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

GISF & ICoCA RESEARCH ON RESPONSIBLE PRIVATE SECURITY CONTRACTING





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I. Executive summary

Over the last decade, private security providers (PSPs) have gained importance in humanitarian organisations' security risk management practices. The humanitarian community and other stakeholders have raised concerns over potential security risks and clashes with humanitarian principles and acceptance that private security contracting can entail. However, little data is available to shed light on the issue. To start addressing this gap, ICoCA and GISF launched a project in May 2021 that aimed at (i) building a better understanding of current security contracting practices and (ii) designing relevant guidance on responsible private security contracting. A survey, as well as a series of interviews, were conducted with security personnel and management of humanitarian organisations.

Although it is crucial to remember that experiences and views varied considerably among participants and organisations, five key findings can be drawn from the study:

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

2. Low cost is frequently the main driver in the selection of PSPs, even though 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 a humanitarian organisation: it should imply a careful risk assessment, understanding its impact on acceptance, and effective mitigation measures.
5. In many contexts, the working conditions of guards are often very poor. For humanitarian organisations, investing in relationships with their security providers is critical.

Overall, the findings highlighted the need to raise awareness of the potential issues related to private security contracting across the whole sector and to involve a wide range of actors to achieve more responsible and safer practices. Key recommendations were therefore designed for the security staff and senior management of humanitarian organisations, as well as for donors. The aim of the recommendations is to improve contracting practices.



II. Introduction

Over recent years there has been a rise in the number and significance of private security providers (PSPs) across all continents. Responding to the needs of a very diverse range of clients, large multinationals, such as G4S, Securitas, Control Risks or GardaWorld, and tens of thousands of lesser-known, smaller enterprises play an increasingly important role in providing security, including on behalf of public authorities.

To regulate the sector, especially in the context of armed conflicts, 17 states supported in 2008 the drafting of the Montreux Document, an initiative led by Switzerland and the International Committee of the Red Cross. Today, 57 states have signed the document. The Montreux Document¹ recalls the obligations of both states and PSPs under international human rights law and humanitarian law and provides guidance on the selection, contracting and monitoring of PSPs. Building on this, the International Code of Conduct for Private Security Service

Providers² (referred to here as the 'International Code of Conduct') was adopted in 2010. It defines industry rules and standards, in areas including the use of force, the detention and apprehension of persons and the prohibition of torture or other cruel, inhuman or degrading treatment. The International Code of Conduct Association (ICoCA) was formed as a multi-stakeholder organisation in 2013 as the governance and oversight mechanism of the International Code of Conduct. It is responsible for raising private security industry standards and monitoring its Member and Affiliate companies to ensure they comply with the Code.

In parallel to the above developments, in 2011, the UN Human Rights Council endorsed the Guiding Principles on Business and Human Rights, recalling to all states and business enterprises their duties and obligations in terms of human rights. ICoCA has been recognised as a sector-specific mechanism to

1 ICRC, Swiss Government, *The Montreux Document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict*, 2008. Available at: www.eda.admin.ch/dam/eda/en/documents/aussenpolitik/voelkerrecht/20192511-montreux-document_EN.pdf

2 *International Code of Conduct for Private Security Service Providers*, 2010. Available at: <https://icoca.ch/the-code>

enable the implementation of the UN's Guiding Principles concerning activities and oversight of private security providers in the supply chains of business entities. Despite these foundational developments, there is still much to do to improve the regulation and oversight of the sector, especially in fragile and complex environments where many PSPs operate.

The presence of PSPs in such contexts has been historically linked to the large contracts awarded by the United States and coalition partners during the wars in Iraq and Afghanistan, which allowed for their significant growth and expansion to other regions. PSPs are now also contracted by aid agencies, particularly by humanitarian non-governmental organisations ('NGOs').

Humanitarian NGOs consider contracting PSPs to mitigate their risks, as these companies can provide security services that they may lack in house. These services include security and awareness training, risks and threat analyses, the enhancement of physical protection of premises, and the provision of armed or unarmed guards. While PSPs can help secure personnel, beneficiaries, convoys or premises, their presence and how NGOs contract and use them today raise important questions about the evolution of security risk management (SRM) in the humanitarian sector and the compatibility with humanitarian principles and the potential impact on acceptance.

In 2020, these and other questions relating to the private security selection and contracting practices of humanitarian organisations led ICoCA and the Global Interagency Security Forum (GISF) to publish Module 14 of the GISF 'Security To Go Risk Management Toolkit' on responsible private security contracting for humanitarian organisations. In early May 2021, ICoCA and GISF decided to build on this initiative and launched a project to design a new interactive training guide on private security contracting for humanitarian organisations. There seemed to be a lack of publicly available information on the practices of humanitarian NGOs contracting with PSPs. Therefore, the first phase of this project consisted of collecting data to better understand the current private security contracting practices of GISF members – mostly humanitarian NGOs. A survey and a series of interviews were conducted to understand to what extent humanitarian organisations contract PSPs, for what kind of services, what selection and

monitoring processes they employ, and what kind of potential issues and challenges.

This report presents the results obtained from this study. It aims at informing and advising professionals working for NGOs' senior management and security teams, humanitarian International Organisations (IOs), governments and donors. The study revealed the necessity for the whole humanitarian sector to reflect on its private security contracting practices and to better mitigate the risks that can arise from them. While the survey and interviews highlighted humanitarian actors' overall positive views on their relationship with PSPs and only a small number of major incidents related to PSPs were reported, there are key areas and general practices to improve. It should be noted here that although the study was mainly conducted with humanitarian NGOs, and therefore essentially reflects their views, some IOs and governmental organisations also participated. The following report will designate the participants' organisations as 'humanitarian organisations' to include the opinions of the whole sample - that is, humanitarian NGOs, IOs and governmental agencies. It will, however, mention the specific features linked to each type of organisation when relevant differences are noted. Besides, while some of those organisations are also conducting development work, the large majority have a clear humanitarian mandate, thus justifying the use of the term 'humanitarian' in this report. It is also useful to stress that when it comes to private security contracting, the study evidenced a diversity of experiences among humanitarian organisations, making it difficult to identify consistent trends in practices and speak for the whole sector. This heterogeneity was to be expected and lies in the differences between organisations contracting PSPs and those that don't, those relying on private armed services and those rejecting this practice, but also, of course, from differences in nature, mandate, size, budget, capacities and experiences. Nonetheless, it is still possible to highlight the recurrent views and concerns expressed by participants, which may be relevant for the large majority of humanitarian organisations – particularly for humanitarian NGOs.

This report analyses the study's five main findings and technical and policy recommendations on responsible private security contracting. The overview of the research process, its methodology, definitions and bibliography are annexed to the study.



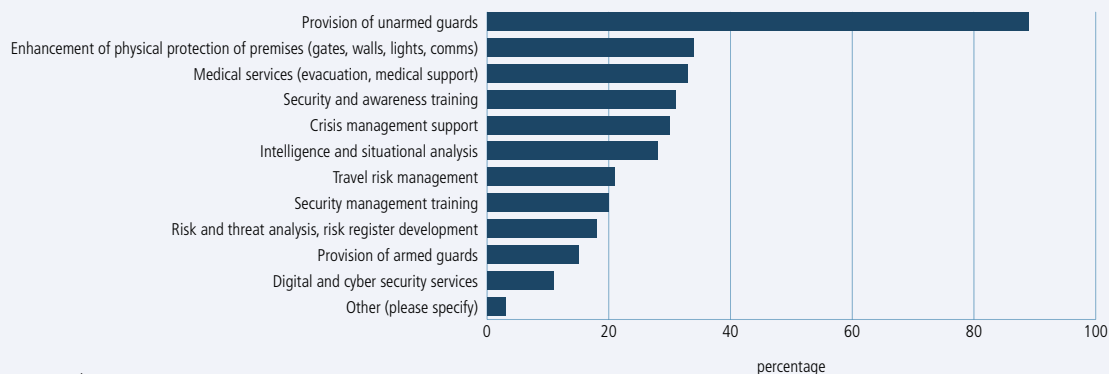
III. Main findings

Of the respondents to the survey, 82% indicated that their organisations contract PSPs. The type of service that was most frequently contracted was the provision of unarmed guards. The below table shows the other services that were contracted:

It should be noted that the limited use of armed guards potentially indicates the sector’s reluctance to adopt and lack of need for this specific service.

