

# humanitarian action and private security companies

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opening the debate

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# Abbreviations and Acronyms

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BP	British Petroleum
CDD	Centre for Democracy and Development
CRG	Control Risks Group
EU	European Union
DAC	Development Assistance Committee (OECD)
DFID	Department for International Development
DSL	Defence Systems Limited
ECHO	European Commission Humanitarian Aid Office
EO	Executive Outcomes
IA	International Alert
IISS	International Institute for Strategic Studies
ICRC	International Committee of the Red Cross
IFIs	International Financial Institutions
MPRI	Military Professional Resources Incorporated
MSF	Medecins Sans Frontiers
Oxfam GB	Oxfam Great Britain
NGOs	Non-Governmental Organisations
SCF UK	Save the Children Fund United Kingdom
UK	United Kingdom
UN	United Nations
UNAMSIL	United Nations Mission in Sierra Leone
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations Children's Fund
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNOMSIL	United Nations Observer Mission in Sierra Leone
UNSECOORD	United Nations Security Coordinator's Office
US/A	United States of America
USAID	US Agency for International Development
WFP	World Food Programme
WHO	World Health Organisation

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## About the Authors

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# Executive Summary

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During the 1990s, the spread and changing nature of armed conflict has led to greater levels of insecurity for humanitarian operations and the need to find effective ways to ensure the safety and security of aid workers. One option that aid agencies (non-governmental and UN) have turned to in order to address this concern is the hiring of private security companies to provide a range of services for the protection of staff and premises. Aid agencies are among a number of actors - governments and corporations being notable other examples - that are increasingly using private security companies in conflict situations. This trend is part of a broader phenomenon in which security is being privatised and moving away from merely being the preserve of the state. Where as there has been considerable debate about the relationship between aid agencies and the military in regard to security management, little attention has been given to the increasing connections with the commercial sector in the form of private security companies. This report argues that it is time to take up this debate. It represents a preliminary attempt to assess the use of private security companies by aid agencies and to raise a number of the key issues. At this stage, definitive conclusions and recommendation would be premature on what is a relatively new issue. The aim of the report is merely to open the debate.

**Section I** outlines the methodology used to compile the report, which derives from desk research of relevant literature and complementary surveys undertaken in Europe and the US on the policies and experiences of humanitarian agencies' use of private security companies during humanitarian operations. The scope of the studies is not exhaustive, but rather a snapshot of the issue, based on interviews carried out with representatives of a select number of aid agencies.

**Section II** sets the context for the surveys of aid agencies' use of private security companies. This includes providing a background to why the aid sector and private security industry have come closer into contact in recent years, and an overview of the ways in which private security companies are used. There are, however, a number of obstacles blocking a serious and constructive debate on the issue, which are highlighted. First, the sensitivity of the issue has led to entrenched and polarised views. Second, it involves a contentious moral debate. And thirdly, it has tended to be sidelined by the attention given to broader problems of insecurity. Despite these obstacles, though, it is argued that aid agencies need to get together to analyse the growing trend towards the privatisation of security, which is making security no longer an entitlement but a luxury for those who can afford to pay for it.

**Section III** provides the survey of European aid agencies and their use of private security companies. The new mercenary debate, in which private security companies have taken over

from old style mercenaries prevalent in post-colonial Africa, and the changes in the security environment of aid agencies are offered as reasons for the emergence of the issue. Anecdotal evidence of how private security companies have been used is presented, in so doing identifying some of the key players and the dilemmas faced by aid agencies. The consequences for aid agencies using private security companies are framed in terms of the negative impact the links and associations of private security companies have on the aid industry, the alienation from local communities that their use may induce as well as the erosion of the 'acceptance' model of security that the trend represents. It is suggested that, while there have been useful attempts at establishing codes of conduct and standards, a debate on regulation is problematic because private security companies serve a commercial rather than a humanitarian purpose. The priority at this stage, it is recommended, is to focus on the spread of information and to raise awareness of good and bad practices. A useful development in this regard would be a central database of information on private security companies, but this may be difficult to establish.

**Section IV** provides the survey of American humanitarian agencies and their use of private security companies. Like the European survey, the use of private security companies is placed within the context of the changing security environment that aid agencies increasingly find themselves. It argues, however, that this has led to a polarised debate between humanitarian and military actors. A more holistic approach, reflecting the complex impact of security on humanitarian environments, is necessary to address the current conceptual and practical confusion. The idea of an active security mindset is something new for the American NGO community, which is slowly beginning to take key considerations onboard. A typology is presented to express how American NGO personnel corporately conceptualise the kind of security requiring the use of security companies. This is in terms of: the threat to personnel and assets; how protection is provided (specifically armed or unarmed); the source of the security company, whether it be local or international; and whether the site of NGOs is fixed or mobile. The consequences and implications of American NGOs using security companies relate to the costs involved, the lack of data upon which decisions are made, and the applicability of international law. The lack of understanding about the use of force by NGOs is seen a hindrance to addressing noted concerns, but the growth of an NGO strategic culture is seen as reversing this trend. Further research on the issue, a shared database, security training and including security companies in the debate are recommendations noted.

**Section V** concludes that the use of private security companies by aid agencies is an emerging issue that puts into questions key dilemmas for humanitarian actors. A range of perspectives and views are presented in the report and therefore a principal conclusion is that more research is required before policies can be properly formulated. Although suggested recommendations are made, further discussion between aid agencies should take place for these to be taken forward in any meaningful way. A clear message is that not only because of their use of private security companies, but in general, aid agencies need to strengthen and maintain better safety and security policy throughout their organisational structures. This will be helpful in defining their position with regard to particular needs that could potentially be met by private security companies.

# I Methodology

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This paper derives from desk research of relevant literature and complementary surveys undertaken in Europe and the US on the policies and experiences of humanitarian agencies' use of private security companies during humanitarian operations. The scope of the studies is not exhaustive, but rather a snapshot of the issue, based on interviews carried out with representatives of the following organisations:

American Red Cross  
British Red Cross Society  
Oxfam Great Britain (GB)  
Oxfam International  
CARE International, UK and US  
Catholic Relief Service  
Save the Children Fund, UK and US  
UK Department for International Development (DfID)  
USAID and National Security Council  
Federation of the Red Cross and Red Crescent Societies  
InterAction  
International Committee of the Red Cross (ICRC)  
International Peace Operations Association  
Military Professional Resources Incorporated  
United Nations High Commission for Refugees (UNHCR)  
UN Office for the Coordination of Humanitarian Affairs (UNOCHA)  
RedR International  
Standing Committee on Humanitarian Response (SCHR)  
World Food Programme (WFP)  
World Vision International  
Humanitarian Security and Protection Network (VOICE/HSPN)  
Defence Systems Limited, ArmorGroup, Kinshasa office

The studies were conducted on the basis of non-attribution, unless otherwise having sought the consent of the individual in question. In the case of the US study, to ensure trustworthiness and transparency, each interviewee was given the opportunity to review the notes taken. In addition, the preliminary findings of the studies were presented at an international workshop on, 'The Politicisation of Humanitarian Action: The Use of Private Security Companies' organised by International Alert and the Feinstein Famine Center at Tufts University, Boston, USA on 23-24 April 2001. A summary report of the workshop can be found at [www.international-alert.org](http://www.international-alert.org).

## Summary of definitions

The following key terms have been used throughout the report and are defined as:

- **Mercenaries** are individual combatants fighting in foreign conflicts for financial gain. They are defined within international humanitarian law and there are UN and OAU Conventions that ban the use of mercenaries. Most attention to mercenaries was drawn by their use by national liberation movements during the early post-colonial Africa period, and they are still prevalent today in many conflicts.
- **Private military companies** are corporate entities offering a range of military services to clients. It is predominantly governments that use these services to make a military impact on a given conflict. Examples include MPRI from the US, and Sandline International from the UK.
- **Private security companies** are similar to private military companies but provide defensive security services to protect individuals and property. Examples include DSL (part of ArmorGroup) from the UK and Wackenhut from the US. They are used by multinational companies in the extractive sector, and by individuals and humanitarian agencies in conflict and unstable regions.



## II Introduction – Koenraad Van Brabant

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This section sets the context for the following surveys of the experiences of EU and US aid agencies' use of private security companies. It argues that aid agencies need to have a serious debate about their use of private security companies.

