Geneva Centre for the Democratic Control of Armed Forces (DCAF)

Policy Paper – №16

Humanitarian Non-Governmental Organizations and International Private Security Companies: The "Humanitarian" Challenges of Moulding a Marketplace

Christopher Spearin

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ISBN 978-92-9222-055-6

DCAF Policy Papers offer debate and policy recommendations on issues of security governance. These works are commissioned by DCAF.

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INTRODUCTION

The international private security industry has been the focus of increasing attention since the US-led invasion of Iraq in 2003. For the US Army alone, the US Government Accountability Office reported in 2006 that 60,000 contracted personnel supported its operations in Southwest Asia. This is a considerable increase from the only 9,200 contracted personnel that assisted the US Army in the first Gulf War. An increase of this magnitude also signifies the qualitative breadth and depth of the private presence. Firms have been employed to perform numerous tasks ranging from translation to logistics to maintenance and even, in some cases, the application of violence.

Though considerable attention has been focused upon the interaction between the US government and international private security companies (PSCs), the type of contracting firm most likely to employ violence, the net should be cast wider to consider other PSC clientele. This is because these relationships present their own interesting dynamics, but it is also because the direction these developments take may be important for the successful execution of policy.

The management and control of PSCs on contract to humanitarian clients, particularly non-governmental organizations (NGOs), are governed by one such relationship that is the focus of this paper's three main sections.

In Section One, the rationale for NGO/PSC interaction is explained. Key points here are the contemporary threat posed to NGO operations, the human security-centric framework that informs the relationships between non-state actors, and the specific political and operational challenges that NGOs confront in their dealings with state militaries.

Section Two makes plain that despite the grounds for NGO/PSC interaction, the resulting relationship is a complex one that is at times far from ideal from the NGO perspective. In some instances, this is because of the aforementioned strong relationship that already exists between states and PSCs. In other instances, these difficulties are self-inflicted because NGOs, individually and collectively, are not always prepared to manage NGO/PSC interaction well.

Finally, Section Three offers policy options that might serve to mitigate causes for concern noted in Section Two. In order to facilitate PSC management and control that is more favourable to NGOs, the paper suggests efforts that NGOs might pursue individually or in concert, ways in which NGOs might capitalize on those actors with like concerns involved

in security sector reform, and possible contributions that might be made by the International Committee of the Red Cross (ICRC).

Overall, the reader will find an underlying message in this analysis: there will be no perfect solution to the dilemmas regarding NGO/PSC interaction. It will be evident that the nature of four relationships - between states and PSCs, between states and NGOs, between NGOs and PSCs, and amongst NGOs themselves - makes this unlikely. Moreover, the policy suggestions, with their multi-prong and overlapping character, pose challenges to the ways NGOs conduct their affairs internally and how they interact with other parties.

The reader will also note that the UN and UN agencies are only dealt with infrequently in the text. This is partly because of the paper's emphasis on a particular type of humanitarian actor – the NGO. But it is also because the UN approach writ-large towards the PSC issue is schizophrenic at best. There are many reasons for this. The UN Convention against the

Recruitment, Use, Financing and Training of Mercenaries is not readily applicable to PSCs. Some UN member states rely upon PSC services while, for others, PSCs are nothing more than a collection of mercenaries in the pejorative sense. For yet other UN member states, PSCs pose a potential obstacle to them receiving continued remuneration for their sending of peacekeepers abroad. True, despite the complexity, one should never say never; one cannot say that the UN will never devise a system of regulation. However, in the search for NGO-centric options that might readily be operationalized in the nearer term, the role of the UN system in the management of NGO/PSC interaction will not be discussed.

SECTION ONE

Violence and Different Approaches Towards Security

From one standpoint, the humanitarian ethic's principles of neutrality, impartiality, and independence are intended to protect the sanctity of humanitarian endeavour. Neutrality is meant to prevent advantage being conferred intentionally on an actor or group in a conflict zone. Impartiality ensures that humanitarian assistance is allocated on the basis of need, not on the basis of political necessity or favouritism. Independence allows for humanitarians to avoid linkage to the agendas of others that might somehow impact negatively upon the neutrality and impartiality of humanitarian activity.

From another standpoint, these three elements have traditionally served as means to an end. The restrictions inherent in following the three principles inhibits humanitarians from dealing with the root causes of violence, and as such, humanitarians are less likely to raise the ire of the different participants in a conflict. In particular, by seeking independence, humanitarians wish to distance themselves from armed actors, and the political agendas they represent. Though humanitarians as a result are weak in the sense of lacking substantial physical measures, this weakness is in fact a strength because it reveals the non-threatening nature of humanitarian assistance and thus makes more likely its delivery to those in dire straits. Therefore, by following these principles, an inherent agreement exists between humanitarians and parties involved in a conflict.

While this agreement may have held well during the Cold War, in the 1990s and onwards its utility has become increasingly questionable. In earlier times, it was the responsibility of the state to watch over humanitarians and their activities. Non-state actors, though they may have been vying for control of the state apparatus, were similarly thought to operate in a responsible manner that respected humanitarian activity. However, conflict is often no longer a law-governed enterprise between government armies, and non-state actors increasingly lack ideological coherence and consistency in their organizational hierarchies. In this new context, a number of features are prominent: 1) Conflict is not necessarily based on territory nor territorial objectives; 2) Armed actors do not always desire the legitimacy and support of civilian populations; 3) Armed actors frequently lack state-centric ideological guidance, in part because of minimal hierarchy and command and control and; 4) The rules of war that managed and constrained earlier conflicts are no longer followed as strictly, if at all.[1] The upshot is not only increasing violence directed towards civilians, but also violence directed against humanitarians themselves.

Since 11 September 2001, an additional dynamic has entered the problematique of humanitarian security: the seeming foreignness of humanitarian endeavour and its linkage to the distinct interference of the Western presence. For instance, in October 2003, Mullah Omar condemned humanitarian-type organizations, whether they were NGOs, the ICRC, or the UN, with his comment that they were "worst enemies of Islam".[2] No distinction, therefore, was to be made between intervening military forces like those of the US in Afghanistan and Iraq and outside humanitarian actors. What is more, unlike military targets, humanitarians might be seen as more vulnerable representatives of Western intervention rather than actors that are independent of it. Taken together, for Pierre-Michel Fontaine, all these phenomena entail a fundamental shift in the humanitarian security milieu: "The simple truth is that humanitarian workers are no longer…shielded from violence and attacks of various forms by the mere fact of being in the humanitarian field. Quite the contrary…they are now sometimes deliberately targeted because they are humanitarians" (emphasis in original).[3]

While measuring the violence inflicted on humanitarians has proved challenging for a variety of reasons, it is nevertheless plain that the contemporary level of violence, whether it comes in the forms of intimidations, threats, kidnappings, injuries, or deaths, is unprecedented. Perceptions of victimization and insecurity are increasing amongst NGO personnel since the end of the Cold War. As a result, with the humanitarian ethic no longer respected and with security guarantees not forthcoming, significant numbers of NGOs are withdrawing from conflict zones.