More than 70 per cent agreed that they saw potential risks associated with PSP contracting. Regarding their use of reference documents, respondents mainly mentioned that their organisations rely on internal policies and national laws. Only eight respondents out of 57 answered that they use the International Code of Conduct as a reference document. In contrast, two others indicated that their organisations use the Voluntary Principles on Security and Human

What type of services does your organisation get from the contracted PSPs? (multiple choice)
 Percentage of total number of respondents



Interpretation: 89% of respondents indicated that they contract unarmed guards

Rights (VPSHR) and the UK's Modern Slavery Act (2015). Some participants seemed a bit confused by the notion of third-party verification mechanisms, for example, certification to security specific standards such as ISO 18788 and ICoCA Certification. One third said they were not aware of such mechanisms, more than 41% answered they did not use any, and only 26% answered they did. Only three respondents indicated that their organisation had already experienced human rights or humanitarian law issues related to PSP use. When asked about the selection process, respondents most frequently mentioned that they choose PSPs according to their reputation (how PSPs are perceived by other organisations, local communities and stakeholders) and cost. Only four respondents out of 57 cited membership of or affiliation to ICoCA as a factor for selection.

Overall, the survey showed that respondents were not particularly concerned with their organisations' private security contracting processes and that they believed that the use of internal policies and national laws is sufficient to regulate this practice. There was also a consensus on the efficiency of monitoring and reporting mechanisms. Opinions were more mixed on due diligence, including on human rights due diligence, as well as on the issue of the reputational risks brought by PSPs. The integration of PSPs' staff to humanitarian organisations' security policies and their training were also points where respondents seemed to be less certain.

The 16 interviews conducted in parallel confirmed some of those views and added nuance to others. Overall, in interview, the participants were more

critical of their private security contracting practices than the survey results had suggested. They recognised the existence of a debate on contracting PSPs versus building in-house security capacities, either clearly taking sides or identifying advantages and drawbacks for both options. Importantly, private security contracting was largely recognised as a widespread practice in the humanitarian sector. Some interviewees even highlighted the existence of further links with the private security sector, mainly created by the mobility of security staff between humanitarian organisations and PSPs. Additionally, they identified an adaptation of the private security sector to humanitarian actors' needs and principles during the last decade. However, testimonies also showed the diversity of experiences and views among humanitarian organisations, including heterogeneous answers and testimonies that may be hard to generalise. This was due to several factors. The issues at stake depend heavily on the size of the organisation, the budget it can allocate to security, its identity and its relation to humanitarian principles. Similarly, differences between organisations reflect the services they contract from PSPs, the region they operate in, the level of risks they face, the type of programme they conduct and the type of stakeholders they deal with. Still, one common denominator remained the use of guards (mostly unarmed), which was at the centre of most interviews, as it will later be evidenced in the report.

Based on those results, an analysis was conducted to identify key issues of concern and areas for improvement.



IV. Analysis of the findings

This section will analyse in more detail the findings of the study on private security contracting practices in the humanitarian sector. It will explore five core issues that were highlighted as particularly important in the answers to the survey and during interviews:

1. Today, humanitarian organisations rely extensively on the services of private security providers, yet many humanitarian organisations are not equipped to make informed decisions when contracting PSPs.
2. Low cost is frequently the main driver in the selection of PSPs, although this approach can generate more risks for humanitarian organisations.
3. There is limited awareness of and reference to international standards governing PSPs by humanitarian organisations.
4. Private security contracting entails major risks for a humanitarian organisation: it should imply a careful risk assessment, understanding its impact on acceptance, and effective mitigation measures.

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

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

a. Reflecting on decision making and the reasons behind private security contracting

One of the first interview questions looked at why organisations choose to contract PSPs (or not). As most interviewees came from organisations that contract PSPs, many responses provided insights into organisations' motivations for contracting PSPs. Respondents highlighted that PSPs have more capacity to deal with certain security issues. In particular, intelligence and situational analysis were considered to be services that PSPs are more able to provide than in-house security teams. Interviewees mentioned that these capacities and skills would be too costly

to develop in-house, and that they would rather use those that already exist in the private sector.

Respondents argued that outsourcing guarding services allows them to limit human resources (HR), training and management costs, while being able to have enough guards for rotations and a rapid response to their security needs. For organisations opening new offices and launching programmes in dangerous areas where they need quick security solutions, PSPs provide ‘an easy landing’. On the other hand, tailored private security services such as training on specific security issues seem to be much more expensive than more generic ones, and are therefore not contracted that often.

Another element evoked in the interviews was that humanitarian organisations might need additional management capacities for security and especially guarding services. Indeed, by bringing their own trained team and managers and by dealing with HR aspects, contracted PSPs assume not only certain costs but also certain management responsibilities that their client might not be able to undertake. This is particularly true for humanitarian organisations which cannot deploy or recruit security advisors for all their countries of operation. This links to another point that was frequently raised and that will be developed in another section, which is the security departments’ overall lack of capacity and resources in the sector. Moreover, respondents mentioned that one important factor for choosing to contract PSPs instead of developing in-house capacities was moving the liability from the humanitarian organisation to the contracted PSP. This is especially true when armed guards are involved, as mentioned by one interviewee: ‘We do occasionally use armed guards; when we do, we always outsource to transfer some level of liability over the company, because basically we have a “no employee armed” policy, so we outsource.’

A combination of the following elements explains why a humanitarian organisation might want to contract PSPs instead of developing in-house security capacities:

- cost efficiency;
- availability;
- existing capabilities and skills (a large number of already recruited and trained staff);
- rapidity of deployment;

- additional management capacities;
- the possibility of transferring liability.

However, other interviewees questioned some of these reasons. The assumption that PSPs do a better job than humanitarian organisations in security matters was, for instance, criticised as these companies can actually struggle to offer services that are as tailored and contextualised as those the humanitarian sector needs, especially for training. For some, this justified a switch from contracted to in-house security staff.

Similarly, some respondents questioned whether contracting PSPs for security services is necessarily more cost-efficient than developing in-house capacities. It should be noted that opinions on this point strongly diverged from one interviewee to another. One, in particular, argued that there might be some ‘security myths’ in the humanitarian sector which tend to implicitly influence decisions. For example, this interviewee explained that some people tend to think that contracting private guarding services instead of having in-house guards will necessarily result in ‘guys in uniforms’ demonstrating the organisation’s strong security capacities and better protecting it. However, the interviewee asserted that this might not be necessarily true, and recalled that in certain instances, in-house guards might be the ones the local communities trust the most as they are often part of those communities and/or are not associated with a particular PSP, therefore ensuring more security. Besides, the interviewee explained that the belief in the cost-efficiency of PSPs might also be the product of a process whereby all support functions have been progressively externalised to reduce costs and improve competitiveness in the eyes of donors. The cost-efficiency argument would, therefore, not result from a thorough financial analysis but rather could disguise some collective misconceptions and biases or be the product of financial constraints. Additionally, the actual ability to move liability on security issues through contracting was challenged in interviews, mainly because in the case of an incident, the humanitarian organisation would still face reputational risks.

This shows that the decision to contract PSPs may not be systematically informed, but can be influenced by common beliefs and myths which are rarely questioned. Respondents who were aware of such

potential biases insisted on the necessity for all staff involved in the contracting process to question them.

b. Reflecting on the reasons for choosing to develop in-house security capacities

Building on this, participants who indicated that they did not contract any PSPs as well as those who expressed criticism towards their own organisations' contracting practices suggested that developing in-house security capacities instead could have several advantages.

Notably, on the question of the benefits of developing actual capacities, some agreed that having their own security staff in house guarantees better quality and higher standards, mainly for training and guarding purposes. The issue of guards was highlighted as particularly salient, as their widespread presence in the sector has become a reality today. A number of respondents argued that they believed it to be crucial for them to employ their own guards. This was linked to the belief that these guards would be more loyal, more integrated into the organisation and aligned with its mission, better trained on humanitarian principles and standards, and easier to monitor and deal with any behavioural issue. In other words, directly managing guards was seen as a way to have more influence over their work. Moreover, these respondents argued that in-house guards – often recruited locally – are generally better integrated into the local context and that in some regions, guarding functions refer to rather traditional roles, meaning that in-house guards fit well into the operational environment. Finally, the rejection of PSPs and the choice to develop in-house capacities was often motivated by the reputational, contractual and security risks PSPs can imply for humanitarian organisations. Overall, it seemed that these kinds of views and practices were strongly linked to the identities and mandates of the respondents' organisations (for instance, faith-based or strongly principled).

c. Navigating an opaque private security sector and accessing information

Questions on the decision phase were also an opportunity to mention issues related to humanitarian security staff's actual knowledge and understanding of the private security sector and market.