### 2.1 Background

In the 1990s the private security sector expanded rapidly with governments, commercial corporations, aid agencies and private citizens in many countries now using private security companies for their protection. Some beleaguered governments have used certain types of private security companies (better labelled 'private armies') to bolster their own weak national defence functions against armed insurgencies, where as western governments have sought to use private security companies to conduct or support operations in other countries because of the political difficulties of using national troops.<sup>1</sup> The growing interest in war economies has also put the spotlight on the link between private security companies and the commercial exploitation of mineral resources such as diamonds, oil and precious hardwoods.<sup>2</sup>

In terms of aid agencies (non-governmental and UN), national and international private security companies are being used for the protection of staff and premises. The most common services provided are risk analysis, security training for staff, crisis management advice (e.g. regarding kidnapping), undertaking security audits, and especially the provision of guards (mostly unarmed) for site protection, notably of offices, warehouses and residences. Where as in the past there have been instances in which aid agencies have hired personnel from a private security company to serve as agency security officers, this practice nowadays seems to have stopped. In a recent review of twenty aid agencies it was revealed that, while security management had, on the whole, improved in recent years, by and large no policies existed for the use of private security companies.<sup>3</sup> Where some experience has been translated into guidelines, these have generally not been formalised nor the ethical and management dimensions of using private security companies been fully thought through.<sup>4</sup>

While aid agencies have been unprepared, in terms of security, a number of private security companies have discovered the aid market. There are many cases of ex-military personnel who, having had some exposure to humanitarian action, have set up their own private security company to 'fill the gap'. This is despite a relative lack of competence in safety and security management among aid agencies. Some private security companies have also entered the aid market as contractors for humanitarian departments of governmental donors. This practice is particularly pronounced in the de-mining sector,<sup>5</sup> although there have also been offers by private companies to provide other services such as providing or advising on the protection of displaced populations. However, is this acceptable?

The argument can be made that, if we can protect civilians better with commercial companies than with governmental, multilateral or not-for-profit means, then we should do it rather than

do nothing. These realities raise a number of questions about the presence of commercial companies in charitable aid work and the challenge of developing clear ethical and managerial guidelines on the use of private security companies. There is the particular problem in practice of finding out what other activities a company in question, or a larger holding company to which it belongs, might be involved in.

#### **Case Study: Attention to competence and ethics in the hiring of security staff**

A person who has just finished some months of work with a well-established international aid organisation is looking for new job opportunities in the humanitarian sector. He has an impressive range of skills: he has European but also some non-European languages, training and command experience, political and risk analysis, and negotiations skills. He also has a Master's Degree in Disaster Management and has already worked, on a few occasions, as a Logistics Manager for aid agencies.

His background includes many years of service in a European army, which included leading counter-insurgency and anti-terrorist operations in his own country, and work with private security companies for commercial companies operating in South America. The person maintains a continued association, on a retainer basis, with one or two private security companies and, as his CV indicates he continues to look for job opportunities in both the private security and the aid sectors. His interest is being able to use his security management skills in the aid sector, more than logistics. Therefore, based on his broad background, on what basis should this man have been employed by previous or by potential aid/humanitarian agencies?

In this example, what is noteworthy is that, upon inquiry, there were no indications that the aid agency that last employed this person had asked any questions about his ethics or about his continued association with private security companies. It would be unfair and premature to suggest that the person had no defensible ethics, and that his previous anti-terrorist work for his government and private security work for commercial interests would be unacceptable. But do aid agencies pick up the questions and pursue them in depth during the recruitment process? Do they question whether they should recruit a person whose career moves between work for a private security company and a humanitarian agency?

The final answer is not clear, but unless we pay attention, and develop the arguments relating to ethics in the recruitment of security staff we will not be able to define a clear position on such matters.

## **2.2 Obstacles to a constructive debate**

There are a number of obstacles blocking a serious and constructive debate in the aid sector about the use of private security companies:

First, aid agencies are very sensitive about the issue of private security companies because, in the press and general public perception, their use can easily be equated with the use of private armies, or worse, with mercenaries. Aid agencies are understandably very concerned about the reputational risks of such associations. This has even led individual staff members within UN organisations and international NGOs to flatly deny, contrary to the facts, that their organisation has ever sought advice from a private security company or used one for more substantive services. Not surprisingly, there is little or no quantitative or qualitative information about the use of private security companies by aid agencies and the nature of the services that are contracted from them. Some agency staff go as far as to refuse to talk to people working for a private security company or to sit in the same room with them. Such a stance is a rather

frivolous demonstration of integrity given that aid agencies in war zones have to deal and often make compromises with all sorts of warlords and armed groups.

Secondly, aid agencies, NGOs in particular, like to rhetorically monopolise the moral high ground. The mere suggestion that commercial companies may have expertise and a quality of services that is equal to, if not better than, that of charitable organisations can lead to outcries of indignation. There is an implicit, and sometimes explicit, argument that all profit motivated organisations are by definition 'unprincipled', whereas all not-for-profit organisations are on the contrary by definition 'principled'.

Thirdly, a discussion on the issue is often simply rejected as false on the grounds that the only valid discussion is that of politics and how governments have allowed a security situation to deteriorate to the point that individuals and organisations start using private security companies. This argument can be taken further with the suggestion that western governments, concerned about the security of their implementing agencies and keen on getting their aid delivered, are actually pushing aid agencies to use private security companies.

These sorts of attitudes and arguments are fairly extreme, but do come up in debates about the use of private security companies by aid agencies. Although it is understandable that aid agencies are concerned about their reputation and prefer that it does not become more widely known that they do use private security companies, such attitudes and positions are also short-sighted and risk being confounded as facts become more widely known. These are arguably obstacles to a constructive debate on the issue.

Aid agencies need to get together to analyse the growing trend towards the privatisation of security, which is making security no longer an entitlement but a luxury for those who can afford to pay for it. They need to consider their organisational responsibilities for the safety and security of their staff, the protection of the assets they manage and the competence they have in that regard. They need to look at their principles and ethics for guidance on defining a position towards the use of private security companies and to define what they want to see as minimum ethical, political, professional and public accountability standards in a private security company. Finally, they have to figure out how they will know that a private security company – many of which will typically not reveal much about the spectrum of their activities because of the confidentiality of their clients – lives up to these minimum standards.

There has been considerable debate within and between aid agencies about their relationship with the military in the context of security management, but little on the increasing connections between aid agencies and the commercial sector in the form of private security companies. It is time to take up this debate.

# III European Aid Agencies and their Use of Private Security Companies – Tony Vaux

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## 3.1 The new mercenary debate

The term ‘mercenary’ has caused a great deal of confusion, colouring the objective debate with emotive overtones. Up to the 1980s mercenaries were a recognisable group of fortune hunters associated with particularly vicious actions. Their role in Africa was rendered particularly unpalatable to humanitarian agencies and the international community because of the association of many with the apartheid regime in South Africa and other regimes responsible for flagrant violations of human rights. However, with the end of the Cold War, the pattern of mercenary behaviour has shifted and the word, in its old sense, has become almost meaningless. Now countries seeking military assistance are more likely to turn to other armies in Africa than to mercenaries.

It could be said that the state has undercut the private sector in respect of military action. Instead of direct involvement in fighting wars, the mercenary organisations of the 1980s and before have now turned to offering security services to other actors. They have transformed themselves into legal private military and security companies, and are now making a bid for respectability. Furthermore, many new organisations of this nature have come forward with no direct links with the mercenary past. In the 1990s, governments and UN agencies increasingly turned to these organisations for security support in aid operations. In 1995, the UN High Commission for Refugees (UNHCR) proposed that private security companies should be used to separate the belligerents from people in the Goma camps after the Rwanda genocide. The proposal was rejected by the UN with the understanding that Member States would provide proper military forces for the operation, but they did not do so. This opened the way for a challenging debate about whether the companies could act as peacekeeping forces or even be part of humanitarian operations. Opponents of such proposals have argued that such private forces are not accountable, especially on the issue of human rights.

A study published by the International Institute for Strategic Studies (IISS) in 1998 for the first time took a relatively optimistic view of these companies, arguing that they had shaken off their mercenary past and were ready for new constructive roles. The author, David Shearer, predicted they would inevitably become more important because western states were unwilling to risk their own troops. A distinction was drawn between mercenaries of the past and these new companies, with a call for constructive engagement.<sup>6</sup> The issue of accountability could be addressed as the companies had to follow the legal framework of the country where they were operating and further restraints exist because of their contractual obligations with their client, which could well be more neutral compared with UN forces drawn from member states.