In light of this deteriorating situation in the post-Cold War environment, Jan Eliasson, the former UN Under-Secretary General for Humanitarian Affairs, asserts that the entire humanitarian community, NGOs included, must recognize the changing security context

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[1] Macrae, J., 'Analysis and synthesis', Macrae, J., (ed.), *The New Humanitarianisms: A Review of Trends in Global Humanitarian Action* (Overseas Development Institute: London, 2002), p. 5; King, J. H., 'The New Warfare and the Need for an Interactive Military', *Refugee Survey Quarterly* vol. 23, no. 4 (2004), p. 50; Fontaine, P., 'New Threats Against Humanitarian Workers', *Refugee Survey Quarterly* vol. 23, no. 4 (2004), pp. 172-178.

[2] Cited in European Commission's Directorate-General for Humanitarian Aid (ECHO), 'Report on Security of Humanitarian Personnel: Standards and Practices for the Security of Humanitarian Personnel and Advocacy for Humanitarian Space', 2004, p. 21, http://www.reliefweb.int/rw/lib.nsf/db900SID/LHON-66VEC8/$FILE/security_report_echo_2004.pdf?OpenElement (accessed June 27, 2006).

[3] Fontaine, P., p. 168.

such that "[a]dditional measures for respect of humanitarian aid and for protection of relief personnel are now necessary".[4] For the UN, one additional measure has been the introduction of international protocols meant to protect humanitarians operating under the UN banner, whether they work for UN organizations or for NGOs subcontracted by the UN. For instance, in December 1994 the General Assembly adopted the Convention on the Security of United Nations and Associated Personnel. Later resolutions followed both in the General Assembly and the Security Council in 1999 and 2003. Additionally, the UN has placed greater emphasis on and directed increased funding towards the security of humanitarians when it changed its main security mechanism from the UN Security Coordinator's Office to the UN Department for Safety and Security in December 2004.

For other humanitarian actors, the desire has been to reinforce first principles to better ensure security. Some organizations, like the ICRC and MSF, stress a reinvigorated advocacy for respect of the humanitarian ethic. Similarly, some NGOs suggest the renewed adherence to certain tactical measures pertaining to acceptance that promote security. Initially derived from InterAction's training modules for NGOs, Koenraad Van Brabant developed a triangle of security options for humanitarians – acceptance, protection, and deterrence – that can be conceptualised along a continuum. For many humanitarian organizations, there is a desire to be at one end of the spectrum, to ensure the successful application of the acceptance model described as "the attempt to remove the threat or have local actors control the threat on your behalf by getting their more or less formal consent and acceptance for your presence and your work".[5] Security through the acceptance model is facilitated through social relationships and the development of trust as made plain in the definition employed by the UN's Office for the Coordination of Humanitarian Assistance (OCHA): "[The acceptance model is] based on the premise that local communities and power structures will allow and even support humanitarian activities if these activities are well understood. The acceptance approach requires that those in a position to undermine humanitarian work must see it to be consistent and believe it to be independent".[6]

As described by Victoria Wheeler and Adele Harmer, the protection and deterrence models introduce separation that can be both physical and ideational: "[P]rotection…seeks to reduce vulnerability by 'hardening targets'…deterrence…entails presenting a counter-threat, such as the presence of armed escorts or nearby military forces".[7] As for these two models, the 2005 No Relief study, perhaps the largest victimization survey of humanitarian personnel ever conducted, concludes that their use as coping strategies is on the rise.[8]

Though some NGOs are willing to engage with militaries for the sake of protection and deterrence, they remain torn about the impact this decision has on the image of

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[4] Cited in Childers, E., and B. Urquhart, *Renewing the United Nations System* (Dag Hammarskjold Foundation: Uppsala, 1994), p. 118.
[5] Van Brabant, K., *Operational Security Management in Violent Environments: A Field Manual for Aid Agencies* (Overseas Development Institute: London, 2000), p. xi.
[6] Office for the Coordination of Humanitarian Assistance (OCHA), 'Maintaining a UN humanitarian presence in periods of high insecurity: learning from others', May 2004, p. 3, http://www.reliefweb.int/rw/lib.nsf/db900SID/LHON-5ZXLQG/$FILE/OCHA_security_2004.pdf?OpenElement (accessed June 27, 2006). See also Ibid., p. 58; Randolph Martin, 'NGO Field Security', *Forced Migration Review* (April 1999), http://www.fmreview.org/FMRpdfs/FMR04/fmr401.pdf (accessed February 9, 2007).
[7] Wheeler, V., and A. Harmer, 'Resetting the rules of engagement: trends and issues in military-humanitarian relations', Wheeler, V., and A. Harmer (eds.), *HPG Report 21: Resetting the rules of engagement: Trends and issues in military-humanitarian relations* (Overseas Development Institute: London, 2006), p. 17.
[8] Buchanan, C., and R. Muggah, 'No Relief: Surveying the Effects of Gun Violence on Humanitarian and Development Personnel', Centre for Humanitarian Dialogue, June 2005, p. 25.

humanitarianism. Despite the fact that considerable effort has been dedicated since the late 1990s to improving cooperation and understanding between humanitarians and militaries, this may not lead to better humanitarian outcomes as neutrality, impartiality, and independence may be compromised. Different goals, interests, priorities, and timetables still exist between NGOs and militaries. Humanitarianism's underlying rationale of assistance on the basis of need as an inalienable right frequently clashes with the agendas of armed actors that are political and selective.

What is more, potentially ceding turf to armed forces in humanitarian affairs is not only oxymoronic, it also makes it more likely that humanitarianism becomes a means to an end. In an era of counterinsurgency and the military necessity of winning hearts and minds, the comments of the US Secretary of State in October 2001, Colin Powell, that NGOs were "force multipliers" and part of the "combat team" were particularly grating within the humanitarian community.[9] As such, many NGOs have stressed that there should be a clear division of labour and that NGO reliance upon militaries should only be in the last resort. Similarly, should militaries be actually involved in the delivery of humanitarian assistance, this should only be a temporary measure conducted on the basis of dire need that the humanitarian community cannot immediately address for reasons related to scale, safety, and logistics.

Reliance on the PSC industry, therefore, seemingly provides the flexibility many NGOs desire. From one stance, when compared to the military option, PSCs are seemingly linked closely to their NGO clients and do not present the political implications and the challenges to independence that might impinge upon the neutrality and impartiality of humanitarian assistance.

As Caroline Holmqvist suggests, "the PSC option may be the less sensitive one: rather than being associated with one party or side in the conflict, PSC protection could be seen as the enlisting of an 'impartial' actor"'.[10] From another stance, NGO/PSC interaction, given its defensive nature, does not impinge immediately upon military prerogative and necessity. Militaries are still responsible for security and stability in a certain region and for the physical protection of the people therein. In other words, NGO/PSC interaction is not assertive nor is it diffuse in focus; the direct goal is only to make secure the humanitarians, their compounds, and the delivery of their assistance.