It was evidenced that this knowledge and understanding seemed to vary from one interviewee to another. Respondents with a background in the military, the police or the private security sector tended to have a better overview of PSPs' practices and of the market they evolve in. In contrast, a number of interviewees, and in particular one working in the private security sector with humanitarian clients, indicated that humanitarian staff often struggle to understand the sector, to map its actors and to see the large diversity of services PSPs can provide. When giving their opinion on private security in general, some respondents seemed to focus exclusively on guarding or close protection, overlooking the bigger picture and the diversity of services available. Further, it was noted that in many cases, the private security market is characterised by a complex web of sub-groups, subsidiaries and subcontractors, requiring effort from humanitarian staff to grasp the relationships between them. If this task can prove challenging, it is still important for security, especially in contexts where PSPs might be involved in an armed conflict, in criminal activities or in any political, tribal or ethnic power relations which could put humanitarian organisations' neutrality and acceptance at risk. Similarly, the identities of the other clients of a given PSP can be difficult to identify, yet they may also create links with activities or stakeholders that are undesirable for humanitarian organisations. The lack of transparency that often characterises the private security sector was highlighted as a great source of concern and an important constraining element in the selection process.

When asked how they view the private security sector's evolution, a number of interviewees agreed that initially, PSPs struggled to understand the needs and specific characteristics of the humanitarian sector. This was evident in the differences in nature, mandate and gaps in the understanding of security between the two sectors. As a result, PSPs were offering services that were not adapted to humanitarian organisations, while opportunities for contracts were still very appealing for them. According to some respondents, this started to change in the last decade, with some large companies making an active effort to better understand and train their staff on humanitarian values, principles and mandates. However, it was clear for some interviewees

that there will always be a gap due to the ultimately profit-driven nature of PSPs.

Discussions on the private security market highlighted another crucial point: the limited choice on offer for humanitarian organisations when selecting a PSP in certain areas. This limitation can be both in terms of the number of PSPs available on the market and in terms of their capacities and the quality of the services they provide. Interviewees indicated that sometimes only very large PSPs are able to meet the requirements and standards for selection and are chosen despite the potential reputational risks they can bring to the contracting humanitarian organisation. In other situations, the market only offers PSPs with the same quality standards, thus limiting the choices humanitarians can make.

Another flaw in the private security market that was mentioned is a poor level of regulation overall. Some respondents explained that PSPs often don't have any certification or pretend to have one without having passed the necessary checks. Consequently, humanitarian staff in charge of contracting PSPs often have to settle for compliance with basic national laws, which are generally quite limited in terms of capacity or training requirements. In some cases where donors request it, anti-terrorist screening processes can be conducted with PSPs, adding a level of verification.

One respondent argued that being familiar with PSPs' other clients is not only important to avoid any problematic connection, but also allows organisations to know where they stand in the market, in relation to those other clients. Indeed, what humanitarian organisations will get from PSPs in terms of capacities and quality of services also depends on the size of their other clients and the importance of their contracts. PSPs working with some large clients might not want to dedicate their best staff and resources to smaller clients such as NGOs. A good illustration of that can occur in areas where large UN operations are conducted: there, smaller NGOs contracting the same PSPs as the UN should expect to get less attention and resources. Therefore, conducting a market analysis when deciding to contract PSPs was highlighted as an important step to determine what can actually be expected from them.

Overall, the findings of this section point to difficulties for humanitarian staff in charge of contracting PSPs to make truly informed decisions. The existence of some security 'myths', the consequences of outsourcing trends, or the lack of knowledge on the private security sector are all factors that seem to contribute to this. The following section on the issue of limited resources for security in humanitarian organisations will also present some elements that can explain why humanitarian staff are not always able to properly reflect on those decisions.

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.

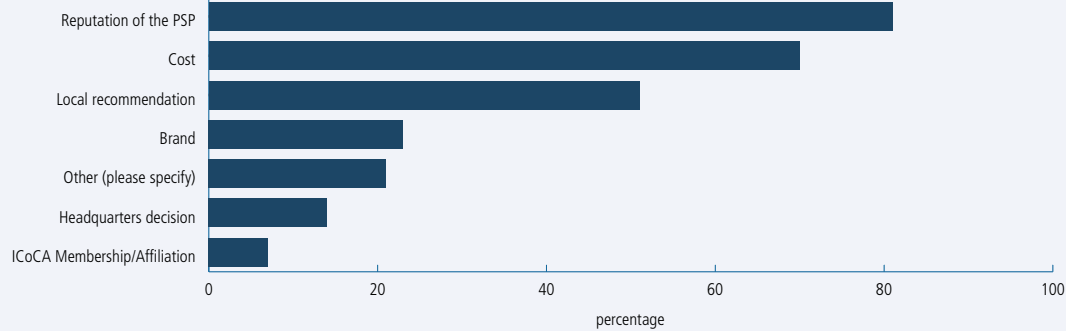
a. Current limitations in budget and resources

The question of budget and resources was frequently mentioned in interviews, except by representatives of governmental and international organisations, who were not as concerned as respondents coming from NGOs. Overall, the findings evidenced that when it comes to private security contracting, practices are strongly constrained by security departments' lack of budget, staff, time and capabilities. Although these constraints obviously depend on each organisation, and although significant differences were observed between, on the one hand, larger NGOs which tend to have better developed and staffed security teams, and on the other, smaller NGOs, the issue remained present in the large majority of feedback received throughout the study. This is well illustrated by the results of the survey, where cost was identified as the second most important selection factor.

Many respondents explained that security departments are often sidelined from budget decisions and struggle to secure enough resources to contract PSPs that best suit their standards and quality requirements. Security budgets can be absent from proposals or included under administrative lines, which in fact limits the consideration of the costs involved for private security services. As a result, some respondents said they are fully aware that their choices in terms of private security contracting are neither ideal nor optimal, but that improving them would first require donors to realise the importance

To your knowledge, what are the main selection factors when contracting a PSP? (multiple choice)

Percentage of total number of respondents



Interpretation: 81% of respondents indicated that reputation is the main factor for PSP selection

of the issue and provide an adequate budget. Some felt limited when trying to find security solutions for their organisation, as employing in-house guards is often seen as too big an expense by senior management, while good quality PSPs are unaffordable. Those interviewees expressed their impression of being stuck between the responsibility to ensure staff's security as programmes are carried out, and budget limitations that prevent them from implementing adequate security measures.

In relation to this budget issue, some respondents – especially those coming from field offices – mentioned the heavy workload and pressure they must face on a daily basis and how they lack personnel and time to actually select, monitor, evaluate and manage PSPs properly. They explained that this overall lack of resources impedes them from following good practices and that they sometimes have to go for the 'easy' options, despite knowing they are not the best for their organisation.

b. Budgeting best practices and organisational changes

Some more specific points were raised regarding security departments' constrained resources and the need to improve current budgeting practices. Indeed, the study showed that budgetary difficulties are reinforced by the fact that, according to some respondents, security staff struggle to justify their financial needs to management or donors. Yet, this could be key to improving the current budget issue.

Properly budgeting security costs, including for private security services, and clearly justifying them was therefore considered by some interviewees a key step towards more awareness among senior management and donors of their actual needs.

Similarly, the potential lack of knowledge about finance and budgeting from security teams was also mentioned as a barrier in their relationship with PSPs. Some respondents indicated that when it comes to private security contracting, it is key to understand that what is paid to PSPs, and especially guards' salaries, determines the quality of services that organisations receive and what standards can be expected. Some interviewees emphasised that not paying PSPs enough would lead to low quality services and to potential security incidents. Therefore, they stressed that security teams or any staff in charge of contracting PSPs should be prepared to pay the right price for the right PSP while setting adequate salaries, and to be able to justify these decisions to their management.

Perhaps unsurprisingly for the sector, this section showed the way in which important resource constraints negatively impact humanitarian organisations' private security contracting practices. This observation was predominantly linked to the overall lack of resources attributed to security departments in humanitarian organisations. Yet some comments suggested that improving security staff's ability to budget their needs should be a first step towards addressing the issue.