A collection of essays published recently under the title, “Mercenaries – An African Security Dilemma,” much of it written by Africans, takes a much less positive view than Shearer’s, linking today’s private security companies directly with mercenary activity in the past. The roots of the problem, it is argued, stems from changes in the wider security environment and the abrogation of the responsibility for security by many African states. The publication concludes

unequivocally that, 'mercenaries cannot be an alternative or a supplement to multilateral conflict management.'<sup>7</sup> Contrary to the trend in the West, these African voices argue that regulation of such companies would tend to confer a false legitimacy:

*"The responsibility of the international community towards conflict management and peace-building lies in initiating and overseeing the implementation of integrated measures that are capable of ensuring peace, ending wars, building confidence, cementing cracks of ethno-religious animosities and eliminating the underlying cause of conflict – poverty. Mercenaries have no conceivable role in this chain."*<sup>8</sup>

### **3.2 Global changes in the security environment of aid agencies**

A reason for the greater use of private security companies has been the spread of neo-liberalism and the increasing willingness of western governments to join up their agenda on aid with that of political and military. For example, the UK government has recently pooled resources for its work on conflict between the Ministry of Defence, the Foreign Office and the Department for International Development.<sup>9</sup> Likewise, trends in the aid world have moved away from the separation of different functions towards more integrated approaches that are deemed as having a greater likelihood of success. In the past, such connections between military and civil actors would have been criticised for politicising or militarising aid, but today they continue to expand, including the use of private security companies.

A second pressure in favour of using private security companies is the increasing perception that 'acceptance' as a model of security for aid agencies no longer works. Will Day of CARE UK, for example, referring to an extremely dangerous operation during ethnic cleansing in the Luwero Triangle in Uganda in the early 1980s, has argued that the Ugandan military forces ultimately respected the right of aid workers to operate across the lines.<sup>10</sup> He observed that the treatment of white people was different from that of local black people as the 'acceptance' of aid may have had its roots in attitudes towards the colonial past. Nevertheless, it was effective even in such an extreme situation. However, today an increasing emphasis on human rights and advocacy by aid agencies has put them on a collision course with armed combatants. Consequently, politically active aid agencies cannot expect to enjoy the level of security derived from neutrality and detachment that they experienced in the past. Where as the aid agencies operating in Uganda at this time may be criticised for not sufficiently publicising the ethnic cleansing, the problem today is that speaking out puts aid agencies at greater risk and pushes them towards more 'protective' models of security.

Another reason why the security of humanitarian operations is declining is the proliferation of small arms from, for example, the sale of arsenals from Eastern Europe following the end of the Cold War. In many contexts the general decline of law and order provided by the state where security has been eroded by political instability and acceptance of structural adjustment programmes has contributed to a more unstable environment for humanitarian operations. In many poorer countries today, security is no longer provided by the state and must be contracted from private providers. Privatisation is widely seen as a western influence that has opened the way for private security companies which have the potential to make large profits in these situations. The implications for poor and unprotected people are of concern though. For example, in Northern Pakistan, armed Ghurkha guards from local security companies are commonly employed to protect properties, warehouses and hotels, but this means that any premises or houses without such protection are more likely to be burgled. This phenomenon is

known as 'crime displacement'. As each level of society is forced to pay for protection, so the burglars are forced to focus on poorer and poorer groups. The same applies to aid agencies that protect themselves by paying for guards. It is obviously not an either/or question, but by using private security companies aid agencies do secure small islands of peace for themselves while the rest of the nation suffers. This happens in cities such as Kinshasa, Luanda and Bogota. What may be of concern is that aid agencies are now linking themselves into this process.

Private security companies offering security to aid agencies and other actors in these situations have a potential conflict of interest as they want to supply security for clients, but at the same time highlight the insecurity of others in order to sustain their business. Of course this is not always going to be the case, but it does echo the growing body of literature drawing attention to the issue of greed or self-interest as a driving force in conflict. Research on Sudan revealed that merchants were prepared to use military connections to make people starve in order to make them sell animals at extremely low prices.<sup>11</sup> Aid agencies were deliberately thwarted and manipulated by this military-mercantile alliance. Private security companies guarding humanitarian agencies' compounds (often with their own mercantile links) could inadvertently become involved in such arrangements.

For private security companies, declining security is simply a fact; they are not usually concerned with the underlying causes of conflict and insecurity. James Fennell, formerly working for the NGO CARE and now for the private security company ArmorGroup has argued that in today's conflicts the distinction between combatants and non-combatants has irretrievably broken down. This, he argues, has rendered the 'acceptance' model of security unworkable. Aid agencies are parties to the conflict since they operate with important resources needed for war. Fennell notes, "humanitarian action is often perceived by warring parties as a real threat to military strategies that are dependent on the disabling of civilian support for a combatant group. International intervention to protect vulnerable populations may benefit from technical input to policy and the management expertise of commercial security organisations. The increasing role of commercial security companies may be viewed in a similar vein to the increased policy and technical input of NGOs."<sup>12</sup>

### **3.3 Changing views of security by aid agencies and the emergence of private security companies**

Following the UN Secretary General's report on security in October 2000, there has been considerable debate about security as a management issue in the UN. In particular this has included clarifying the roles of different UN agencies in relation to the UN Security Coordinator's Office (UNSECOORD), the main coordinator of security in the UN system.<sup>13</sup> Donor agencies, such as the UK Department for International Development (DfID), have taken an active role in the debate about the security of UN personnel and have offered additional funding for that purpose.<sup>14</sup> The UNHCR has been transparent in publishing on its website the results of investigations into two very serious incidents involving the death of staff in Indonesia and Guinea. In the last couple of years, many of the major NGO agencies have also revised their security guidelines, although none of the examples collected during this survey referred explicitly to using private security companies.

### **Recent literature of humanitarian security**

The most significant publication in the general field of security during the last year was the Overseas Development Institute's Good Practice Review 'Operational Security Management in Violent Environments' by Koenraad Van Brabant (2000). This explains the notions of acceptance, deterrence and protection in security management, emphasising that aid agencies should be conscious of where they are along the continuum. It has been tested in a number of training environments and the language of acceptance, deterrence and protection has become common among security specialists. The technical support organisation RedR now runs training courses on security issues, reflecting Van Brabant's approach.

Van Brabant proposes that, where armed protection is necessary, aid agencies need to ask a number of questions about who is providing it<sup>15</sup> and an annex specifically addresses the issue of private security companies by offering a useful checklist of questions.<sup>16</sup> The questions, such as 'What are they willing to tell you about their owners and shareholders and their affiliation with other companies and subsidiaries?', highlight the difficulty of actually finding out the truth. How does an aid manager know whether the answers to such questions are reliable and complete?

A critical and related debate to the use of private security companies centres on the use of armed escorts.<sup>17</sup> In the past, aid agencies sought to limit their dealings with military forces. The international community's engagement in Kosovo, Chechnya and Sierra Leone, though, are among a number of situations in which such distinctions have become almost meaningless. Aid agencies are beginning to accept that cooperation with the military is necessary and may be desirable.<sup>18</sup> Such a tendency opens the way for greater use of private security companies as additions or alternatives to the military. A number of aid agencies, including those from France such as Medecins Sans Frontiers (MSF) and the International Committee of the Red Cross (ICRC), have resisted this trend. This has been done by resisting the shift away from the 'acceptance' model of security and robustly defending the right of intervention on the principle of impartiality and neutrality.<sup>19</sup> The ICRC has responded from the trend towards pragmatism by realising that what works may work only for a limited period of time.

However, in practice, aid agencies do not always have a choice, and the path of pure isolation is practically impossible. Even ICRC offices around the world have used uniformed security guards. In Kinshasa, the capital of the Democratic Republic of Congo, the ICRC is amongst a number of aid agencies and embassies that use Defence Systems Ltd, a subsidiary of ArmorGroup to ensure security.<sup>20</sup> The reasons behind their use are clearly more complex and rely on a particular set of circumstances, but for aid agencies in general it appears difficult to 'buck the trend'. A large body of aid agencies (particularly western-oriented UN agencies or NGOs) have extended their links with the military and commercial sectors, in so doing accepting the deterrence and protection models of security as a matter of routine.