This reliance on PSCs comes in a variety of forms: threat and context assessments, security audits, security training, and the provision of security management and guards. Examples of NGOs that have relied upon PSCs are CARE, CARITAS, GOAL, IRC, Save the Children, and Worldvision. Other actors in the larger humanitarian community, such as UN organizations, have relied upon PSC services too. From another angle, a list of PSCs that have worked with humanitarians includes ArmorGroup, Control Risks Group, Global Risk Strategies, Erinys, Hart Security, KROLL, Lifeguard, MPRI, Olive, RONCO, Southern

[9] Cited in Slim, H., 'With or Against? Humanitarian Agencies and Coalition Counter-Insurgency', Centre for Humanitarian Dialogue, July 2004, pp. 11-12.
[10] Holmqvist, C., *Private Security Companies: The Case for Regulation*, Policy Paper No. 9 (Stockholm International Peace Research Institute: Stockholm, 2005), p. 21.

Cross, and Triple Canopy. In this regard, Peter Singer estimates that about 25 percent of "high-end" PSCs have had humanitarian clients.[11]

NGO/PSC Interaction and Human Security

The conceptual underpinning of NGO/PSC interaction lies in the increasing importance of non-state actors, in an absolute sense and relative to states, in the post-Cold War context and especially in regards to the promotion of human security. This is not to say that the state stands at odds with the concept of human security. Kanti Bajpai suggests this when he notes that "[t]he security of the individual depends on the security of the state".[12] But he also notes that individual security and state security are not coterminous. Indeed, the overemphasis placed upon the security of the state and the ignoring of a greater number of threats other than interstate war are the problematic features identified under the human security rubric. Instead, sovereign states are important because of their potential ability to ensure the well-being of people in a variety of ways. Nevertheless, as emphasized in important international documents such as the International Commission on Intervention and State Sovereignty's "The Responsibility to Protect", the activism of non-state actors is critical when states are unable or unwilling to promote human security.

More generally, power, authority, and influence are moving away from the state, or at least the state is no longer the sole actor on the international stage. Similarly, challenges exist that are transnational in character or that no state alone can address by itself. As such, non-state actors are increasingly prominent given their specialized expertise and their ability to fill the void left by state inaction or weakness, and their work to mobilize the efforts of other actors (states included). For instance, NGOs are often present in environments in which states have been unable to service the two main requirements for human security – that human beings enjoy a freedom from fear and a freedom from want. In terms of numbers, the increase in NGO presence is staggering. As just one example, by the 1990s, the UN High Commissioner for Refugees identified several hundred NGOs as its implementing partners, up from no more than 20 NGOs in the 1960s. As for PSCs, they represent a shift away from the state monopolization over violence, whether exercised domestically or as a function of foreign policy. No longer is a state's security sector a most visible locus of concentrated state power. As for numbers, though no overarching estimation exists as to how many PSCs are in operation, there are without question several hundred firms that form a multi-billion dollar international industry.

Thus, in light of the multiple actors and broadened scope and substance of human security, the promotion of human security is best seen, in a larger sense, as a universal task or as a "diffused responsibility" that is sought internationally through multidisciplinary endeavour. Emma Rothschild makes plain that the responsibility to promote human security extends in several directions: 1) Downwards to the individual; 2) Upwards to the international system and the natural environment; 3) Horizontally to other entities in order to cover all the

[11] Singer, P. W., 'Humanitarian principles, private military agents: some implications of the privatised military industry for the humanitarian community', Wheeler V., and A. Harmer (eds.), *HPG Report 22: Resetting the Rules of Engagement: Trends and Issues in Military-Humanitarian Relations* (Overseas Development Institute: London, 2006), p. 70.
[12] Bajpai, K., 'Human Security: Concept and Measurement', Occasional Paper 19, Kroc Institute, August 2000, p. 12.

threats posed to human security; and 4) In all these directions in terms of political responsibility. To expand on the latter point, this covers expansion that is "upwards towards international institutions, downwards to regional or local government, and sideways to nongovernmental organizations, to public opinion and the press, and to the abstract forces of nature or of the market".[13] This expanded responsibility covers all actors and the direct and indirect effects their activities may have upon human security.

One can examine the conduct of numerous actors and ask questions in order to reveal the degree to which this diffused responsibility has been accepted and the impact of actors' undertakings on human security: Security for whom? What is being made secure? How much security is being provided by these actions? Security is being achieved from what threats? Security is being achieved through what means?[14] Given its universal character, human security "answers" should see all actors as responsible for identifying, preventing, mitigating, and responding to threats to human security whether they are intentional acts or by-products/side-effects.

Though NGO/PSC interaction is limited in its scope, given its direct focus upon humanitarians, it nonetheless entails a facilitated delivery of humanitarian assistance which can ensure that those in need are better able to enjoy freedom from fear and want. NGO/PSC interaction collectively represents the increased prominence of non-state actors on the international stage, the capabilities and expertise they provide, and the contribution made towards promoting human security.

SECTION TWO

Approaches to Security and Market Ecology

Productive NGO/PSC interaction is sometimes limited by the differing security cultures that reflect each party's respective ideal positioning along the security continuum; NGOs prefer the acceptance model whereas PSCs are more comfortable with the protection and deterrence models. It is true that for NGOs, reliance upon PSCs implies recognition of the current limitations of the acceptance model. Similarly, though the three models exist along a continuum, substantial operational challenges arise when NGOs make quick and multiple shifts in their security posture. Nevertheless, there still remains a desire for humanitarians to be seen as acting in solidarity with those peoples in need and to not be isolated from them. Indeed, for many, the acceptance model is still viewed as the most effective and principled approach to security in the humanitarian context.[15] Thus, what is sought is an infusing of

[13] Rothschild, E., 'What is Security?', *Daedalus* no. 124 (1995), p. 55. See also Macrae, J., and A. Harmer, 'Beyond the continuum: an overview of the changing role of aid policy in protracted crises', Harmer, A., and J. Macrae (eds.), *HPG Report 18: Beyond the continuum: The changing role of aid policy in protracted crises* (Overseas Development Institute: London, 2004), p. 4.

[14] These questions, initially devised by David Baldwin, are not intentionally nor specifically directed towards human security. Instead, they are meant to overcome the fact that security is a "contested" concept. The questions might allow for comparison between different types of securities (i.e., national security and human security) and permit a common framework for understanding. Baldwin, D. A., 'The Concept of Security', *Review of International Studies* vol. 23, no. 1 (1997), p. 6, pp. 13-17.