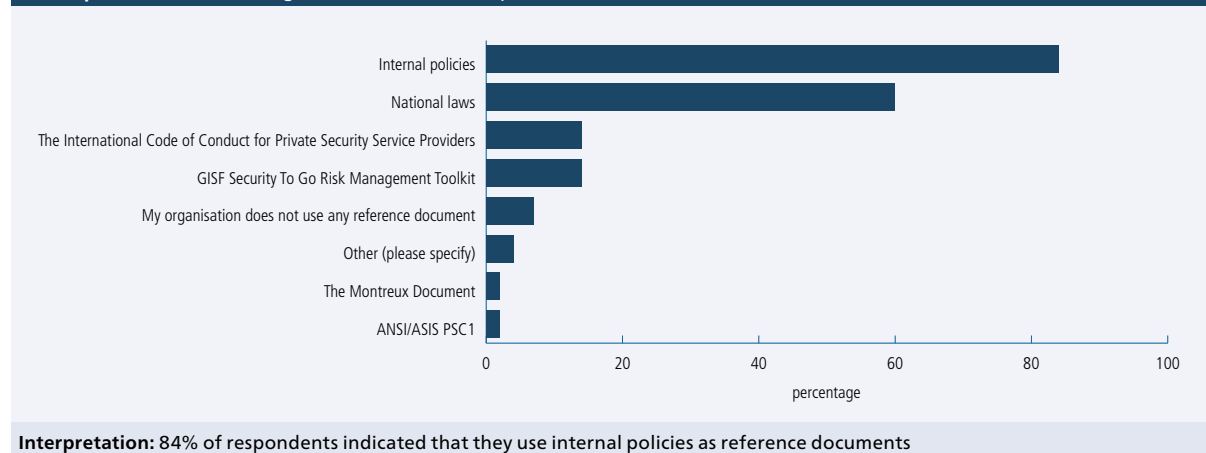
3. There is limited awareness of and reference to international standards governing PSPs by humanitarian organisations.

a. Dealing with informality and a global lack of oversight

The third area of debate that was frequently evidenced in both the survey and the interviews is the question of the efficiency of current procedures and standards used in humanitarian organisations to regulate private security contracting practices. While the survey showed overall satisfaction with the efficiency of internal policies combined with respect for national laws on private security contracting, the more qualitative findings tended to nuance that view. Respondents were quite divided. Some said they observed a high level of informality and a clear lack of standards and uniformity on private security contracting practices across the sector. Others welcomed a recent positive evolution in that respect. Still others argued that the issue lies more with the actual implementation of policies than the need for more regulation. Yet, what seemed to be evidenced as a constant observation across that divide was humanitarian organisations' lack of understanding and engagement with standards and best practices for private security contracting matters. The above-mentioned time and budget constraints obviously play an important role in this, as humanitarian staff often feel they already have more than enough to deal with and do not wish, or cannot, be involved in additional tasks.

Interestingly, the survey and interviews showed clearly that in a number of humanitarian organisations, staff responsible for contracting PSPs are not really involved in checking standards and certifications and do not consider them a priority concern for selection. In particular, and as mentioned in the preliminary results, 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. Instead, a high number of respondents to both the survey and interviews indicated that they prefer to put more trust in local recommendations from other humanitarian organisations and in their own knowledge of PSPs. Some mentioned that they tend to keep the same providers for a long period of time precisely because they know them, which they considered as more important than certifications and actual performance checks. Similarly, the survey and interviews showed a mixed comprehension of, and a low rate of reliance on, third-party verification mechanisms, which were often not considered necessary. Overall, there is a mixed record regarding the application of the good practices on regulations and standards advocated for in Module 14 of the Security To Go Risk Management Toolkit. It is striking that this informality in the selection processes of PSPs was especially evident at the country level, where resource constraints tend to be the greatest. Many interviewees, however, highlighted that such informality could expose their organisations to potential security, reputational and contractual risks.

Which reference documents does your organisation use to regulate the contracting and use of PSPs, if any? (multiple choice) Percentage of total number of respondents



b. Improving contracts to better protect from risks

Informality also occurred at the level of contracts themselves and a number of interviewees suggested that this could be an area for improvement. They highlighted the need for humanitarian organisations to establish clear and comprehensive templates and requirements for contracts with PSPs. They stressed that contracts should be carefully considered to best protect humanitarian organisations from risks.

They agreed that contracts should:

1. set what services are expected from the PSP;
2. determine the conditions for realising those services and, in particular, the code of conduct that must be followed;
3. set what is expected from the humanitarian organisation as a client;
4. guarantee some level of protection to the client;
5. set some clear procedures to deal with any issue arising between the parties and compensations in case of an incident;
6. set the conditions under which the contract can be terminated.

The signing of a contract must be the moment where both parties commit to these points, and in particular, agree on the amount that is paid to PSPs' staff such as guards, the amount that goes to human resources or administrative costs, and any other expense that should be covered.

c. Understanding and moving organisational barriers

The survey and interviews helped identify another key issue related to procedures and organisational aspects, allowing for a better understanding of the extent to which humanitarian organisations regulate their private security contracting practices. This point links to the fact that security departments are often sidelined from private security contracting processes and cannot necessarily express their concerns from a security point of view. Indeed, some interviewees reported that their security teams are not systematically consulted at the initial steps of planning, and are therefore unable to conduct the necessary security risk assessments, which among other as-

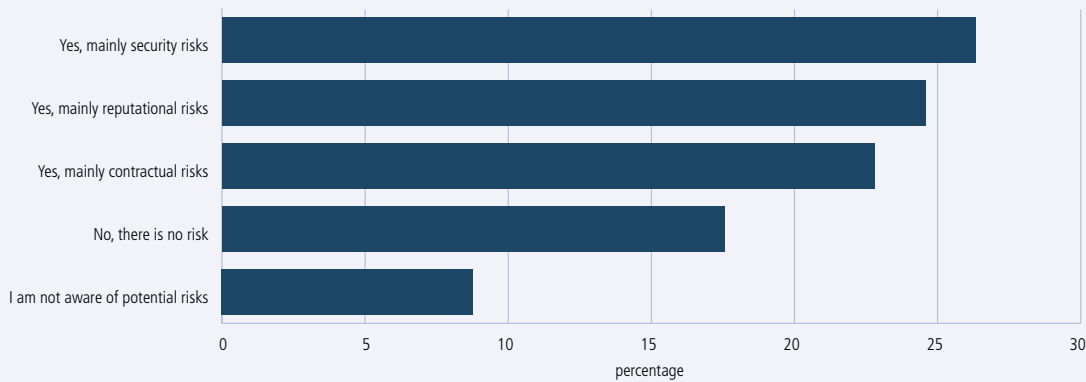
pects, can be the opportunity to evaluate the needs and risks for contracting PSPs. Some said this poor initial consideration for security matters could lead to serious issues in the field, where risks can prove hard to mitigate, including those coming from PSPs. Additionally, private security contracting is often carried out by logistics, admin or HR teams, which may not be aware of the security and reputational risks PSPs can bring to their organisations. A number of interviewees mentioned that as security teams, they have to proactively get involved in contracting processes in order to make sure the PSPs selected are carefully checked and do not pose a threat to security. They, therefore, suggested important organisational changes that would allow them to be consulted both at the initial steps of planning and during the contracting process.

d. Establishing procedures for sanctions and contract termination

The need for better and clearer procedures and policies was also identified by participants regarding sanctions and contract termination with contracted PSPs. Indeed, many highlighted that they have little understanding of how to deal with cases of misconduct by PSPs staff, or with cases of non-compliance with the standards set in contracts. Informality here again seemed to play a certain role, as conflicts were sometimes said to be managed interpersonally. However, the issues or incidents that were reported, especially regarding guards, ranged from a late arrival to work, sleeping during shifts, or misconduct in public places, to cases of robberies, confidential information sharing and sexual harassment and abuse. As misconduct can include serious crimes, some interviewees were concerned with the lack of clear procedures and mechanisms provided in their organisation to deal with them.

Some recalled the necessity to be particularly cautious when it comes to reputational issues and potential harm to the acceptance of their organisations. They were especially concerned with cases of misconduct by guards in public spaces, where they are easily identifiable as individuals working for humanitarian organisations, under the spotlight of public opinion and the media. They, therefore, added that specific crisis mechanisms should be set in case of any serious reputational damage caused by PSPs' staff.