An increasing number of aid agencies now have hired security specialists at headquarters level that have engendered, through a technical approach to security, greater discipline towards security throughout the organisational structure.<sup>21</sup> Key issues remain, however, about where authority and responsibility for security lies within organisations and about how flexibility for people in the field who may favour alternative approaches can be addressed. There are also increasing concerns about how the new security emphasis impacts upon aid budgets. There is, for instance, the risk of litigation costs, although the UN historically has enjoyed immunity from prosecution. Private security companies may then present themselves as offering to raise

security standards at an affordable price. The hiring practices within large organisations also may favour the use of private security companies. As Anne Paludan, a consultant for World Food Program (WFP), has noted, “The budgetary process to allocate security officers is time-consuming and inflexible. The only fast way to deploy security staff, one security officer noted, was through professional security companies”.<sup>22</sup>

### 3.4 How private security companies are used by aid agencies

A grenade was thrown into the Oxfam office compound in Colombo one night in January 2001. Fortunately, only one person was there and he was only slightly injured. However, the incident made Oxfam decide to replace the casual night watchmen with uniformed guards from a local security company.<sup>23</sup> This sort of instance and reaction to it is not uncommon for aid agencies in many different parts of the world. Oxfam chose the company, as most aid agencies do, because another agency had hired the company after a similar incident. In this case, as in so many others, no systematic checks and procedures existed. Therefore, it remained unclear as to whether they had links with the Sri Lankan military or other forces or factions involved in the war, and the wider ramifications this might have had.

In a short paper, ‘Private Security Companies and Humanitarian Assistance,’ Martin Barber, UN Office for the Coordination of Humanitarian Affairs (OCHA), states that the UN, “has established guidance for its field representatives on the use of private security companies. The basic criteria for their use requires that private security companies are registered by the government of the country in which they are operating and that the government has authorized their use for a specific contract. There are a number of countries where the UN employs such companies, sometimes with armed personnel, primarily for the protection of premises and property.”<sup>24</sup>

ArmorGroup,<sup>25</sup> one of the largest of today’s private security companies, has hundreds of contracts in more than 30 countries. In terms of speed of expansion, it is rated as one of the top 100 NYSE-listed companies in the USA. Private security companies now offer much more than simple guarding services. James Fennell of ArmorGroup notes:

*“commercial security companies are contracted to help humanitarian agencies become better prepared to protect their human resources, assets and operations in non-consensual or otherwise insecure environments. They also provide specialist services such as assistance with de-mobilizing or reforming combatant groups, field-level security advice, management and training, provision of specialist personnel such as logisticians and engineers, and humanitarian mine action (awareness and physical de-mining). They may also provide valuable liaison between humanitarian agency personnel and national and international security services.”*<sup>26</sup>

In some instances, private security companies have been involved in escorts for the transfer of emergency relief to war-affected communities. Armed escorts are used extensively in large logistical operations, such as those run by CARE and World Food Programme (WFP). The escorts are usually provided by the host government. In some cases, though, as the activities of agencies such as CARE and WFP have shown, the only way to operate in a lawless situation among warring factions is the use of private security companies. However, the consequences of using private security companies may be greater and might conceivably alter the risks. In conflict situations, perceptions are important and the use of these companies could be perceived by warring factions as increasing the stakes and could lead to reprisals.



Aid agencies and private security companies enter into close relationships as private security companies provide specialist security staff and training to aid agencies. For example, Defence Systems Limited (DSL) – now part of ArmorGroup – provided the United Nations Children’s Fund (UNICEF) with a Security Officer in Somalia, and “The UN Security Officers in Angola and South Sudan were originally provided by DSL, though, they are both now hired directly by WFP and UNICEF respectively.”<sup>27</sup>

### **3.5 The scale of private security company use by aid agencies**

No systematic data is available on the extent of interaction between aid agencies and private security companies. This study does not provide statistical data on the scale of the use of private security companies, but rather provides case studies and anecdotal evidence, based on organisational experience. The impression, though, is that it is much wider than is usually acknowledged and it is apparent that a small number of companies dominate the market. On a global basis, ArmorGroup has a client list that is remarkably similar to the list of donors to international NGOs, including: UN agencies; the governments of the UK, USA, Switzerland, Sweden, Japan and Canada; the European Commission; ECHO; US Agency for International Development (USAID); DfID; the ICRC; as well as a number of NGOs, including International Rescue Committee, CARE and Caritas.<sup>28</sup> ArmorGroup is not that well known in aid circles, with many agencies denying recognition of the issue. The implication of working with different private security companies varies and is also dependent on who is the hiring agency. Yet judgments about the effectiveness of private security companies seem to be passed from one organisation to another. Southern Cross is another private security company used by a number of aid agencies in Sierra Leone.<sup>29</sup> Aid agencies have also availed themselves of the analysis of risk assessment groups such as Control Risks Group (CRG) and Centurion.

### **3.6 Consequences and implications**

It is therefore clear that the use of private security companies by aid agencies is an emerging trend. The consequences and implications of this trend, though, are little understood. Engagement of private security companies involves a risk that there may be local connections of an undesirable nature as well as links on a more global level to other outfits perhaps of an even more dubious nature. On a local level, experience demonstrates that there is little understood about the links between local security companies and state military forces, government officials or even criminal elements of societies. Any of these associations may tarnish the image of aid agencies and, moreover, present serious questions about their operations. On a global level, private security companies are part of a wider process of aid becoming more politicised and militarised, which reduces the legitimacy of the work that is trying to be achieved. Private security companies bring unknown agendas and dangers. They thrive where the state may be weak, in terms of governance, but still powerful in terms of security as it has opted out of providing security to anyone but itself. For example, ArmorGroup’s support of BP in Colombia led it to an extremely controversial role in relation to violations of human rights committed by state security forces with which it worked. Public perception would deeply undermine the credibility of an agency connected with those events and claiming to be impartial.

It is also noteworthy that private security companies are most active in countries afflicted by ‘resource wars’ in which the state is competing with an opposing force over natural resources.

Examples include the current conflicts in the Democratic Republic of the Congo (DRC), Sierra Leone and Angola. Much of the private security companies' business is conducted directly with the commercial companies involved in the extraction. However, these same companies may well work for aid agencies. Links could easily be made, even if they do not exist, adding to the problems of legitimacy of aid agencies and inadvertently undermining the case for acceptance. Private security companies form all manner of networks of associated companies that draw off the same pool of personnel. For example, previous members of Sandline International and Executive Outcomes, two companies involved in the past in diamond mining in Sierra Leone, operate in the country through a local company with a different name, Southern Cross, which as has been indicated, a lot of aid agencies have used.<sup>30</sup> If an aid agency wanted to engage in advocacy work about the illegal exploitation of natural resources, it might risk accusations of hypocrisy if it was using the same private security companies that are linked with this exploitation. Aid agencies then face the stark choice between the safety of staff and the need to speak out.

As with these sorts of dilemmas, there has not been much opportunity to stop and think. Aid agencies are aware that problems are looming, but they find it difficult to see solutions. Either blanket rejections are made or ad hoc approaches are taken. Even if one agency chose to separate itself from the others and hire a small local company, a transnational conglomerate might purchase that company without making the transaction known. A couple of years ago in Uganda, the Federation of Red Cross and Red Crescent Societies, terminated an arrangement with a local company when it found out the company was part of Saladin, one of the ex-mercenary South African groups.<sup>31</sup>

Another disturbing issue, of which aid agencies seem to be unaware, is that the local company with its unarmed guards may have the facility to call upon armed back-up (which might even include armoured cars and rocket-launchers). According to Fennell, "In Uganda, ArmorGroup uses armed mobile QRF's (Quick Response Forces) – they have shotguns – to back up static guards and respond to burglar alarms."<sup>32</sup> Aid staff might be surprised to find that in the event of a security incident there could be a rapid escalation and the use of sophisticated weapons. Aid agencies protected by a private security company could be held responsible for misdeeds by associated companies or even the predatory actions of the host government, which legitimised the company by giving it a license to operate. In short, dealing with private security companies involves aid agencies in a whole set of unknown linkages of which local aid managers may not realise or be aware.

The traditional security approach of aid agencies, based on 'acceptance', depends on the perceived impartiality of the aid agencies by local communities and, moreover, warring factions. The use of private security companies and the militarisation of humanitarian action compromises this impartiality. Longstanding criticisms of mercenaries stem from the fact that they lie outside the scope of effective international humanitarian law. Private security companies have, as a result, pronounced their intentions to operate within the scope of such law and they have themselves been advocates for greater regulation.<sup>33</sup> The question facing the humanitarian field is whether to engage with private security companies and use their capacities for security and humanitarian purposes, or whether to draw some line to protect their impartiality. Without using private security companies, aid agencies would arguably not be able to work in places such as the DRC and Angola, where work would otherwise

cease for security reasons. From a security perspective, private security companies solve a problem. The paradox is that while the decreasing legitimacy of international interventions undermines the security of aid workers, there is a tendency to pay more attention to rights-based approaches to humanitarian relief and advocacy. For those not deeply engaged in advocacy work, such as WFP, the use of private security companies is less problematic, but even they run the risk of being targeted as symbols of increasingly unpalatable western interventions.