[15] Stoddard, A., and A. Harmer, 'Little Room to Maneuver: The Challenges to Humanitarian Action in the New Global Security Environment', *Journal of Human Development* vol. 7, no. 1 (2006), p. 32. For assessments on the difficulties in moving along the security continuum, see ECHO, p. 59.

acceptance characteristics in the other two models, an ability to alter plans more readily to allow for a return to the acceptance model, or at least an appreciation of the acceptance model by PSCs. In this vein, OCHA suggests that "[a]n effective protocol must balance all three elements – a strong acceptance strategy supported by protection and deterrence elements".[16]

In contrast, PSC personnel generally have previous experience garnered from state security sectors. Though in recent years military doctrine has shifted to allow for greater interaction with civilians, in large part to facilitate counterinsurgency strategies and hearts and minds approaches, a prominent characteristic in military doctrine, especially that of the US military, favours "force protection".[17] As such, retired military personnel now working for PSCs are more inclined to adopt the aforementioned "hardening" stance towards security. While some of these measures are somewhat innocuous, such as establishing effective communications procedures in emergencies or adding armour plating to vehicles, more problematic in the eyes of humanitarians are bunkering mentalities that inhibit the delivery of assistance and limit contact with those receiving it.

What is striking is that these differences exist even though one might believe that PSCs would readily respond to the particular requirements of their NGO paymasters. Various reports, however, find that PSCs are often unwilling to change their expectations and are wilfully ignorant of the deep "epistemic" differences pertaining to humanitarian security.[18] And the European Commission's Directorate-General for Humanitarian Aid (ECHO) warns that hired security consultants may not have the appropriate knowledge about humanitarian action.[19] One possible argument for this seeming indifference to NGO requirements could be the commercial desire to wean NGOs from the acceptance model in order to compel them to embrace the protection and deterrence PSCs offer. One contention is that NGO/PSC interaction should only be in the short term because, otherwise, humanitarian security may become dependent upon market solutions.[20] While this line of thought may very well have some merit, for a fuller assessment, we need to look beyond the supply side of the market equation – what PSCs sell on the basis of the past experiences of their employees – and consider the characteristics of the demand side that shape the PSC marketplace.

Analysis of armed non-state actors (ANSAs), of whatever form, finds that the interaction of these groups with humanitarian organizations is important to achieving recognition and legitimacy. Max Glaser, for instance, contends that ANSAs may "play the humanitarian card" in an effort to illustrate "the 'rightness' of…[their] own policies and attitudes".[21] For PSCs specifically, because of the increasing prominence of NGOs in international affairs as mentioned above, and especially because of the normatively positive nature of humanitarian endeavour, NGO/PSC interaction seemingly offers benefits to PSCs in addition to revenue

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[16] OCHA, 'Guidelines for Humanitarian Organisations on Interacting with Military and Other Security Actors in Iraq', October 2004, p. 4.
[17] Cottey, A., 'The military and humanitarianism: emerging patterns of intervention and engagement', Wheeler, V., and A. Harmer (eds.), *HPG Report 21: Resetting the rules of engagement: Trends and issues in military-humanitarian relations* (Overseas Development Institute: London, 2006), p. 26.
[18] Singer, P. W., p. 17, p. 33; Cockayne, J., 'Commercial security in the humanitarian space', 2006, p. 33.
[19] ECHO, p. 2.
[20] Holmqvist, C., p. 21.
[21] Glaser, M. P., *Humanitarian engagement with non-state armed actors: The parameters of negotiated access*, Humanitarian Practice Network Paper 51 (Overseas Development Institute: London, 2005), p. 10.

streams. Dan Hellinger emphasizes this line of argument: "[PSCs] recognize not only an opportunity to do business in humanitarian operations and peacekeeping, they believe such operations would help legitimate their business".[22]

The PSC tactic of playing of the "humanitarian card", however, has not led to the assumed reciprocal ability for NGO clients to shape to their liking how these particular ANSAs operate. In part, this is because debates about NGO/PSC interaction are only tangential. The mere existence of such a debate is a function of larger issues concerning the shift from public state control to the private market allocation in terms of the ownership and management of violence. Here, PSCs have been quite savvy because though they represent a deviation from the Weberian normative expectations regarding violence, they have not, for the most part, directly worked to usurp state authority, unlike other ANSAs. PSCs have "developed a modus operandi compatible with the needs and strictures of the post-Cold War, state-based international system".[23] In this regard, not only is NGO/PSC interaction defensive in nature, the PSC presence is only permitted by state sanction. As a result, a "Mad Max NGO", one that relies upon a contracted PSC to apply violence offensively to gain access and deliver humanitarian assistance, is doubtful.[24]

What is more, states possess considerable latitude in shaping the PSC industry, not only because of their stature as states and the special relationship they traditionally have with organized violence, but because, as clients, they command a large market share. From one angle, state reliance upon PSCs provides the industry with the legitimacy and recognition that it might otherwise accrue through interaction with NGOs. The difference here, however, is that the legitimacy stems not from a sense of moral rightness but rather from a normative assessment made by states, the vessels of legitimate organized violence, as to what exactly their appropriate role is. Additionally, the fact that the stronger states that manage the international system, and especially the US as the world's sole remaining superpower, often employ PSCs adds even more clout.

From another angle, though the PSC industry may rely upon a range of clients including NGOs, international organizations, and transnational corporations, the particular impact of developed world states, as Kathleen Jennings suggests, is noteworthy: "The diversity of the customer base should not…obscure the fact that rich-country governments are the industry's largest and most powerful consumers".[25] The consumer leverage allows for states to shape the PSC industry because their influence extends beyond a single contract or the influence of other clients at any given time in light of relative buying power. The interaction between states and PSCs is an iterative game that allows for changes in the relationship, and in the actors themselves, to be ongoing. As a result, states possess significant influence over "the market's ecology" such that their patronage serves as "the mechanism through which the preferred model of professionalism is communicated".[26]

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[22] Hellinger, D., 'Humanitarian Action, NGOs and the Military', *Refugee Survey Quarterly* vol. 23, no. 4 (2004), p. 193.
[23] Zarate, J. C., 'The Emergence of a New Dog of War: Private International Security Companies, International Law, and the New World Disorder', *Stanford Journal of International Law* vol. 34, no. 1 (1998), p. 91.
[24] Spearin, C., 'Humanitarians and Mercenaries - Partners in Security Governance?', Krahmann, E., (ed.), *New Threats and New Actors International Security* (Palgrave: New York, 2005), p. 51. See also Donini, A., 'Asserting Humanitarianism in Peace-Maintenance', Chopra, J., (ed.), *The Politics of Peace-Maintenance* (Lynne Rienner Publishers: Boulder, 1998), p. 89.
[25] Jennings, K. M., *Armed Services: Regulating the Private Military Industry*, Fafo Report 532 (Fafo: Oslo, 2006), p. 24.
[26] Avant, D., *The Market for Force: The Consequences of Privatizing Security* (Cambridge University Press: Cambridge, 2005), p. 220. p. 226.