Currently, do you identify potential risks for your organisation related to the contracting and use of PSPs?
Percentage of total number of respondents



Interpretation: 26% of respondents indicated that they mainly identify security risks associated with the use of PSPs

In cases of sexual harassment and abuse by PSP staff of personnel employed by the contracting humanitarian organisation, something which was only addressed by one female interviewee, the question of sanctions and remedies seemed to be particularly important yet still unclear. The interviewee stressed that those issues were indeed systematic and widespread and highlighted the difficulty of ensuring accountability in the private security sector, which all humanitarian organisations contracting PSPs should be aware of and prepared to deal with. Crucially, she argued that gender-based violence should be a reason for ending a contract with the PSP responsible. Assuming these allegations of systematic and widespread sexual harassment and abuse by PSP staff are correct, underreporting of this by humanitarian organisations and PSPs is concerning.

Overall, questions around responsibility, liability and sanctions seemed to be blurred for many humanitarian organisations represented in the study, calling for some additional level of awareness and reflection on the issue. A number of interviewees agreed that in the field, they felt an intelligent mix of both formal and informal remedies was often the best way to solve disputes arising with contracted PSPs.

This section pointed at an overall need for humanitarian organisations, especially the smallest ones, to deal with informality and set clearer policies and procedures adapted to the contracting of PSPs. This was highlighted as particularly important regarding contracts, dispute settlement, and sanction mechanisms.

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

a. Training on private security contracting

When asked if they identified potential risks associated with the contracting of PSPs, more than 70% of respondents agreed. The remaining respondents did not identify any risk (17.5% of respondents) or were not aware of them (8.7% of respondents). These figures suggest a good level of global awareness of security departments regarding the possible impacts of PSPs on their organisations.

However, interviews and comments in the survey showed that assessing and mitigating those risks was a complex yet crucial task for which all staff involved in the contracting process should be trained. While the question of the training of PSPs' staff was frequently mentioned in interviews, only a number of respondents indicated that they, as security advisors or managers, train their staff on private security contracting. Given the high risks at stake, it is key that those risks are mitigated, starting with how staff make contracting decisions and how they engage in selection and procurement processes. As stated earlier, training on contracting PSPs should not be limited to security departments; all staff involved in the process, including logistic, admin or HR teams, should be trained to ensure that key security concerns are not overlooked.

One interviewee mentioned a case where as a global security advisor, he intervened at the country level in order to change the PSP that was contracted there because of the PSP's links with criminal activities that the national team did not detect. Because many humanitarian organisations tend to decentralise security, he noted that it has become more important for him to train more national teams on private security contracting, as this often falls under national teams' responsibilities. In line with other comments, he advised that security management should use staff's own stories and context to train them on private security contracting best practices, as well as tools adapted to realities in the field.

b. Conducting security risk assessments and background checks

One of the key messages that emerged from the study was the necessity for staff in charge of contracting private security services to understand and evaluate all the risks PSPs can bring to their organisations. As mentioned earlier, interviewees stated that this starts with the clear mapping of actors to avoid being connected with any stakeholders or groups that might undermine the perceived neutrality of the organisation, and ultimately its acceptance and security. While this report already emphasised that such assessment can prove hard to conduct because of a lack of resources or the opacity of the private security industry, it is still the responsibility of humanitarian organisations to ensure that they know as much as possible about the PSP they contract and reconsider contracting decisions where not enough information is available.

Informed by the interviews and the feedback from the survey, key elements to consider as part of a risk assessment on PSPs include:

- the compatibility between the content of programme activities and the use of PSPs;
- the nature of the environment in which the humanitarian organisation will operate;
- the main security threats the organisation will face (targeted attacks, context-specific criminality);
- the current practices of other humanitarian organisations operating in the area in terms of security;
- the national laws regulating PSPs;
- the potential social, ethnic, religious or tribal tensions that might be at play;
- the nature of the PSPs available in the market (local, national, transnational);
- the way PSPs are perceived in the area and globally (accepted or rejected), including in the media;
- the reputation of the PSPs available (from the point of view of their other clients and other humanitarian organisations);
- the type of clients the PSPs available on the market work with;
- all the types of services the PSPs available on the market provide;
- the background of the PSPs' management and staff, including their links with other actors and their potential participation in criminal activities or hostilities;
- third party verification and monitoring of the PSPs; and
- the level of training provided to PSPs' staff.

Analysis of the environment

Analysing the context in which the PSP will be contracted was highlighted as one of the main steps to determine whether to rely on private security services. It should be conducted before and during the selection process, as well as continuously for the duration of the contract. In particular, security teams should define the connections and the relationship the PSPs available have with the environment in which they will be deployed, as the security and acceptance of the contracting humanitarian organisations depend on it. Reaching out to others internally as well as to other organisations on the ground and integrating their views and findings into the analysis can greatly help with that assessment.

Important differences were noted by interviewees regarding the way PSPs tend to be accepted and perceived in urban and rural areas. They agreed that PSPs, and especially the guards that are employed in the humanitarian sector, often blend in more easily in large cities where their use is generally normalised. Not contracting them can even, in certain contexts, differentiate the organisation negatively from other agencies present in the area and put it at risk. However, especially in rural contexts, humanitarian organisations and their security staff should consider their choices carefully and base them on risk assessments.

Staffing is one aspect organisations should consider with particular care. A number of interviewees, especially those located in Africa and the Middle East, explained that when contracting private guards, organisations should carefully evaluate the potential cultural, tribal, ethnic or religious barriers that can make guards conspicuous, and under what conditions they can help to secure staff. Organisations should then select the PSP which has adequate personnel, or ask for specific profiles to be recruited and deployed. A piece of general advice given by the large majority of interviewees was to systematically favour local guards to avoid creating distance or resentment with host communities, which is in line with the localisation processes many humanitarian organisations are engaging in. In a similar way, and especially in remote areas, some respondents stressed the importance of contracting guards in close cooperation and through open dialogue with local communities. The recruitment of guards should be included in the overall contracting process. Local communities might themselves suggest candidates for guarding positions, however as mentioned elsewhere, organisations need to be aware of local politics and power dynamics at play.

In addition, one interviewee highlighted the necessity of assessing social and class dynamics, which in some contexts can translate into people viewing PSPs as representing the privileges of the upper-class and the powerful, who often restrict access to their homes through private guarding. In those cases, humanitarian organisations should be aware that posting guards might be considered an exclusionary practice and evaluate the impact of this possible perception on their acceptance.

Analysing environmental factors when contracting PSPs also meant for a quite large number of interviewees considering the practices of other humanitarian organisations operating around them. They asserted that if other humanitarian organisations contract PSPs, and especially guards, they will align with their practices and adopt similar protection measures in order not to stand out.

Background checks on PSPs and their staff

Part of the security assessment should be dedicated to the thorough analysis of the PSPs themselves, as widely emphasised by respondents. They stressed that they witnessed or knew about cases of illegal and criminal behaviours on the part of certain PSPs and their staff, therefore justifying a careful background check of all PSPs during selection. As mentioned earlier, incidents linked to PSPs contracted by humanitarian organisations seemed to concern mainly misconduct in public places, robberies, confidential information sharing and sexual harassment and abuse, which were in the majority committed by guards.

As very few respondents indicated that they had contracted private armed guards, the issue of gun violence and potential killings was not addressed extensively in the study. However, it was frequently evoked as a major concern across the whole sample, suggesting a need for specific, stricter measures in that respect.

In this regard, one interviewee criticised the fact that security staff are often more concerned with mitigating risks coming from potential shootings involving PSPs – something relatively rare – than mitigating the actual risks of sexual violence female staff could face from guards on a daily basis – something that on the contrary, seems to be widespread. The fact that this gender-based violence was not mentioned in the large majority of interviews and answers to the survey could indicate that it is not considered as a security issue, and therefore overlooked and not mitigated when contracting PSPs. There is thus a need for security teams to include this risk more systematically in contracting processes, to make checks for previous cases of gender-based violence, and to refrain from contracting PSPs whose staff have been involved in such cases.

Another type of risk, which was mentioned in the context of Iraq, was linked to cases of retaliatory acts committed by PSPs after contract termination, which can range from sharing sensitive information about the contracting humanitarian organisation to car bombings or kidnappings. In such contexts, identifying previous clients and asking about their experiences can prove essential to mitigate this kind of risk.

