Such direct compensation claims can bring small agencies to the brink of bankruptcy.

### What to Inquire Into?

This annex is not based on a specialised examination of accident and war insurance policies and practices, but indicates some of the key issues that the individual aid worker and the security managers and/or agency headquarters need to consider. Aid workers are advised to obtain details from their organisation, but also to contact insurance companies and mortgage lenders and professional bodies.

What is the maximum coverage for:

- medical expenses;
- temporary partial disability (check the interpretation of 'temporary');
- temporary total disability (ditto);
- permanent partial disability;

- permanent total disability;
- loss of life?

## Exclusion Clauses

Often insurance policies do not apply under certain conditions, and the details and interpretation of these exclusion clauses can be vitally important. Examples are:

- coverage only during work assignment (eg, while in Somalia, but not during a period of rest and relaxation in Nairobi);
- coverage only during working hours (eg, up to 18 hours, but not after or during weekends);
- coverage excludes war zones (what is the interpretation of 'war zone?');
- coverage only if the agency has written guidelines;
- coverage only if the agency has written security guidelines which are demonstrably enforced (here the security manager may be held accountable);
- coverage only if the agency has security guidelines and provides security training;
- coverage only if the aid worker was following security guidelines (here the security manager will be held to account).

Other exclusion clauses can apply, for example, to staff on short-term contracts (may apply to consultants but does it also apply to international staff on a three-month assignment?) or to staff older than a certain age (often 59 years).

## Invalidation of Other Insurance Policies

You need to crosscheck not only the extent of your accident and insurance coverage while working in risk areas, but also the potential impact of doing so on other existing insurance policies you have. Sometimes life assurance policies (such as those taken out with a mortgage) can become invalidated if you go and work in a high-risk area.

## Beneficiaries of Life Assurance Policies

The whole question of insurance cover probably becomes even more important if there are dependants, typically a partner/spouse and children but perhaps also partly dependent elderly parents. You need to crosscheck not only the exclusion clauses, but also that they are clearly nominated as beneficiaries if you lose your life.

## Cover After End of Contract

Journalists and aid workers injured or maimed in the course of their assignment may suffer the consequences long after their contracts have ended. They should question the applicability of insurance cover after the termination of their contract, and the moral but also tangible obligation that the agency acknowledges if there is no or inadequate insurance cover. An agency may choose to deal with this on a case-by-case basis, but that should not prevent it from spelling out some clear conditional parameters that will guide its final decision.

## Insurance Premium Rates

Some insurance companies lower their premium rates for high risk areas, by as much as 30 per cent if the insured person can demonstrate that s/he has followed appropriate security training provided by a recognised/accredited agency. This has already been taken up by the journalist profession, but not to such an extent by the aid sector.

## Insurance and National Staff

International aid agencies can be reluctant to address the issue of insurance cover for national staff as a matter of general policy. The most commonly used argument is that there are often large numbers of nationally recruited staff and the cost of international insurance cover for all would be prohibitive. Requests for compensation or financial assistance in the case of disease, injury or death are usually dealt with on a case-by-case basis. Although one can argue that all staff should be treated equally, the practical reality is that financial constraints exist and that aid agencies cannot fully insure large numbers of local people in conflict zones. That is no reason, however, to avoid the issue altogether. A country may be experiencing open conflict (eg, Sri Lanka) or violent crime (eg, Nigeria) and have a functioning national insurance sector that can be consulted. In other places (for instance, Afghanistan, Somalia, Chechnya) there will be an indigenous practice of 'compensation' payment, on which you can consult your national staff. In yet other places it is the practice for groups of relatives and friends to set up a common savings fund, and you can discuss with your national staff members the creation of such one 'insurance pot', with perhaps a lump sum of start-up capital from the organisation and monthly contributions from the participating employees.