The use of private security companies is also symbolic of aid agencies being among those fortunate enough to be able to buy security. This can be to the detriment of the interests of the majority of society for whom security is a luxury. Should this be balanced out in some way or does the safety of aid agency staff come first and foremost? Are aid agencies creating a vicious spiral downwards into greater and greater use of security protection that will likely lead to an escalation of threats? In this way, the privatisation of security could become a cause of conflict by creating grievances among those who are excluded from privatised protection.

### **3.7 Possible ways forward**

In view of the preceding concerns, there are a number of possible ways forward to address the noted concerns:

#### **3.7.1 Codes of conduct and standards**

To guard against possible associations with dubious linkages, aid agencies clearly must put more resources into routine checks on private security companies and apply the checklists that have been proposed. The possibility of introducing codes of conduct or some form of international standards has been suggested. In fact ArmorGroup's website proclaims that it has subscribed to the Red Cross Code of Conduct and the Voluntary Principles on Security and Human Rights. Indeed, the strongest pressure for a regulatory framework has come from the industry itself. As Fennell notes:

*"We also have an internal regulatory regime. Most countries we operate in also have legislation affecting security companies, and of course the UK is currently debating such regulation. Regulation is a good idea. Just like NGOs, private security companies include many different shades, from the downright unprincipled and often illegal to those who attempt to provide a legitimate and principled service. Unfortunately the lowest common denominator usually defines the genus."*<sup>34</sup>

Private security companies are, in this way, looking for a form of endorsement or stamp of approval that would be denied to others who might undermine their standing. Aid agencies are in many ways following a similar path with the Sphere Project, aimed at setting and raising standards in humanitarian operations, and, therefore, should not perhaps be so critical. Martin Barber, of UNOCHA, echoes the need for better standards: "it would certainly be helpful if generally accepted guidelines and procedures were developed so that it is regulated. It must be recognized, however, that this is the responsibility of the host government in which the activity is taking place."<sup>35</sup>

### **3.7.2 Regulation**

The debate on the regulation of private security companies is conceptually problematic. The problem does not lie so much in monitoring the professional standards of private security companies (at least for international firms), but in that they serve a commercial rather than a humanitarian purpose. The nature of the links and associations attributed to them are at issue, regardless of what provisions can be made for transparency. Fundamentally, they are not drawn towards the interests of the poor, but towards those who can pay. It is hard to imagine how a regulatory framework could address these concerns. At this stage, a detailed debate about regulation may be premature.

### **3.7.3 Information-sharing**

The priority may be to focus instead on the spread of information and to raise awareness of good and bad practices in the use of private security companies. If the concern is about the wider connections of private security companies, then they need to prove they can be open about the totality of their activities. Aid agencies should continue to develop and share 'best practices' in relation to models of security and in particular experiences using private security companies. A method to bring together information on such companies, individually and collectively would be useful in this regard.

### **3.7.4 Database**

A useful development would be a central database on behalf of NGOs and perhaps a similar one within the UN detailing the different private security companies being used and pooling information about their record and connections. A database already exists for suppliers to the UN, which includes some private security companies. The International Peace Operations Associations has also considered setting up a database of private security companies interested in working for NGOs. In order to be useful, though, a database would have to include anecdotal and potentially damaging information such as, "there is a rumour that the head of the company reports to the intelligence services." It seems unlikely that such a mechanism could be created. A possibility would be to expand the existing VOICE/HSPN network database of security incidents based in and administered from Brussels. Even in this case, though, the collection of security incidents has proved difficult as agencies are extremely sensitive about sharing information.

### **3.7.5 Further research**

In view of the current stage of the debate about private security companies, the most clear way forward is more detailed research on the use of private security companies by aid agencies and, moreover, the companies themselves because of the concerns raised here about the nature of their use. This report suggests that the focus of this research should be on raising the profile of the issue and gathering more information both on individual companies and on the phenomenon itself.

## **3.8 Conclusion**

The convergence of increasing security risks and declining law and order on a global scale is driving humanitarian actors into closer association both with the military and with private security companies. Very few aid agencies have seriously considered the implications of working

with private security companies and consequently are exposed to considerable risks. The historical background of many of today's companies remains a cause of concern. Although they have evolved considerably since the days of mercenaries, some fundamental concerns still remain. These include:

- Addressing the root causes of insecurity and conflict is a key imperative and this is something that can not be addressed by private security companies alone. On the contrary, they may sometimes have an interest in maintaining a perception that security is a serious enough problem to justify paying for their services.
- Private security companies may be well aware of the 'acceptance' model of security traditionally employed by aid agencies, but their backgrounds may bias them towards 'protection' and 'deterrence' which carries with it associated risks for aid agencies.
- The use of private security companies by aid agencies may alienate them from local people who do not enjoy the same level of security, causing greater risks to humanitarian staff and the wider conflict.
- Private security companies may have links with security forces in host countries, commercial interests, other unknown clients, or less reputable companies that can tarnish the image of aid agencies that use them.
- The perception of aid agencies working with private security companies may undermine the impartiality of aid agencies, particular those engaged in advocacy and the promotion of human rights.

# IV American Humanitarian Agencies and Their Use of Private Security Companies – Gregg Nakano & Chris Seiple

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## 4.1 Introduction

The purpose of the study was to examine how leading American NGO personnel thought about using private security companies to provide security for their personnel and assets amidst the growing violence found in relief operations. At the outset, it needs to be stated that security is still not a permanent part of the humanitarian culture and mindset, especially in the US. Generally speaking, it takes a generation (23 years) to change a culture. The NGOs, ironically like the militaries of the world, are still only ten years into grappling with the changed security environment. Security manuals have become commonplace, full-time security officers have been hired by the 'big' NGOs, and common initiatives have organised to study and share information about the security phenomenon.

If one defines security companies in terms of the now defunct Executive Outcomes, a South African company that administered a group of former military personnel to provide military services pursuant to some defined objective, then American NGOs have not used private security companies. However, if one 'fishes around' the emerging and necessarily amorphous security lexicon, then 'yes' American NGOs do use private security companies in a broader and less militaristic sense, generally for protective measures. The critical factor is the perception of security and the definition of a security company. Hence, the explicit words and language used to describe actors in a certain context become important.

It is only with the provision of a rudimentary conceptual construct that concerned parties can begin to place and to discuss the role of security companies, protective or military, and their relationship to the conflict environment. This research report is merely a benchmark on the road to a better understanding of American humanitarian NGOs and how they relate to security. The study manages to capture the prevailing attitudes and thoughts about security amongst American NGOs. A number of specific case studies will be needed to explore the framework and findings suggested below, although this report will hopefully engender further conversation about this important topic.

## 4.2 Aid agencies and a changing security environment

The study of private security companies is a field marked by a lack of information. The field is but one more emerging characteristic of the complex humanitarian emergency, itself a permanent characteristic of a new age increasingly dominated by relatively great powers and comparatively fragile states. Security becomes a major cause for concern where starving children have no politics, but the provision of their aid does, where food is power, as the chaos of the complex humanitarian emergency provides sanctuary to rebels and bandits alike. Accordingly, it is no surprise that the danger of humanitarian action in this political-criminal environment has been accompanied by violence and the need to protect.

Some have called this unfortunate development the 'militarisation of aid.' Similarly, western armed forces have worried about the 'humanitarianisation of the military.' Both have it wrong.

Instead, the nature of the security environment needs to be accepted for what it is: a complex and interactive dynamic that has produced the need for simultaneously understanding the strange dialectic between the use of armed force for political and/or criminal reasons and the resulting need of humanitarian NGOs for protection, if they are to deliver their aid.

Western governments have further accentuated the continued development of this opaque security space that is both armed and humanitarian, by enabling criminal elements to take advantage of the conceptual and practical confusion. The international community has provided us with the twofold affliction of not only a lack of will to address complex humanitarian emergencies, but an absence of policy when it does. Private security companies are but one predicament of this current malaise and have stepped into the void. They do what governments (host or otherwise) and non-governmental actors cannot or will not do on their own. In short, they provide the potential use of organised violence that is usually not the purview of an established government. Ironically enough, NGOs now have the opportunity to provide oversight of an organised violence as they seek to impose their humanitarian will.