In sum, NGOs are disadvantaged twofold in terms of shaping the PSC industry to their desires. First, though "humanitarian" legitimacy is important, the legitimacy offered by states is just as salient for PSCs. Second, the market potential offered by states is currently much greater than that of NGOs. While a move among PSCs to "reach out" to the humanitarian community both to increase revenues and to frame the industry in a positive light is something that can be taken advantage of, it is important to appreciate that such "reaching out" will nevertheless accrue limited benefit for NGOs under present conditions.[27]

NGO Linkage to Other Actors

The issue of quality control, in terms of both expertise and ethical considerations, is important to many PSC clients, NGOs and states included. Achieving this control is challenging because there are no overarching mechanisms, domestic or international, that assess the backgrounds of all people employed by PSCs and that ensure that PSC staffs actually possess the abilities as advertised. An additional complication is that the global nature of manpower sourcing for the PSC industry means that the quality of those employed may be variable (as is also often the case for those military personnel sent from their respective countries to serve in UN peacekeeping operations). The "disparate" backgrounds of PSC personnel might impact negatively upon those people requiring assistance.[28] It similarly would impact upon the reputation of the client, a particular issue for image sensitive NGOs wishing to preserve the sanctity of their endeavour. In this regard, Kenn Kurtz of the PSC Steele Foundation warns that the rush to service the US-led occupation of Iraq has contributed to a qualitative decline in the industry: "They lack the experience and the knowledge of how to carry out projects in that type of environment. There are many, many companies that are really throwing bodies - as opposed to well-trained professionals - at the opportunities".[29] With specific regard to human rights, this poses particular challenges with the sensitive ethical enterprise of security sector reform. When Richard Goldstone, a former chief prosecutor of the UN war crimes tribunals for Yugoslavia and Rwanda, learned that apartheid era South African soldiers were working in Iraq, he said his "reaction was one of horror that that sort of person is employed in a situation where what should be encouraged is the introduction of democracy. These are not the people who should be employed in this sort of endeavour".[30]

NGOs particularly face further concerns about linkage. Just as the PSC industry seeks manpower the world-over in order to reduce costs, it may also seek manpower from the indigenous population of the country in which it operates. In part, this relates to reduced costs and in part this is because PSC personnel, many of whom have special forces backgrounds, are used to working alongside and relying upon locals. In the 1990s, the success of Executive Outcomes (EO) in Sierra Leone was due in part to its interaction with

[27] The "reaching out" argument is made in Wheeler, V., and A. Harmer, p. 18.
[28] Voillat, C., 'Private military companies: a word of caution', Humanitarian Practice Network, http://www.odihpn.org/report.asp?ID=2675 (accessed June 28, 2006).
[29] Cited in Leyne, J., 'The business of war in Iraq', May 25, 2004, http://news.bbc.co.uk/2/hi/americas/3744489.stm (accessed May 26, 2004).
[30] Cited in Yeoman, B., 'Dirty Warriors', *MotherJones* (November/December 2004), http://www.motherjones.com/commentary/notebook/2004/11//index.html (accessed December 12, 2004).

the Kamajors, an ethnic Mende militia that later evolved into a state-sanctioned force. As for contractual relations, also in Sierra Leone in the late 1990s, the considerable majority of the personnel working for the PSC Lifeguard was indigenous while the small number of managers was foreign. In places like Central Asia and Africa, ArmorGroup has utilized indigenous employees. Similarly, in Iraq, thousands of Iraqis work for PSCs.

While there is the argument that reliance upon indigenous personnel may lead to greater approval by local populations, something that would be of great value for NGOs, one can raise concerns.[31] First, it does not necessarily follow that "foreign" equates to reduced approval. In fact, in the case of Sierra Leone, reports indicated that EO received a level of approval that the country's military had never garnered. One chief from the diamond-rich Kono district complained upon receiving the news that Freetown was to terminate EO's contract: "We know it's expensive, but you cannot compare that to life. I told the president that we are all ready to move if…[EO personnel] pull out".[32] Second, NGOs are well versed in relying upon indigenous expertise. The long term presence of NGOs is made possible by indigenous participation, in some cases at ratios as substantial as one foreign national to every 100 domestic personnel. Nevertheless, while these individuals may have gone through a rigorous assessment process, NGOs are at the mercy of the PSC hiring practices regarding local PSC personnel. Local personnel might very well have links to other armed parties on the ground, whether through their ethnicity, their political affiliations, or past and current involvement. Even the monies paid by NGOs to their security providers could be seen as indirectly fuelling the insecurity of others. In this sense, the implications of NGOs relying upon PSCs are similar to those that follow from their use utilizing of local warlords, militias, and clans for security.[33] In total, NGO/PSC interaction might impact negatively upon the NGO given how one might see this as compromising the neutrality, impartiality, and independence of humanitarian activity.

An additional concern for NGOs relates to other PSC clients, past and present. With respect to the past, James Cockayne suggests that linkages can taint specific NGOs and humanitarianism generally: "This brings risks for humanitarian staff, aid recipients and the humanitarian system, as well as the risk of negative publicity and lost funding for users themselves as a result of providers' actions while in another's employ".[34] For instance, ArmorGroup has long had clients in the humanitarian community; moreover, it is very sensitive about its own image. As one of the firm's directors contends, "when we sneeze in Africa, we catch a cold in Asia".[35] Nonetheless, criticism has been levelled at those who have relied upon ArmorGroup given the PSC's earlier commercial ties to Colombia in regards to ensuring oil production and countering threats posed by rebel movements.

PSCs often wish to develop economies of scale in the countries in which they operate, thus the desire for multiple clients. For instance, Lifeguard and Southern Cross, both in Sierra

[31] Such an argument is made in OCHA, 'Guidelines for Humanitarian Organisations', p. 5.
[32] Cited in Rubin, E., 'An army of one's own', *Harper's Magazine* (February 1997), http://www.harpers.org/online/ (accessed January 2, 1998). See also Reno, W., 'African Weak States and Commercial Alliances', *African Affairs* (April 1997), p. 181.
[33] Major differences here are that these actors more directly challenge a state's authority and may not have any formal security sector training. In fact, one contentions is that these relationships can often become protection rackets such that NGOs pay them not to rob and threaten them. See Spearin, C., 'Humanitarians and Mercenaries', p. 54.
[34] Cockayne, J., 'Commercial Security in Humanitarian and Post-Conflict Settings: An Exploratory Study', International Peace Academy, March 2006, p. ii: http://www.ipacademy.org/PDF_Reports/COMMERCIAL_SECURITY_FINAL.pdf (accessed June 28, 2006).
[35] Cited in Avant, D., p. 221. At the time this quote was made, the firm was called Defence Systems Limited.

Leone, held contracts with both humanitarian organizations and government and corporate clients. This sort of relationship potentially allows for linkages, real and perceived, to be made between humanitarians and these other clients that may very well be integral to local conflict dynamics.[36] This presents even further challenges in environments in which respect for the humanitarian ethic by parties on the ground is limited at best.