Besides checking PSPs' criminal records, interviewees mentioned the importance of the reputational factor, which should be one of the first elements security teams verify. They indicated the importance of investigating the reputation of different PSPs by drawing on their knowledge of the sector or asking for recommendations from other humanitarian organisations and local stakeholders. However, in some cases, it was not always clear how they concretely carried out reputation verifications, especially remotely. Crucially, some respondents highlighted the fact that the good reputation of a given PSP does not directly and systematically translate into the good reputation of the guards and other personnel it employs. It was therefore advised that security teams conduct additional investigations on contracted individuals.

Moreover, the capacities of PSPs and their ability to actually deliver the services for which they are contracted is also something humanitarian organisations – mainly those with high security needs – tend to look at when selecting a provider. This can be done through checking the records of the company or by asking other clients, and was mentioned as crucial in order to ensure there will be no breach in the organisation's security and that the provider is reliable. Closely related to these are the checks that should be conducted on the training of PSPs' staff, which will ultimately impact their ability to secure humanitarian organisations' personnel, assets and sites, and to do so in a manner that is consistent with humanitarian principles and acceptance. Here, security teams should have sight of the content of training, to check whether all the areas that are important to the organisation's security were covered, and be informed on how often the training is conducted and repeated. Several interviewees stressed that checking the contracted staff's training background is especially important when dealing with armed guards.

Finally, some interviewees emphasised the necessity of conducting in-person checks to evaluate the offices of PSPs, their training facilities, and the relationship staff seem to have with their management. This can prove crucial in determining which PSP to

contract, as the reality might look different from what is on paper.

c. Including human rights impact assessments

In addition to the questions on security risk assessments and background checks, participants were asked if their organisation conducts human rights due diligence when contracting PSPs. The majority of respondents mentioned they did carry out due diligence but the focus on human rights due diligence raised more questions. Indeed, comments on the survey and during interviews suggested that some respondents were not entirely sure of what human rights due diligence entails. As stated earlier, only a few said their organisations rely on the UK Modern Slavery Act, the Voluntary Principles on Security and Human Rights (VPSHR), and ICoCA Certification. ICoCA Certification involves ensuring that human rights due diligence has been conducted on PSPs. Some respondents also highlighted that given the often layered nature of the private security industry – in which large multinationals can have multiple subgroups each employing individual subcontractors – they struggle to conduct due diligence on the subsidiaries and subcontractors that contracted PSPs might work with.

Given the possible human rights impacts the private security industry can have on staff, beneficiaries and the wider local population in the working environment, it is crucial that humanitarian organisations include those concerns in their selection processes. Not only is it ethical and aligned with humanitarian values, but it can also be a determining factor for those organisations' acceptance and, therefore, security. Security teams should bear in mind that contracting PSPs implies both mitigation of the risks for their organisations' staff, and a mitigation of the risks for local populations and beneficiaries. Conducting a human rights impact assessment, or requiring PSPs to do so, is therefore essential³.

This section underlined that contracting private security services should be accompanied by a careful

³ For more information on how to conduct a human rights impact assessment, please see: ICoCA, *Guidance on Human Rights Impact Assessments for Private Security Providers*, 2021. Available at: https://icoca.ch/wp-content/uploads/2021/07/ICoCA_HRIA_Guidance_A4_EN_WEB.pdf

Danish Institute for Human Rights (DIHR), *Human Rights Impact Assessment: Guidance and Toolbox*, 2020. Available at: www.humanrights.dk/sites/humanrights.dk/files/media/dokumenter/udgivelser/hria_toolbox_2020/eng/dihr_hria_guidance_and_toolbox_2020_eng.pdf

assessment of the risks it entails and the impact it can have on acceptance. Although this seems to be quite well integrated into the contracting processes of many organisations, some others should revisit whether risks are properly understood and mitigated. Crucially, human rights due diligence remains an important area for improvement.

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

a. Building good relationships

Once questions related to the choice, selection and contracting of PSPs were addressed in the survey and interviews, the issue of the actual management of the relationship with the contracted PSPs and their staff emerged. According to a large proportion of interviewees, the topic raises crucial challenges for the security of contracting humanitarian organisations. In particular, and this could also be linked to the issue of contracts, it was repeatedly stated that the private security sector is characterised by weak regulations on labour law and poor working conditions for PSPs' staff, especially for guards. They are generally poorly paid, paid with delay or not paid at all, must often combine several jobs to meet their needs, while their shifts are too long to allow them to rest properly. Such conditions can sometimes lead to misconduct, with guards more likely to commit theft and abuse their position of power, due to their precarious situation. This poses issues both in terms of ethics and in terms of security for the humanitarian organisations that contract them.

It became clear during the majority of interviews that humanitarian organisations, although they are not direct employers, as clients, have a responsibility to ensure that guards are properly paid and treated well. This report's findings show an overall high awareness of this responsibility among respondents, who explained that their organisations already have some measures in place to address this. These measures included decreasing the duration of shifts by increasing the number of personnel and shifts (instead of having 2 guards working for 12 hours each, recruiting 3 to 4 guards working for 6 to 8 hours), and determining all conditions in the bidding documents

right from the beginning of the contracting process. Such practices are not, however, universally applied across the humanitarian sector.

Some interviewees stressed that organisations should first check if they are able to negotiate a decent salary for the guards before selecting a PSP. Once contracted, security teams should ensure that guards actually receive what was agreed in the contract in terms of salaries and working conditions and adapt the shifts of those having additional jobs through in-person checks. One interviewee who had worked with contracted armed guards advised that humanitarian organisations invest in concrete measures such as the construction of a guard room, the provision of life insurance or the employment of a guard manager. This interviewee stressed that the more the guards are treated as in-house staff, the better the quality of their work would be, resulting in better safety for all.

The human factor and interpersonal relationships were also highlighted as particularly important by a majority of interviewees when mentioning their private security contracting practices. This is true concerning both the relationship with the PSPs themselves, and the relationship with the guards. Many interviewees insisted that their priority was that their staff feel secure because they personally know the guards in charge of their security, and that they develop a strong, long-term, mutual relationship with them. That relationship was also seen by some as a means to ensure that guards feel rewarded and involved in their jobs and have a sense of ownership that a simple contract does not guarantee. Establishing reciprocity and dialogue was something that most interviewees considered essential. Not only is it fair, but it also guarantees a certain level of understanding between the parties, and ultimately, more security for humanitarian staff.

While informal, daily checks with the guards can be a good means to evaluate the quality of this relationship and progressively build trust, again, a certain level of formality seemed to be needed. One interviewee, in particular, noted that security staff in the field sometimes neglect monitoring and reporting tasks and forget to document what happens between their organisation and the contracted PSPs, including the behaviour of guards. It is therefore important that security teams are properly trained and

prepared for those management aspects. Another testimony pointed towards the fact that sometimes the relationship between humanitarian organisations and PSPs is too close, creating the potential for non-transparent practices (such as extra, unrecorded remunerations). For that reason, this interviewee advised not to keep the same guards or PSPs for long periods of time, contrary to what appears to be the general practice in the sector.

b. Providing complementary training

In addition to building good relationships with contracted PSPs, the study showed the importance of the training of PSPs' staff. As mentioned earlier, PSPs can sometimes struggle to understand the needs, values and specificities of humanitarian organisations, which can have serious impacts on their ability to deliver. In turn, this can affect the organisations' security. As guards are often the first people one meets at the gates of humanitarian organisations, they also play an important role in acceptance strategies. While many interviewees reported that they are particularly careful with training checks when selecting a PSP, they also argued that providing additional training upon arrival of contracted staff should be systematically included in the contracting process. Supplementing the training of guards, in particular, was seen as the best way to ensure they understand and commit to humanitarian principles and to the mandate and values of the contracting organisations. Those should also be an opportunity

to ensure all measures are taken to prevent cases of gender-based violence committed by PSPs' staff.

Complementary training can include:

- Training on humanitarian principles;
- Training on acceptance and SRM (Security Risk Management) in humanitarian organisations;
- Training on the organisation's code of conduct and main policies;
- Training on the International Code of Conduct for Private Security Service Providers;
- Training on the prevention of sexual harassment, sexual exploitation and abuse;
- Specific training on firearms when armed guards are contracted.

A number of interviewees further advised to regularly check on the skills and knowledge of PSPs' staff and especially guards, including after they start their position and regularly throughout the whole duration of the contract. Establishing a training schedule and planning was considered useful in that sense.