### **4.3 Definitions: Security and private security companies**

First, what is security? Security is many things to many people. For some, security is protection; for others, it is a standard of living. It is national, it is global, it is human. It is defensive, it is offensive. For NGOs, security is preserving and enhancing the well being of people, especially those for whom you are responsible. Well-being is a physical, psychological, emotional, and spiritual condition. A multi-dimensional issue beyond the scope of this study, security does, however, begin with the protection of life. For the NGO employee, local security is derived from such passive measures as personal and organisational legitimacy, credibility, and situational awareness. Inevitably, however, security can involve the active measure of protection, to include the possible use of armed force. Once personnel and assets are protected, NGOs are better able to address the other dimensions of security for themselves and the afflicted that they serve.

Second, what is a private security organisation? A private military company? A private security company? A mercenary? Another discussion beyond our present task, we simply use the label 'security companies.' As noted above, security in its most base form is the presence of an armed and organised force that will use violence, if necessary, to protect. These armed organisations may be local police, paid armed guards from a local company, paid soldiers from an international company, or they may be an official or unofficial military.

The term 'military' fundamentally connotes the political ends of protecting, or establishing, a sovereign state, i.e. an armed force under governmental control or a rebel force that seeks to wrest control from the government. 'Military' also suggests an offensive capacity to fight an enemy who will attack in a systematic way, over a sustained period of time, using some combination of weapon systems and tactics for a larger political purpose. In other words, although sometimes applicable, the term 'military' is not particularly useful in describing defensive protection against random banditry whose purpose is criminal, not political. And it is this latter type of security that is more associated with NGOs and is the topic of this paper.

'Company' is the critical word in describing this non-governmental source of security. The term connotes the two distinguishing characteristics to analysing this phenomenon: private and profit. These organisations are not working for the government, but are non-government entities that

are working for money not duty. Although these security companies may be employed by a government for offensive military purposes, or by NGOs for defensive protective purposes, their hearts are not with the flag or the NGO but with the profit margin. In short, security companies are non-state actors that are privately owned and are employed for profit, pursuant of security ends, and predominantly protective.

## **4.4 American NGOs and humanitarian security**

The idea of an active security mindset and concomitant procedures is something new for the American NGO community. The security issue was most apparent in 1991 in Somalia. Nearly all the organisations abandoned their strict policy of non-association with armed factions in order to operate in-country. Associating themselves with different tribal factions, sometimes by design, sometimes by default, to bring supplies to endangered populations, the NGOs became partial. Some US NGOs had staff threatened by guards when their services were no longer needed. Some lost as much as fifty per cent of their supplies if they did not protect them with guards. Meanwhile, by using force to get food to the needy, American NGOs participated in, and encouraged, the very conditions they sought to alleviate. In the words of one senior NGO leader, 'you were damned if you did, and damned if you didn't.'

And that has been the context ever since. Many have recognised the need to systematically assess and track security trends. It was not until recently though that the big NGOs established the position of 'Security Officer' within their organisations. Even so, such NGOs as Save the Children, CARE, Catholic Relief Services, International Rescue Committee, Mercy Corps, and World Vision continue to form and institutionalise the requisite security duties, responsibilities and operational procedures. These are the only ones that can afford a full-time person dedicated to developing and implementing a comprehensive approach to security – because the additional overhead cost of such a position is high. NGOs often conclude that they cannot afford to think about the problem. Additionally, high turnover rates in the field make the institutionalisation of security programmes difficult.

Characteristically, one of the greatest obstacles to the establishment of security programmes within individual NGOs has been the lack of information sharing among NGOs. Initially, the general tendency was to develop individual security strategies, which inevitably stovepiped information and relationships with host governments, militias or donors. The result was a time lag in responding to a trend of violence against aid organisations. However, the American NGO community has begun to root out this problem.

The relevant NGO network that has begun to address these issues is the InterAction Security Working Group. This is made up of representatives from the American Red Cross, CARE, Catholic Relief Services, International Rescue Committee, Save the Children, and World Vision. It strives to share experiences, discuss common problems and develop tactics and strategies that will increase the survivability and effectiveness of humanitarian personnel and their relief efforts.

### **4.4.1 Levels of analysis: Threat, protection, source, site**

The following typology is a means to express best how American NGO personnel corporately conceptualise the kind of security requiring the hired protection of a security company. (Note, not one NGO interviewed could ever imagine employing a security company whose core competencies involved sustained military operations. It should be pointed out that this is our



construct, no NGO articulated the matrix below, but it is an attempted synthesis of approaches to security by American NGOs.

Type of:			
<b>Threat</b>	Criminal (requiring defensive protection of personnel and assets to deter/defeat)	vs.	Political (requiring an offensive military capability to deter/defeat)
<b>Protection</b>	Unarmed	vs.	Armed
<b>Source</b>	Local	vs.	International
<b>Site</b>	Fixed	vs.	Mobile (convoy)

This simple typology serves two purposes. First, it enables insight into how American NGOs think about security. These collective descriptions drive their understanding of the in-country situation and the strategy they develop for that context. If you were to generalise the American experience with security companies, it is the left column: the hiring of local guards, usually unarmed, to protect fixed sites like warehouses.

Second, this typology provides a conceptual construct that should lead to better analysis of security trends (to include the role of protective security companies) and better solutions.

**Threat:** Most, if not all, American NGOs regard banditry as the primary security threat to their personnel and assets (banditry constitutes seventy five per cent of their security concerns). This kind of criminal activity, although a consistent presence, is usually sporadic and is generally deterred by guards. The situation becomes more complicated, however, when protection is needed against roving criminal militias who seek no political end and/or when protection is needed against armed political actors (rebels) who seek to control existing, or to establish new, international borders. Making the situation more complex are young men who daily serve as both the political-rebel and the criminal-moonlighter, sometimes simultaneously.

It is very difficult to ascertain the motives of the threatening activities amidst these overlapping dynamics and motivations. Yet, without properly understanding the motive, it is impossible to determine the best deterrent. As a result, it is often impossible to be apolitical. In fact, it is impossible to be neutral. In these types of complex situations, any third party in any status enters a reciprocal social interaction where all parties seek to influence each other. This understanding is usually the first step to designing a sufficient deterrent based on the above construct.

**Protection:** How should an NGO provide for its mission in such an environment? More specifically, what role is there for security companies? In general, NGOs think of security as the protection of fixed sites (e.g. staff homes or warehouses) by paid guards that are sometimes armed. When queried about the use of protective security companies, almost all organisations made a distinction between armed and unarmed security.

- **Unarmed:** Every organisation preferred to use security guards as a deterrent through presence and show of vigilance. These 'flashlight and radio' guards are by far the most

common. However, with the increase of violence brought on by weapons accessibility or increased political instability, NGOs found that unarmed guards were not able to deter theft or crime where social and political structure had collapsed.

- **Armed:** Every organisation made some statement condemning the use of armed security guards as their use heightens the stakes and is likely to exacerbate the situation. Yet the need was clearly recognised. One NGO hires unarmed ‘radio’ guards for different sites, but gives them an armed fast reaction team that they can deploy upon request.

**Source:** The third major distinction is the source of the guards hired or security company used: are they local or international? The former is standard, the latter often unacceptable.

- **Local:** Many organisations have a history of using unarmed local hires in a variety of roles. Indeed, many NGOs swore that they did not use security companies because of the stereotype with which they associated those companies, not what they had actually been doing for some time.
- **International:** Hiring groups like Sandline International, Executive Outcomes, and Military Professional Resources Incorporated (MPRI) was generally looked down upon in-country. Many security officers stated that if it came down to hiring outside armed guards or pulling out of the country, the latter might be preferable. The most common reason given was that the introduction of another armed faction inside an already unstable region would only increase the probability of the use of armed force.

It should be noted, however, that some NGOs allowed for the distinction between the forces of an international security organisation in-country and the consulting/training arm of the same or another company outside of the conflict area. Some NGOs seemed receptive to the possibility of using an international security company to conduct security training, risk assessment and to develop evacuation and communications plans and it is recognised that this is the case in some places.

“As I said before, this will vary from one country to another. And it will be dependent upon the laws of the country. For example, in my country there is a firearms act, which restricts the possession of arms to certain security people. And therefore those are the only ones that you allow to utilize them. As to bring in armed forces from outside that will have to be agreed to before in a memorandum of understanding, and I imagine that most countries will not approve of that because it will show that they are incapable of doing what they are supposed to do, which is to provide security within their own country.”

**General Tonge, Former Chief of Staff of the Kenyan Security Forces**

**Site:** By definition, this word suggests fixed or permanent. And that is how NGOs have traditionally thought about it. As conflict makes refugees inaccessible and food has become power for bandits and/or rebels, this understanding has been broadened to include the protection of convoys, resulting in a fourth major distinction.