The new factor in this complex dynamic is that PSCs are becoming an important ingredient in the multi-actor integrated approaches now followed by states. The desire of states for integration, on the rise since the late 1990s, is a function of many factors: 1) The need for oversight and accountability to ensure value for money pertaining to the activities of those actors receiving state funds; 2) The move away from the multilateral funding of initiatives and towards bilateralism; 3) The hoped for synergies and removal of redundancies in multi-pronged state directed initiatives and; 4) The multivariate nature of contemporary challenges, especially in terms of dealing with state failure, that demand innovative and flexible responses.[37] With respect to PSCs, one notes that in the 2006 Quadrennial Defense Review that firms are now seen as part of the "total force" that can be deployed by the US. The importance of the private presence was made plain when following the lynching and murder of four Blackwater USA personnel in Falluja, Iraq, in March 2004, the US military launched a retaliatory siege of the city the following month. As for PSCs, integration means revenue, reliance, and further approval. For instance, estimates indicate that approximately 25-50 percent of the budget for Iraq's reconstruction has gone towards security.[38] As suggested by retired General Barry R. McCaffrey, a member of DynCorp's board of directors, PSCs see themselves as part of the integrated effort alongside state militaries: "They take hundreds of killed and wounded. They see themselves as part of the war effort…Without them, our war effort collapses".[39]

As a result, NGOs could very easily become linked, rightly or wrongly, to the activities of intervening states in conflict zones due to the common PSC denominator. This is very troubling for NGOs that already contend they are being compromised because they too are increasingly viewed as part of these integrated solutions (see the comment by Colin Powell above). In this light, with states increasingly using the humanitarian adjective, they are also playing the "humanitarian card" in hopes of acquiring support for their actions at home, abroad, and in the country of operations. Assistance is becoming instrumentalized such that it supports counterinsurgency operations that may lead to the conditional distribution of assistance on the basis of political utility and military requirement that runs counter to the humanitarian ethic. Therefore, though NGO/PSC interaction at first glance may help to provide some degree of independence from intervening militaries, linkages will nevertheless

[36] See Spearin, C., 'Private Security Companies and Humanitarians: A Corporate Solution to Securing Humanitarian Spaces?', *International Peacekeeping* vol. 8, no. 1 (2001), pp. 20-43.
[37] See 'Humanitarian Aid and Intervention: The Challenges of Integration', *Ethics and International Affairs* vol. 18, no. 2 (2004), p. 1; Macrae, J., and A. Harmer, 'Humanitarian action and the 'war on terror': a review of issues', Macrae, J., and A. Harmer (eds.), *HPG Report 14: Humanitarian action and the 'global war on terror': a review of trends and issues* (Overseas Development Institute: London, 2003), p. 10; Randel, J., M. Cordeiro, and T. Mowjee, 'Financing countries in protracted humanitarian crisis: an overview of new instruments and existing aid flows', Harmer, A., and J. Macrae (eds.), *HPG Report 18: Beyond the continuum: The changing role of aid policy in protracted crises* (Overseas Development Institute: London, 2004), p. 54; Reindrop, N., 'Trends and challenges in the UN humanitarian system', Macrae, J. (ed.), *The New Humanitarianisms: A Review of Trends in Global Humanitarian Action* (Overseas Development Institute: London, 2002), p. 33.
[38] Renouf, J. S., 'The Impact of Security Privatization on Humanitarian Action', May 2006, p. 1.
[39] Cited in Robberson, T., 'Contractor's war role debated', *Dallas Morning News*, December 28, 2006, http://www.myrtlebeachonline.com/mld/myrtlebeachonline/news/nation/16335217.htm (accessed December 29, 2006).

still exist given the ties PSCs have with other clients and how humanitarian activity is increasingly viewed by intervening states as part of their integrated approaches.

Intra- and Inter- Organizational Challenges

Confronting the challenges analysed above is made all the more complicated by difficulties that exist within and between NGOs with respect to security generally and PSCs specifically. Koenraad van Brabant contends "[a]gencies tend not to have policies governing their use of private security firms, nor is consolidated information and experience available to guide agencies in formulating such a policy".[40] These difficulties prevent NGOs, individually and collectively, from knowing more about the PSC presence, both globally and in a specific theatre. This lack of information prevents NGOs from better directing PSCs and possessing the leverage that might flow from the coordinated action of a client block.

Though there is still the occasional tendency to overly lament the fact that states can often not guarantee the security of humanitarians, at least some organizations have worked to embed sound security practices into their organizational cultures as evident in their policies and in their actions in the field. However, ECHO reports that some NGOs have raised the security consciousness in only a few of their activities. In other cases, commitment is lacking, training is poor, policies are inadequate, and buy-in is not necessarily evident across all the elements of the organization. In its analysis, ECHO's overriding message is that "[t]he overall standard of security management in much of the humanitarian sector needs to improve significantly. Some humanitarian organisations manage security well, but some do not at present manage security adequately".[41]

The lack of firm security direction amongst many NGOs means that they are doubly unsure as to how the NGO/PSC interaction should be managed, despite their desires for adaptable security responses and a greater appreciation of the acceptance model amongst PSCs. While possibly seen as additional "costs", oversight, management, and developing an appreciation of what PSCs have done and currently offer their clients are important in accruing the actual benefits perceived of NGO/PSC interaction. Otherwise, NGOs, individually and collectively, will be less able to realize the effects PSCs have in different theatres and how this impacts upon NGO reputation and the effective delivery of humanitarian assistance.

Developing a more coherent NGO market position, towards which PSCs would be more likely to respond, is limited by the desire amongst NGOs to maintain flexibility. NGOs have a long-standing general wish to not give up managerial autonomy for the sake of larger efficiency or greater coherence in policy and assistance delivery. From one standpoint there is, according to International Alert, "a reluctance to develop and jointly agree [sic] standards, codes of conduct or guidelines as they are perceived as threatening to the flexibility and independence of aid agencies in situations that are unique".[42] Similarly, R.C.D. Dangerfield

[40] Van Brabant, K., 'Humanitarian action and private security companies' April 2002, http://www.odihpn.org/report.asp?ReportID=2419 (accessed July 24, 2004).
[41] ECHO, p. 2, p. 4, p. 11, p. 27, p. 85.
[42] International Alert and the Feinstein International Famine Center, 'The Politicisation of Humanitarian Action', April 2001, p. 5.

and others focus upon preserving the independence and uniqueness of each humanitarian organization: "NGOs are a fragmented area of the corporate world with different mandates and missions, which does not promote harmonisation of approach or desire to self-regulate".[43] Another assessment is provided by the Overseas Development Institute: "The proliferation of NGOs, with their diverse and self-appointed mandates, non-governmental status and concerns about independence, poses one of the key coordination challenges for the humanitarian system".[44] The resulting ad hocery, however, in NGO security affairs "means that knowledge networks and principles of good practice remain limited".[45]