### Case Study: Insurance for a Kosovo Operation

An American aid organisation operating in Kosovo after the NATO campaign of early 1999 had full insurance. Its vehicles were insured through Swiss and Macedonia-based companies while all its staff and their personal assets were insured through a US-based company. Some national staff members lost all their personal belongings when their house, next to that of a Serb family which was set on fire through arson, also burned down. They were able to be fully compensated.

#### Resource:

See: Davidson, S and Neal, J (1998) *Under Cover? Insurance for Aid Workers* <[www.peopleinaid.co.uk/undercover.htm](http://www.peopleinaid.co.uk/undercover.htm)>

## The Humanitarian Practice Network – HPN

(formerly the Relief and Rehabilitation Network – RRN)

**The Humanitarian Practice Network (HPN)** is the new name for the Relief and Rehabilitation Network (RRN). As from 1 April 2000 the new **HPN** will continue the work of the former RRN in contributing to improved practice in the humanitarian field, but with several important changes.

The success of the RRN in producing objective, analytical and accessible material was confirmed by the conclusions of a recent independent external review (Sept–Nov 1999). The review also found that humanitarian practitioners are increasingly using its publications and that the Network compares very favourably with other professional information services. As a result of the review the purpose of the Network has been re-articulated to emphasise its role of stimulating critical analysis, advancing the professional learning and development of those engaged in and around humanitarian action, and improving practice.

#### Why the name change?

The use of the word 'humanitarian' in the **Humanitarian Practice Network (HPN)** is more in tune with today's way of thinking, and 'practice' reflects all that we do and who we target.

#### What else is changing?

*Publishing* will remain **HPN's** primary activity. Good Practice Reviews, published once a year as the flagship publication, will remain as management reference guides on a particular topic 'but with the further aim of being used as training manuals by specialist training organisations. Network Papers will be produced three times a year as a critical review of a specific thematic or sectoral topic, or an analytical and critical reflection of a particular approach in a specific country/region. The successor to the Newsletter will be published twice-yearly as a resource document with updates, practice notes and features.

The **HPN website** will become a key reference site for those in the humanitarian field, providing a resource gateway into the humanitarian sector. It will store the majority of past publications in English and French which can be downloaded for free. The value of the website will be enhanced by the number of organised web-links to key players in the sector, strengthening the thematic search function, creating a profile of masters and training courses relating to the humanitarian sector, and having a conference and educational/training courses announcement page. More opportunity for feedback will be possible through the enhanced website and, where authors agree, readers will be able to dialogue directly with them.

#### How do I join?

The **HPN Newsletter** is FREE to all on request. Full membership to the **HPN** costs only £20.00 per year (£10.00 for students) and entails automatic receipt of all **HPN** publications as they are produced, as well as a discount when ordering back copies. A number of FREE subscriptions are available to those actively involved in humanitarian assistance operations or in ongoing activities in countries experiencing complex political emergencies.

If you would like to subscribe to the **HPN**, visit our website <[www.odihpn.org.uk](http://www.odihpn.org.uk)> and subscribe on-line. Alternatively, contact the **HPN** via email at <[hpn@odi.org.uk](mailto:hpn@odi.org.uk)> or at the address on the inside cover of this GPR and the Network will mail you a copy of the latest newsletter, which contains a registration form.

*The Humanitarian Practice Network is part  
of the Humanitarian Policy Group at*



## Publications List

(June 2000)

### Network Papers

**HPN** Network Papers are contributions on specific experiences or issues prepared either by **HPN** Members or contributing specialists.

Listed below are all **HPN** Network Papers produced between 1997 and 1999, with a selection of some of the earlier 'best-sellers' (1994-1996). For a full publications list, contact the **HPN** Administrator.