- **Fixed:** Most NGOs had used unarmed guards with fixed sites but were against the use of armed guards at a fixed location, whether it was a residence, warehouse or refugee camp. An armed presence, they feel, actually increases the level of threat. In particular, associating their organisation with an armed faction (1) increases the instability and (2) groups the NGO with the criminal and/or political purposes of that faction;and

- **Mobile:** Although it remains unclear why, most NGOs were less adamant about the use of armed guards to ‘ride shotgun’ for food convoys across unstable areas (perhaps because the direct association was less likely than an armed guard in front of logo-embellished warehouse).

Two basic techniques seem standard:

- **Subcontractors:** NGOs subcontract their convoys at X amount of money for Y number of kilograms. The subcontractor is paid once the supplies have been moved from point A to point B. How s/he completes the task is irrelevant; and
- **Government-coordinated armed guards:** NGOs coordinate the protection of their convoys through the local authorities. These armed guards are usually national troops based nearby or local private guards. The NGO usually have little control over establishing routes, times or costs.

It is hard to say at this initial stage of the research how useful this construct might be.

But the matrix does seem to reflect how American NGOs collectively categorise the use of security companies.

On a convoy assigned to a Somali contractor for the transport of relief supplies, one of the guards accidentally fired an RPG round at a check point. Before we knew it, 29 guards on this convoy died in the ensuing firefight. It would have been easy for CARE to say, – “it’s the contractor’s problem.” Yet, that was not the right thing to do. We took responsibility. It was the ethical thing to do. But, here is the dilemma... in a desperate situation, the UN funds an NGO to get food to a place such as Beledweyne in Somalia with a starving population. To ensure the safety of the convoy and the transport of food which will save lives, the NGO is tempted to hire a professional security firm. Now, the convoy doesn’t look like a rag-tag militia, with a group of men hanging on the sides of vehicles with AK-47s, RPGs and chewing gum. You have retired and former professional soldiers, who are guarding the vehicles. Will they get through to the relief site? Yes. Yet, what does this say about my organisation...if it were CARE? CARE is hiring mercenaries to guard food to bring relief supplies to starving people. The problem can be exacerbated by other activities associated with the security company. Is it guarding diamond mines in Angola? We simply cannot involve ourselves in this type of association. In the end, it is a no win situation for NGOs.

**Bob MacPherson, CARE USA**

## 4.5 Consequences and implications

American NGOs use security companies not because they want to but because they must. And when they do, they use an organisation that is local and armed if absolutely necessary. The reason why NGOs have not given this issue sustained engagement is perhaps because they know that they cannot benefit from it in the long run. Humanitarians did not join their NGOs to be around guns, but to try and make the world a better place. A better place would be a world without guns. This association with guns, directly or indirectly, cuts to the very core of the humanitarian’s identity, threatening their ideals and intent.

Instinctively, those who work for NGOs know, as humanitarians and practitioners, that the best security is still an acute situational awareness. The presence of guns only enhances the distinction between ‘us’ and ‘them.’ The most successful NGO personnel know that true

security results from being literally and figuratively closer with the afflicted, not further away. The best NGO personnel realise that security does not require guns if it is instead a mindset and a discipline inculcated and nurtured by the organisation, through training and practical experience, from the time the employee joins. For now, however, it seems that local armed guards provide the best balance between the need for security and the need to implement humanitarian initiatives. No matter the theoretical label, the potential perception that a humanitarian NGO had hired 'mercenaries' is not a scenario senior NGO leaders want to consider. Such a perception could significantly damage NGOs' public images and donor bases as a result.

Three other issues cause pause in considering the use of security companies:

**(1)** The cost of employing security companies, for example, remains the most opaque dimension of the security phenomenon. What is standard payment? How is the transaction completed? Who makes the decisions? Based on what internal process and what knowledge? It is important to note, however, that a coalition of NGOs, even if they pooled their resources, could probably not afford the best international security companies for all their security needs. Nor would it be tolerated by an American public donor base that largely thinks, still, that humanitarian aid is purely humanitarian. In the interim, NGOs do pay for local security companies on a case-by-case basis, usually at the country director's discretion.

**(2)** A related issue also reveals itself: hard data is still not available. American NGOs do not keep, or at least do not share, their records, financial or otherwise, regarding security companies. While we believe that the lack of corporate record keeping about security company decisions made by individual country directors is a natural and believable by-product of NGO organisations, this absence of data is still more telling than its presence. Without such records, especially lessons learned, there is no opportunity to share information regarding wider trends in the country, region, and world. Revealing this lack of data might also suggest a general lack of security policy as well. Until better records and sharing is attempted, we are still dealing with anecdotal evidence.

**(3)** It is important to examine international law, and its applicability to privatised security. What if working with security companies was somehow codified in an international covenant – would that be a good thing? While additional research remains to be done, two concerns about the emerging codification of safety procedures are already present, suggesting a 'go-slow' approach with security companies. First, situations have already occurred in the field where UN personnel were not allowed to visit a site because of the security condition, but the UN's 'sub-contracted' NGOs were. In other words, either the UN's safety operating procedures suggest that it is all right to risk the lives of other people (in an attempt to presumably prevent the UN from being sued) or there is a fear of legal standards at the local level actually preventing aid from being delivered by competent authorities, NGO or otherwise. Standards therefore might reduce the flexibility of the country director in the same way that 'zero casualties' has curtailed US troop activities. There is the possibility that letting the local bandits/rebels know the NGO's threshold for action might be used against the humanitarians. These reasons suggest standards and codes of conduct might not be a useful way to proceed.

## **4.6 Conclusion: Two themes relevant to this discussion**

Also revealing itself over the course of interviews were two trend lines, one old, the other new, that bode well for the NGO community, and suggest room for improvement, as it considers working with security companies.

### **4.6.1 Old: NGOs are still NGOs**

For better or for worse, NGOs lack understanding about the role of force and strategy in a complex political-criminal environment. This has led to a conceptual and practical confusion over the role of security companies. American NGOs' steadfast desire to keep to their humanitarian roots means that most will work unprotected if necessary. It is still exceedingly rare for NGO workers not to go to areas of humanitarian need because it is not safe. All NGOs readily recognise that the use of force, for any reason, changes their relationship with the security environment and, thus, their ability to help.

While protective security companies are sometimes necessary, NGOs still derive their security from the legitimacy of their action, the credibility of their personnel, and the cultural and situational sensitivity and awareness that allows them to anticipate problems before they arise.

### **4.6.2 New: The growth of an NGO strategic culture**

The awareness of this complex political security dynamic, or lack of awareness, forms and informs the security strategies that NGOs do or do not develop. The big NGOs now having Security Officers demonstrates how serious these organisations are taking the issue. The systematic consideration of security by the InterAction working group, for example, is a watershed in this field. Not only are NGOs acting in concert and sharing information, they are thinking strategically as a community. That said, there remains room for growth. The NGO community could still stand a strong dose of sustained strategic thinking and planning. The need to protect against local criminal activity is overwhelmingly the greatest threat faced by NGOs and there is not as much thinking about the complex political and economic dynamic of security in a conflict zone. While there is, of course, general awareness of this dynamic, its presence is not readily referenced or connected to institutional policies. With notable individual exceptions, NGOs still lack the capacity to strategically engage as a community, in part because they are undermanned and always reacting to the latest crisis.

Inculcating strategic thought into the NGO community might begin with consideration of the matrix presented in this paper. Identifying and defining the different dynamics related to the security phenomenon in a comprehensive manner is the first step toward resolving the problem. A commonplace construct would do much for the analysis of these situations and therefore for their solutions. Eventually, the role of security companies – local or international, protective or military – needs to be addressed by US NGOs. To date, very little thinking has been done about the long-term impact of using these companies. This research is introductory, revealing indicators and parameters that seem to be emerging about the relationship between American humanitarian NGOs and security companies. To paraphrase Mary Anderson's work, the use, or contracting for the use of armed force by any actor in this context may implicitly or explicitly accept the terms and means of war, legitimise them, mirror them, and perpetuate them.