This section gathered the findings related to the way in which humanitarian organisations manage their relationship with the contracted PSPs and their staff and showed how key it is both in terms of ethics and security. The overall message carried by participants was that the more security teams engage and invest in the relationships with contracted personnel, the more those are committed to their task and provide better services.



IV. Conclusion and recommendations

This report presented the key findings of the study conducted by GISF and ICoCA on current private security contracting practices in the humanitarian sector. It identifies and highlights five core findings from the 83 responses to the survey and the 16 interviews – with the majority of interviewees working for humanitarian NGOs, along with some international and governmental organisations. Although there was an important diversity of private security contracting experiences across the sample, the observations made are relevant for the sector at large, starting with the necessity to raise global awareness on the issue and its complexity. This report first showed that humanitarian organisations need to make better informed decisions on private security contracting and acknowledged the important resource limitations that constrain the practices of the humanitarian staff in charge of it, and especially, of security departments. It then showed that there seemed to be limited awareness of and little regard for standards, certifications and regulations for PSPs on the part of humanitarian organisations, and that this informality could lead to serious consequences for their security, reputation and acceptance. In that respect, the report insisted on the importance of

carrying out careful security risk assessments and background checks on PSPs throughout the whole contracting process and implementing the necessary mitigation measures. Finally, the report highlighted that humanitarian organisations should invest time and resources in building good relationships with contracted PSPs and their staff in order to be in line with humanitarian values and to benefit from the best security services.

Overall, the findings of this study point to a number of areas where the management of private security contracting among humanitarian organisations falls short when assessed against Module 14 of the GISF Security to Go Risk Management Toolkit best practices, and according to the views of the participants. Those areas for improvement should be considered by all concerned humanitarian organisations before any major incidents arise, as the potential risks entailed by PSPs can be particularly serious and impact the wider sector, as well as beneficiaries and host communities. The report also suggested that the issue should be understood by multiple actors involved either directly or indirectly in the contracting process, including humanitarian organisations' national security teams, regional and global security

advisors, programme, procurement, HR and admin teams and managers, senior management, donors and governments.

To improve their private security contracting practices, these actors can rely on the following recommendations:

Humanitarian organisations' security teams and managers in charge of contracting PSPs should:

Recommendation 1 – Strengthen security capacity, including informed decision-making on PSPs

- Collectively reflect as an organisation on the impact of the decision to contract PSPs for security and identify the advantages and disadvantages of each option and the potential myths and biases that can be at play. This can be done at the end of each contract with PSPs, during a dedicated meeting. External views from other organisations can also be obtained through engaging in security networks such as GISF.
- Regularly evaluate the possibilities and advantages of developing in-house security capacities, especially in areas and contexts where PSPs can represent serious risks, or where this could significantly reinforce acceptance.
- Strengthen the knowledge of the private security sector through information sharing and training and conduct basic market analysis to determine what quality and standards can be expected. Re-evaluate decisions to contract PSPs when the offer does not meet the necessary requirements and standards, or when too little information is available.

Recommendation 2 – Strengthen capacity for security budgeting

- Clearly budget the cost of private security contracting and work with other departments to include it in proposals and initial steps of the planning of programmes.
- Train in budgeting skills to justify the cost of good quality and reliable PSPs to senior management.

Recommendation 3 – Strengthen PSP contracting procedures and practices

- Ensure that everyday practices tend to reduce informality in the contracting process and follow the guidelines and policies given at HQ level and in Module 14 of GISF Security To Go Risk Management Toolkit. Favour PSPs that are Members or Affiliates of the ICoCA or that can show proof of their adherence to other internationally recognised standards during selection, as this is the first guarantee of their quality, reliability, standards and respect for human rights and humanitarian law. Include all requirements in call for tenders.
- Evaluate the relevance of the contracts used with PSPs and prepare templates that clearly state the missions, working conditions, training standards, liability issues, sanction procedures and conditions for contract termination.
- When conducted by other departments, proactively engage in the contracting process and ensure that security issues are considered.
- Systematically report and keep written documentation of any incident arising with contracted PSPs and their staff. Use the mechanisms available to address them at the level of the organisation, as well as interpersonal skills to settle conflicts. Suggest contract termination when cases of misconduct are serious and repeated, especially those related to gender-based violence, or when the PSP cannot ensure accountability of the responsible staff.

Recommendation 4 – Strengthen due diligence processes on PSPs

- Ensure that basic training on responsible private security contracting is provided to all staff involved in the contracting process. Use case studies and concrete stories that relate to staff's own experiences.
- Before any decision is taken on contracting PSPs, conduct a thorough security risk assessment and background check that look at the security, contractual and reputational risks. Impacts on acceptance, in particular, should be carefully evaluated and determine private security contracting decisions. PSPs' reputation, actual capacities and training levels should all be checked before selection.
- When contracting guards, make the necessary staffing decisions that best ensure acceptance among local communities and stakeholders. Favour local staff, especially in rural and remote areas. Ensure that local communities are involved in the contracting process.
- Include key considerations for human rights impact assessments in the selection of PSPs. Contract ICoCA Members or Affiliates in preference.

Recommendation 5 – Strengthen ongoing monitoring and oversight of contracted PSPs

- Set minimum salaries and working conditions for PSPs' staff and include them in the bidding documents and contracts. Provide additional employee benefits, compensation and equipment when necessary. Ensure that the terms of the contract are respected through regular in-person checks with contracted personnel and keep written proof.
- Invest time and resources in building good and mutual relationships with the contracted personnel. Limit rotation and ensure clear, open dialogue on their missions, working conditions, and potential issues. Guards, in particular, can be invited to participate in certain security meetings and regularly consult on security issues.
- Designate a contact person in charge of the relationship with contracted PSPs and their staff.
- Provide training on humanitarian principles, acceptance and the organisation's mandates and objectives to all contracted staff, especially guards.

Humanitarian organisations' leadership should:

Recommendation 1 – Ensure senior management involvement in any decisions to contract PSPs

- Engage in a high-level collective reflection on private security contracting and decide in which cases private security contracting can be considered and in which cases in-house security capacities should be preferred.
- Understand that private security contracting can have serious negative consequences on reputation, perceived neutrality and impartiality. Ensure that contracting practices are compatible with humanitarian principles and acceptance.
- Reflect on available offers and evaluate your organisation's appetite for the risks posed by PSPs and the opportunities to improve staff security.
- Engage in a specific discussion regarding the use of private armed guards and decide on the organisation's position in this matter. Ensure specific guidelines are provided and strictly limit and control the use of such services.

Recommendation 2 – Allocate appropriate funds to security budgets

- Evaluate the potential impacts of budget restrictions on staff's security.
- Ensure security budgets are systematically included in proposals and that private security contracting costs are clearly mentioned. Raise awareness among donors about the need for those budgets to be considered as essential for the security of assets, sites and staff, and for programme continuity.
- Ensure enough budget is provided to security teams for them to be able to contract organisations that provide higher working standards and pay better salaries, especially to guards, as those are essential elements for security and acceptance.

Recommendation 3 – Strengthen independent verification and monitoring requirements in the selection process

- Ensure that the selected PSPs respect internationally recognised standards. For instance, consider requiring PSPs to be operating in full compliance with international standards and be Members or Affiliates of ICoCA.
- Evaluate current policies on private security contracting and improve them if necessary, in order to provide staff with the best understanding of the processes and requirements. Include specific guidelines in the manual for each department concerned.
- Make the necessary organisational changes for security teams to be systematically included in private security contracting processes, including in collaboration with HR, admin or procurement departments.

Recommendation 4 – Re-enforce due diligence and accountability

- Ensure human rights due diligence is systematically included in private security contracting processes, as part of their duty of care towards staff, host communities and beneficiaries. Guarantee remedies are available in case of any human rights related incident.
- Set clear sanction mechanisms and conditions for contract termination for cases of misconduct or non-compliance with contracts on the part of contracted PSPs.
- Ensure clear policies and sanction mechanisms are in place to deal with cases of sexual exploitation and gender-based violence committed by PSPs' personnel. Guarantee remedies are available for the victims/survivors.