#### 1994-1996 'Best-sellers'

- 7 *Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief* Ed. J. Borton (1993)
- 10 *Room for Improvement: the Management and Support of Relief Workers* by R. Macnair (1995)
- 12 *Dilemmas of 'Post'-Conflict Transition: Lessons from the Health Sector* by J. Macrae (1995)
- 13 *Getting On-Line in Emergencies: A Guide and Directory to the Internet for Agencies involved in Relief and Rehabilitation* by L. Aris et al (1995)
- 14 *The Impact of War and Atrocity on Civilian Populations: Basic Principles for NGO Interventions and a Critique of Psychosocial Trauma Projects* by D. Summerfield (1995)
- 15 *Cost-effectiveness Analysis: A Useful Tool for the Assessment and Evaluation of Relief Operations?* by A. Hallam (1996)
- 16 *The Joint Evaluation of Emergency Assistance to Rwanda: Study III Main Findings and Recommendations* Ed. J. Borton (1996)

#### 1997-2000

- 19 *Human Rights and International Legal Standards: What Relief Workers Need to Know* by J. Darcy (1997)
- 20 *People in Aid Code of Best Practice in the Management and Support of Aid Personnel* Ed. S. Davidson (1997)
- 21 *Humanitarian Principles: The Southern Sudan Experience* by I. Levine (1997)
- 22 *The War Economy in Liberia: A Political Analysis* by P. Atkinson (1997)
- 23 *The Coordination of Humanitarian Action: the case of Sri Lanka* by K. Van Brabant (1997)
- 24 *Reproductive Health for Displaced Populations* by C. Palmer (1998)
- 25 *Humanitarian Action in Protracted Crises: The New Relief 'Agenda' and its Limits* by D. Hendrickson (1998)
- 26 *The Food Economy Approach: A Framework for Understanding Rural Livelihoods* by T. Boudreau (1998)
- 27 *Between Relief and Development: targeting food aid for disaster prevention in Ethiopia* by K. Sharp (1998)
- 28 *North Korea: The Politics of Food Aid* by J. Bennett (1999)

- 29 *Participatory Review in Chronic Instability: The Experience of the Ikafe Refugee Settlement Programme, Uganda* by K. Neeffjes (1999)
- 30 *Protection in Practice: Field-Level Strategies for Protecting Civilians from Deliberate Harm* by D. Paul (1999)
- 31 *The Impact of Economic Sanctions on Health and Well-being* by R. Garfield (1999)
- 32 *Humanitarian Mine Action: The First Decade of a New Sector in Humanitarian Aid* by C. Horwood (2000)

### Good Practice Reviews

**HPN** Good Practice Reviews are commissioned 'state-of-the-art' reviews on different sectors or activities within the humanitarian field. Prepared by recognised specialists, and subject to peer review, they are produced in a format that is readily accessible to field-based personnel.

#### 1994

- 1 *Water and Sanitation in Emergencies* by A. Chalinder
- 2 *Emergency Supplementary Feeding Programmes* by J. Shoham

#### 1996

- 3 *General Food Distribution in Emergencies: from Nutritional Needs to Political Priorities* by S. Jaspars & H. Young

#### 1997

- 4 *Seed Provision During and After Emergencies* by the ODI Seeds and Biodiversity Programme
- 5 *Counting and Identification of Beneficiary Populations in Emergency Operations: Registration and its Alternatives* by J. Telford

#### 1998

- 6 *Temporary Human Settlement Planning for Displaced Populations in Emergencies* by A. Chalinder
- 7 *Evaluating Humanitarian Assistance Programmes in Complex Emergencies* by A. Hallam

#### 2000

- 8 *Operational Security Management in Violent Environments* by K. Van Brabant (£14.95 + p&p)

### Newsletters

**HPN** Newsletters provide a forum for brief reflections on current developments in the field, key policy issues, etc. Hard copies of the Newsletter are available FREE and an electronic version can be downloaded from the **HPN** website.

#### Placing a Publications Order

Network Papers	£5.00/3.50* + p&p
Good Practice Reviews	£10.00/7.50* + p&p
Newsletters	FREE

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