## **4.7 Recommendations**

This study has merely been able to ‘take the pulse’ of the experiences and attitudes of American NGOs on security companies. It is too early to make specific recommendations, but the following points can be made to carry the debate forward:

### **4.7.1 Further research to fill current gaps**

Further research is required, as there are a number of other actors missing from this study that should be consulted to get an historic picture of the issue. These include regional and international organisations and, in particular, the potential role of security companies implementing UN humanitarian and peace support operations. The perspective of security company personnel needs to be included as well. Detailed case studies from the field of a direct experience of using a security company may also be useful in illuminating specific lessons learned. A survey of security protocols that have existed between humanitarian NGOs and security companies should be also compared and analysed. More research on the cost of security is also extremely important. These last two suggestions are things that might be taken forward by NGOs perhaps in the InterAction security working group or in other fora such as humanitarian security conference. There is an urgent need for groups to come together to address, amongst other things, the long-term impact of security companies on the identity of humanitarians.

### **4.7.2 Database**

Because of the paucity of information about security in general and security companies in particular, the development of a shared database could prove a useful resource for NGOs grappling with these issues. Such a database should include, common protocol for reporting; local, regional and global security trends; NGO lessons learned and security company data.

### **4.7.3 Training and dialogue**

Analysis of the issue of private security companies highlights the need for greater networking and information sharing among NGOs if effective solutions are to be developed to common problems associated with humanitarian security, not least security companies. As well as fora such as the InterAction working group, similar mechanisms need to be found for such exchanges on the ground around particular issues, countries or regions. The development of a training module on how to map the context of the conflict and other such methodologies would also be useful.

### **4.7.4 Include security companies more fully in the debate**

Include security company personnel in the emerging culture of global security. If we are to protect humanitarian personnel in the field, and do it in such a way that does not exacerbate local conflicts, then they must be included in the expanding culture of global security. Inclusion begins with inviting them to workshops, conferences, training exercises, and mobile training team visits to the region. If security company personnel are treated as outside of the security environment, their negative impact on the local conflict is inevitable. If they are recognised as actors, encouraged to be players with a contribution to make, then stereotypes are avoided, better analysis is done, and a common culture of understanding, at least, eventually emerges.

This paper has been a preliminary attempt to assess the use of private security companies by aid agencies, a not insignificant and emerging trend. It is part of a broader trend towards the privatisation of security – the net result of which is that security is no longer a public good provided by the state and therefore an entitlement of all citizens, but a luxury for those who can afford to pay for it at the exclusion of the poor and vulnerable who cannot. For aid agencies there are profound implications not least in terms of the trade off between the security of humanitarian workers and the human security of the communities that they are seeking to help. Aid agencies need to consider how they might be contributing, albeit unwittingly, to this trend and how this squares with their humanitarian goal of relieving human suffering. The use of private security companies by aid agencies puts into question too the classic principles of humanitarianism in terms of impartiality and neutrality.

A range of perspectives and views have been presented in this report. A principal conclusion is that further research is required on this issue before policies can be properly formulated. At present, obstacles remain for a constructive debate. It is imperative that aid agencies collect and share case material and information on this issue because contextual case studies will highlight the dilemmas and decisions. Moral pronouncements fail to answer the very pressing question of what you do in a concrete situation of high risk. Some suggested recommendations are made but further discussion between aid agencies is required for these to be taken forward in any meaningful way. A clear message is that not only because of their use of private security companies, but in general, aid agencies need to strengthen and maintain better safety and security policy throughout their organisational structures. This will be helpful in defining their position with regard to particular needs that could potentially be met by private security companies. Using private security companies needs to be weighed against the need to develop in-house safety and security management competence and to mainstream that competence in the organisation. If the decision is made to use private security companies, guidance and procedures for how organisations make a choice of companies need to be developed. A lack of transparency about subsidiary or affiliate companies, other services provided to other clients and the background of their personnel makes this judgement even more difficult. Aid agencies need to consider how their association with them may affect their image and reputation as a humanitarian agency.

The missing element in this report is private security companies and what they might do themselves to address the noted concerns. Much can be done to improve integrity and credentials of companies. An internal code of ethics that is convincing in principle and in its application, but that demonstrates a commitment to transparency and accountability and allows proper scrutiny to convince sceptical observers that they are not hiding or compromising facts that would contradict their portrayed image is an imperative. Just as bona fide NGOs are well advised to highlight what positively distinguishes them from less credible organisations, so too private security companies that want to gain legitimacy should take the lead.

# Endnotes

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- <sup>1</sup> David Shearer, 'Private Armies and Military Intervention', International Institute for Strategic Studies Adelphi Paper 316, Oxford: Oxford University Press, February 1998
- <sup>2</sup> Abdel-Fatau Musah and J Kayode Fayemi, 'Mercenaries: An African Security Dilemma', Pluto Press, London, 1999
- <sup>3</sup> Koenraad Van Brabant, 'Mainstreaming the Organisational Management of Safety and Security. A Review of Aid Agency Practices and a Guide for Management', London, Overseas Development Institute, 2001
- <sup>4</sup> *ibid*
- <sup>5</sup> Chris Horwood, 'Humanitarian Mine Action', London, Overseas Development Institute, Humanitarian Practice Network Paper N32, 2000
- <sup>6</sup> David Shearer, *op.cit*
- <sup>7</sup> Abdel-Fatau Musah and J Kayode Fayemi, *op.cit.*
- <sup>8</sup> *ibid*
- <sup>9</sup> See DfID Report on the International Symposium, 'Security Sector Reform and the Management of Military Expenditure: High Risk for Donors, High Returns for Development', DfID, London, February 2000
- <sup>10</sup> Interview conducted with Will Day, CARE UK, March 2001
- <sup>11</sup> David Keen, 'The Benefits of Famine – A Political Economy of Famine and Relief in South-Western Sudan 1983-89', Princeton University Press, 1994 and Mats Berdal and David Malone, 'Greed and Grievance – Economic Agendas in Civil Wars', Lynne Rienner 2000
- <sup>12</sup> James Fennell, ArmorGroup, 'Private Security Companies: the New Humanitarian Agent', Presentation at a Conference on Inter-Agency Coordination in Complex Humanitarian Emergencies, Cranfield University, UK, October 1999
- <sup>13</sup> Koenraad Van Brabant, *op.cit*
- <sup>14</sup> See DfID Report 'Security Management Arrangements for International Humanitarian Activities', DfID, London, February 2001
- <sup>15</sup> Koenraad Van Brabant, *op.cit.*, p. 81-3
- <sup>16</sup> *ibid.* Annex 5, p. 349
- <sup>17</sup> Both SCHR and WFP are working on papers on this issue. See SCHR, 'The Role of Civilian Humanitarian Agencies and the Military in Humanitarian Crises', July 2000 and Anne Paludan, 'Inter-Agency Collaboration on Field Security for Humanitarian Actors', Geneva, WFP, Programme Notes for Security Consultation, December 2000
- <sup>18</sup> See, for example, CARE International, 'A Policy Framework for Care International's Relations With Military and Paramilitary Forces', Draft, October 2000
- <sup>19</sup> ICRC, 'The ICRC and the Use of Armed Guards', Geneva, January 1997
- <sup>20</sup> James Fennell, ArmorGroup, personal communication
- <sup>21</sup> Oxfam is perhaps unusual in employing a Security Adviser from within the organisation rather than from a professional security background. But Oxfam's main approach to limiting security risks has been to instill greater discipline in relation to reporting incidents, keeping to procedures and referring cases to higher levels of management.
- <sup>22</sup> Anne Paludan, *op cit.*
- <sup>23</sup> Interview conducted with Heather Hughes, Security Officer, Oxfam GB, March 2001
- <sup>24</sup> International Alert, 'The Privatisation of Security: Framing a Conflict Prevention and Peacebuilding Policy Agenda', Wilton Park Conference Report, London 2001
- <sup>25</sup> See [www.armorgroup.com](http://www.armorgroup.com)
- <sup>26</sup> ArmorGroup also offers services in relation to kidnappings and ransom demands, investigations into theft and other crimes, and on the evacuation of staff from unsafe situations. In effect, ArmorGroup acts as the police force for the international community. The target for reprisals might, however, not be the company but the aid agencies it protects.
- <sup>27</sup> James Fennell, ArmorGroup, personal communication
- <sup>28</sup> *ibid*
- <sup>29</sup> Representative of WFP, personal communication
- <sup>30</sup> Andy Featherstone, Oxfam GB, personal communication
- <sup>31</sup> Tor Planting, IFRC, personal communication
- <sup>32</sup> James Fennell, ArmorGroup, personal communication
- <sup>33</sup> See 'Private Military Companies – Independent or Regulated', [sandline.com](http://sandline.com)
- <sup>34</sup> James Fennell *op cit*
- <sup>35</sup> International Alert, Wilton Park Conference, *op cit*



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