Donors working with humanitarian organisations contracting PSPs should:

- Ensure that where private security contracting is carried out by funded humanitarian organisations, it is done responsibly, with due diligence being exercised.
- Ensure that partner humanitarian organisations select PSPs according to internationally recognised standards such as ICoCA Certification, affiliation or membership.
- Ensure that the necessary budgets are provided to guarantee that responsible PSPs that treat their staff fairly, including decent pay and working conditions, can be contracted by a funded humanitarian organisation.

VI. Annex

1. Definitions

- **Private security providers (PSPs)** are defined as 'any company whose business activities include the provision of Security Services either on its own behalf or on behalf of another, irrespective of how such company describes itself⁴, according to the International Code of Conduct for Private Security Service Providers.
- **Private security contracting** is understood as the practice whereby an organisation outsources certain security functions to PSPs.
- **Security Risk Management** is understood as 'the attempt to reduce exposure to the most serious risks (including contextual, programmatic and institutional risks) by identifying, monitoring and tackling key risk factors. It also involves balancing risk and opportunity, or one set of risks against another. Risk management should be seen as an enabling process, not simply a precautionary one⁵.
- **Humanitarian action** is defined as any action undertaken 'beyond providing immediate relief and covers a spectrum of activities that starts with disaster preparedness, then includes humanitarian response, and finally extends into early recovery⁶.
- **Humanitarian organisations** designate 'entities with a mission to prevent and/or alleviate human suffering in emergency contexts, natural disasters and armed conflicts. They are usually involved in: searching for, collecting and transporting the wounded and sick, missing and dead; providing medical treatment to the wounded and sick;

assisting prisoners of war; and assisting the civilian population through the provision of humanitarian relief. They are also sometimes referred to in International Humanitarian Law as impartial humanitarian bodies⁷.

- **Human rights due diligence** refers to 'a process for identifying, preventing, mitigating and accounting for the adverse human rights impacts with which a business is involved⁸.

It is also useful to recall the five key steps towards responsible private security contracting practices outlined in Module 14 of the GISF Security To Go Risk Management Toolkit, on which the present study was based:

Step 1: Determine the organisation's needs for a private security provider. Any decision to use private security providers for the protection of personnel and property must be well thought-out and consistent with institutional policies and guidelines.

Step 2: Develop strong procurement processes. Ensuring that the organisation has an appropriate procurement process in place. Contracting PSPs should be treated in the same way as using any other service required to enable the humanitarian agency to effectively carry out its activities.

Step 3: Conduct due diligence in selecting a provider. Humanitarian organisations should have strong due diligence and selection processes based on objective and verifiable criteria. The selection process should cross-check diverse sources of information to verify that any information provided by PSPs is accurate.

4 International Code of Conduct for Private Security Service Providers, 2010. Available at: <https://icoca.ch/the-code>

5 GISF, *Partnerships and Security Risk Management: from the local partner's perspective*, 2020, p.62. Available at: https://gisf.ngo/wp-content/uploads/2020/10/1284_GISF_Partnership-SRM_download.pdf

6 The Sphere Project, *Humanitarian Charter and Minimum Standards in Humanitarian Response*, 2011, p.10. Available at: www.unhcr.org/50b491b09.pdf

7 ICRC, *Humanitarian organisations, How does law protect in war? Online casebook*. Available at: <https://casebook.icrc.org/glossary/humanitarian-organisations>

8 Danish Institute for Human Rights (DIHR), *Human Rights Impact Assessment: Guidance and Toolbox*, 2020, p. 13. Available at: www.humanrights.dk/sites/humanrights.dk/files/media/dokumenter/udgivelser/hria_toolbox_2020/eng/dihr_hria_guidance_and_toolbox_2020_eng.pdf

Step 4: *Monitoring of the PSP to assess performance.* Once a preferred company has been selected, a contract should be agreed, along with key performance indicators, operational contingency arrangements and a monitoring framework to oversee contract delivery at regular time intervals.

Step 5: *Develop and maintain a relationship with company and security guards.* When contracting a PSP, the organisation should expect that the security personnel respond to any identified threat efficiently, lawfully and in line with the organisation's mandate.

2. Sample and methodology

The study was composed of the following steps: the design and dissemination of an online survey, the interview process and the collection and analysis of findings.

The survey was sent out in July 2021 in three different languages (English, French and Spanish). It included questions on humanitarian organisations' practices vis-a-vis PSPs regarding:

- the internal policies regulating the contracting and use of PSPs and the use of external reference documents;
- the question of the risk assessment;
- the procurement processes;
- the due diligence and selection processes;
- the monitoring framework and reporting procedures;
- and the protocols regulating the training and work environment of PSPs staff.

The survey's initial targets were humanitarian NGO members of the GISF network. Later in the dissemination phase, it was decided to open the survey up to responses by more humanitarian actors, including those working in IOs or at the government level. As the survey was anonymous, it is unclear exactly what types of organisations were represented in the results. However, the vast majority of answers were collected on the day the survey was released through the GISF newsletter, suggesting that the majority of respondents were GISF members and, therefore, INGOs. The 25 respondents that indicated their contact information at the end of the survey to

participate in an interview were predominantly NGO staff. Only one interviewee came from a governmental agency, one from an international organisation and one from the private sector. It is likely that this distribution between different types of organisations is representative of the full sample of respondents.

The survey received a total of 83 responses. The majority of respondents were security staff from large organisations (operating in more than 20 countries) and medium-sized organisations (operating in 6 to 20 countries). 53% of them indicated working at HQ level, 27% at the national level and 20% at the regional level. The fact that a majority indicated working in the security department of their organisation might imply a possible bias in the study, due to a potential lack of self-criticism or reluctance to reveal security incidents. Additionally, it should be acknowledged that the views expressed in the report might be specific to security positions and might not reflect the overall opinions of humanitarian actors about private security contracting. In some instances, those views might also be influenced by security staff's backgrounds, potentially in the police, military, or private security sector. Still, it is also important to note that security staff are likely to have a greater knowledge of issues around private security contracting than others in the sector, making their insights particularly valuable for this study. Nonetheless, this level of awareness might not mirror the global level of awareness in the sector.

The second step consisted of 16 semi-structured interviews with survey respondents who expressed an interest in discussing the topic further. The ratio between participants coming from HQ and those working at country or regional levels was 50-50 (8 HQ, 8 Country and Regional), with 13 representatives from NGOs, 1 from a governmental agency, 1 from an international agency and 1 from the private sector. The sample was composed of 13 men and 3 women. This imbalance is likely to have an impact on the findings given that the understanding of security and, therefore, of private security contracting practices, is often gendered⁹.

The interviews generally lasted between 30 and 50 minutes and were based on open questions relying

9 Stevens, D., Bulmer, S., Banducci, S. and Vaughan-Williams, N. (2021) "Male warriors and worried women? Understanding gender and perceptions of security threats," *European Journal of International Security*. Cambridge University Press, 6(1), pp. 44–65. doi: 10.1017/eis.2020.14.

mainly on the interviewees' answers to the survey. The questions generally asked ranged from:

- The rationale behind the choice to contract PSPs or not;
- the ways organisations check on the reputation, capacities or training of the PSPs during the selection process;
- how internal or external reference documents are used in interviewees' organisations and with what efficiency;
- what due diligence mechanisms they have in place when contracting PSPs;
- how their organisations perceive security, reputational and contractual risks;
- how their organisations reconcile acceptance strategies and the use of PSPs;
- other humanitarian organisations' practices in terms of private security contracting and their impact on security contexts;
- other humanitarian organisations' practices in terms of private security contracting and their impact on the security policies of the interviewees' organisations;
- when relevant, how their organisations perceive private armed services and how they manage risks when contracting them;
- what examples of best practice and advice they could give on responsible private security contracting.

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A study conducted jointly by the International Code of Conduct Association (ICoCA), Geneva, Switzerland and the Global Interagency Security Forum (GISF), Manchester, UK

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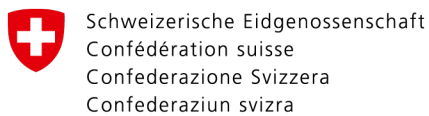
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ICoCA : The International Code of Conduct Association is a multi-stakeholder initiative formed in 2013 to ensure that providers of private security services respect Human Rights and International Humanitarian Law. It serves as the governance and oversight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

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 influencing good security risk management practice that works for the whole humanitarian sector, improving the security of aid workers and operations for sustainable access.

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 classically 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 relied on more protection and deterrence measures, including on the use of private security. Those measures can clash with humanitarian principles and acceptance, ultimately endangering organisations and programs.

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