Competition between NGOs is a further impediment to that cross-NGO interaction which might make it easier to achieve economies of scale in terms of developing shared databanks regarding PSCs and creating pan-NGO policies and standards concerning PSC employment. The globalization of humanitarian assistance means that, for many, humanitarian endeavour is viewed as a business and that a contract culture now exists amongst NGOs. This downgrades other concerns for the sake of greater humanitarian exposure, an asset that facilitates further funding and operations: "The day-to-day struggle for survival of contract and media hungry NGOs is not necessarily synonymous with political acumen, good management, and accountability, nor with sustainable programs".46 For NGOs that do rely upon PSCs, revealing how they do, or do not, structure their relationships with PSCs could present competitive vulnerabilities. Given these sorts of challenges, "[t]here is a widespread refusal to square up to the subject. Some agency staff simply deny that their organisation has ever used a private security firm, even when it patently has done so".[47]

Relationships within NGOs also present significant barriers to tackling salient issues. Even if there is an interest in consistent and uniform security approaches, the headquarters of an NGO may be stymied by a decentralized administrative system that provides considerable discretion to NGO representatives in the field. This type of system stems in part from the thinking that those "on the ground" will be much more appreciative of local conditions and have a better sense of requirements to which centralized policy might not be sensitive. There are merits of this approach as discussed in the No Relief study. They allow for adaptability and permit a greater sense of solidarity with affected populations in particular contexts: "Top-down and formulaic guidelines and protocols administered from headquarters, while potentially instructive, may not be appropriate to local dynamics. Thus, security procedures should be tailored to match the heterogeneous conditions in which humanitarian…workers find themselves".[48] Due to these merits, ECHO reports that there is a broad consensus amongst NGOs regarding the best organization for security management that emphasizes, "a context-based, or bottom-up approach, devolving security decisions and management to the country level, with accountability through line management".[49] This sort of organizational and geographic division, as Bruce Jones points

[43] Dangerfield, R. C. D., B. D. A., Kite, D. J. Robinson, and A. J. I. Wilson, *Private Military Companies: Options for Regulation - A Response to the UK Government Green Paper*, DTC Project Study Report 2002, Royal Military College of Science, Cranfield University, July 2002, p. 45.
[44] Macrae, J., S. Collinson, M. Buchanan-Smith, N. Reindorp, A. Schmidt, T. Mowjee, and A. Harmer, *HPG Report 12: Uncertain Power: The Changing Role of Official Donors in Humanitarian Action* (Overseas Development Institute: London, 2002), p. 36.
[45] Singer, P.W., p. 28.
[46] Donini, A., p. 88.
[47] Van Brabant, K., 'Humanitarian action'.
[48] Buchanan, C. and R. Muggah, p. 47.
[49] ECHO, p. 64.

out, is not unique to NGO security affairs: "Negotiation and coordination – as much between the field and headquarters as within each layer – routinely trump deliberative analysis and strategic policy-making".[50]

As a result, these inter and intra-institutional issues have allowed many problems related to NGO/PSC interaction to go unaddressed. Just as PSCs may be overly focused on certain ways through which security is to be achieved, NGOs are equally vulnerable to criticism. Only a small number of NGOs have policies on how NGO staff should interact with PSC personnel and oversee their activities.[51] NGOs often lack the ability both to evaluate the quality of a PSC and its personnel and to weigh the implications posed by a PSC's record. They similarly lack the ability to assess the impact a particular PSC might have on a certain environment in light of the types of personnel it hires and the relationships that it has with other actors, relationships that might implicate the hiring NGO. As the No Relief study contends, "the complexities and potential controversies of how private security can be locally-interpreted is not being adequately considered by those agencies who often engage it".[52]

PSCs themselves may be forthcoming, but they may also be tight-lipped for reasons related to client confidentiality. While this silence may be a benefit for NGOs fearful of somehow damaging the image of humanitarian endeavour or affecting its competitive status, it also does not advance NGO awareness and appreciation of PSCs. Yet staying abreast of the evolution of the PSC industry is important because there is constant proliferation and also merging and consolidation in the business.[53]

Overall then, the policies and pressures that guide NGO personnel all directly affect the level of benefit accrued from NGO/PSC interaction. Despite the potential problems posed to humanitarian endeavour, these policies and pressures may at times prevent the achievement of higher levels of benefit because NGOs are denied the ability to be savvy individual consumers of PSC services and to exercise clout vis-à-vis the PSC industry in terms of their collective marketshare.

SECTION THREE

NGO Activism

In order to develop this savvy and clout, there are several avenues NGOs might explore, individually and cooperatively, that would be in keeping with the intra and inter NGO dynamics discussed above. These avenues would concern both whether a PSC should be engaged based on its profile, earlier work, and client base and how NGOs should direct

[50] Jones, B. D., 'The changing role of UN political and development actors in situations of protracted crisis', Harmer, A., and J. Macrae (eds.), *HPG Report 18: Beyond the continuum: The changing role of aid policy in protracted crises* (Overseas Development Institute: London, 2004), p. 16. See also Cockayne, J., 'Commercial Security in Humanitarian and Post-Conflict Settings', p. 19; Minear, L., 'Informing the Integration Debate with Recent Experience', *Ethics and International Affairs* vol. 18, no. 2 (2004), p. 59.
[51] Singer, P. W., p. 10.
[52] Buchanan, C., and R. Muggah, p. 28.
[53] See Spearin, C. 'A Private Security Panacea? A Specific Response to Mean Times', *Canadian Foreign Policy* vol. 7, no. 3 (2000), p. 74, p. 76.

their interaction with PSCs. In this sense, as part of a concerted effort, the "PSC factor" might be more fully introduced into systems that already exist in many NGOs to ensure successful security management through in-house expertise and the sharing of lessons learned amongst staff at all levels and in all locations.

At the headquarters level, while flexibility in the field should be respected, efforts can be made to better educate senior management regarding the PSC industry. If headquarters were to amass information regarding PSCs, their capabilities, the effects of their past operations, and their client bases, this pool of information would form a resource from which NGO expatriate and national personnel in the field could draw. This might lessen the chance of makeshift and uninformed decision-making and assist in better ensuring that the NGO's reputation, generally and in a particular area of operation, not be inadvertently sullied.

Moreover, when not in the field, NGO personnel could similarly be involved in two-way briefing. The material at the headquarters level would be available in order to raise the general awareness of field personnel. Raising this awareness is crucial because expatriate personnel, upon their return to field operations, could provide this information to national staff. This is important because national staff frequently make up the bulk of NGO field personnel and are often those individuals who are the targets of violent acts. Similarly, these expatriate personnel could feed into the databank their own insights regarding PSCs and, in particular, provide suggestions as to how NGO/PSC interaction might best be managed. These encounters might involve the answers to these sorts of questions: What methods worked best to learn about the backgrounds of locally employed PSC personnel in order to avoid linkages with local conflict dynamics? What methods worked to ascertain the actual capabilities and training of PSC personnel? The introduction of what clauses were important for contract development? How were parameters set on the use of violence by the PSC? How was the PSC's respect for human rights and international humanitarian law monitored throughout the contract? Under what circumstances, if any, was the PSC receptive to differentiating between security for humanitarians and security for other clients? Overall, when security-related decisions were made in the field, they would still be conducted in a decentralized manner, but with a greater level of attentiveness and an appreciation of the opportunities and challenges NGO/PSC interaction presents.

To assist in the development of this knowledge base at the headquarters level, NGOs might be able to draw upon already existing cooperative mechanisms. In this vein, Abby Stoddard and Adele Harmer suggest that security is the biggest factor in terms of joint training at the headquarters level.[54] Facilitating this demand for training are umbrella groups that emphasize their common goals and challenges rather than their organizational differences. These groups, such as InterAction, People in Aid, RedR, Sphere, and Voluntary Organizations in Cooperation in Emergencies (VOICE) encourage the sharing of information and common training amongst their voluntary memberships. Indeed, NGOs such as MSF have been free to end their participation in these groups should a particular approach become too problematic due to concerns regarding flexibility and independence.

[54] Stoddard, A., and A. Harmer, p. 31.

Thus, dealing with NGO/PSC interaction in these forums seems ideal given the importance of the issue, the characteristic of sharing, and the fact that members want to be involved. These forums might serve as larger collective pools of PSC-related information and/or facilitate the development of an NGO's own database. Because of the groups' voluntary nature, NGOs might be more willing to share lessons learned and successful operating procedures garnered from those individuals with field experience. Also, the development of sub-groups looking specifically at the NGO/PSC issue would be valuable. Indeed, given a group like InterAction with its 160 organization strong membership, it is unlikely that all members would be interested in the NGO/PSC issue or even be supportive of engaging PSCs for security.

One possible criticism is that this form of coordination of the willing might inadvertently draw NGOs further into state-based integrated solutions. Already, NGO independence, as traditionally understood, is seemingly threatened because considerable amounts of NGO funding comes from donor states and there is this desire to see NGOs employed as a force multiplier (along with state-hired PSCs). These issues are important here because funding for coordination bodies often comes from states. For now, however, this may simply be an issue to monitor because, as authors from the Overseas Development Institute report, donor demands for coordination amongst the NGOs they support have never been made plain. Funding has not been withdrawn from NGOs based on an assessment of their willingness to coordinate nor have donors spelled out the ingredients of coordination they deem appropriate.[55]

Another complementary approach for coordination that would especially respect the desire for flexibility and control in areas of operation would be the injection of discussions regarding NGO/PSC interaction into field-level inter-agency coordination. This reflects the fact that security is deemed the main motivating factor for coordination between NGOs at this level.[56] In the past, this type of coordination mechanism for sharing and dialogue has been impromptu, such as the ad hoc approaches in Somalia in the early 1990s, but in recent years it has become a more common feature in humanitarian operations, such as the Afghanistan NGO Safety Office. What is more, this type of sharing instrument provides an alternative when inter-NGO sharing at the headquarters level is too sensitive. Indeed, the advantage here is that field level personnel can be sometimes more pragmatic in their relationships with other actors and as such they can mitigate some of the competitive pressures that are more frequently the concerns of headquarters level personnel.

While one might view such coordination as a "glass half empty", meaning that coordination is meant to prevent the actions of one NGO affecting negatively the operations of other NGOs, it might also be viewed as a "glass half full" in that it presents a collective opportunity. This might allow those NGOs in the field looking to employ PSC services the ability to present a cohesive slice of the marketshare in a particular country. This cohesiveness might be generated by NGO field personnel introducing insights garnered from their own headquarters level databanks. Moreover, NGO field personnel, given their assessment of local conditions, might possess a timely appreciation of what a PSC in a particular country has on offer, how it operates, who it employs, and what other clients it possesses, especially if PSCs, in the first instance, are not willing to disclose their local client

[55] Macrae, J., S. Collinson, M. Buchanan-Smith, N. Reindorp, A. Schmidt, T. Mowjee, and A. Harmer, p. 36.
[56] Stoddard, A., and A. Harmer, p. 31.

lists. Sharing this sort of information amongst similarly interested NGOs would help develop collective leverage within a particular contracting milieu that might, in turn, permit more uniform rules of engagement, allow for common training and hiring requirements, and promote respect for human rights and international humanitarian law. It might also allow the development of a list of "quality" PSCs in the country of operations that were more sympathetic to the concerns of humanitarian clientele, if not simply responsive to the financial opportunity NGOs represent. It might also allow for more effective NGO monitoring of PSC contracts as problems and opportunities might be better identified, pooled, and acted upon.

In sum, a balance must be sought between how appropriate security management is thought to be conducted amongst NGOs and providing NGOs more leverage, individually and collectively, in terms of their interactions with PSCs. Obviously, this sort of approach can be easily resisted should NGOs fear that it represents creeping standardization that would affect an NGO's uniqueness and ability for independent action. Nevertheless, coming together in some way to facilitate discussion and sharing will be critical should NGOs wish to shape the PSC industry by acting upon the market power they potentially hold.

NGO/Donor Relations

Contemplating how states might promote the management of PSCs in a manner sympathetic to the concerns of humanitarians seems antithetical given the stress so far on developing a unique and coherent slice of the marketshare for PSC services. What is more, would this not draw NGOs into a further position of subservience to states and thus bind their ability to act and to be seen as independent? Already there is dual consternation about integrated solutions and about how states provide a great deal of the funding for many NGOs. This is particularly the case for some US-based NGOs with at least half of their funding derived from US government sources. As Mark Duffield identifies, "[t]he growth of official funding channelled through NGOs, reinforced by the high cost of relief work has given donors a significant measure of influence".[57] Unless major lines of private funding are to be found in what is already a competitive environment, it is likely that many NGOs, despite their discomfort, will remain beholden to the largesse of state donors.

Nevertheless, it is precisely because of this dominance that NGOs need to be assertive in their relations with donors so that their particular security concerns are ultimately addressed. Because of their power as significant donors, developed world states are in the position to dictate how and under what conditions the NGOs that receive their funding manage NGO/PSC interaction. For instance, earlier studies identify several reasons why donor states would be interested in NGO security arrangements: 1) Cost-effectiveness of security measures; 2) How security measures impact upon the success of humanitarian endeavours; and 3) Moral obligations to ensure the sufficient protection of humanitarian personnel. Indeed, donors are seemingly sympathetic to NGO calls for increased funding to facilitate

[57] Duffield, M., 'The Political Economy of Internal War: Asset Transfer, Complex Emergencies and International Aid', Macrae, J., and A. Zwi (eds.), *War & Hunger: Rethinking International Responses to Complex Emergencies* (Zed Books: London, 1994), p. 59.

NGO security requirements.[58] To date, donors have not generally exercised their financial leverage over NGOs, one assumes, for fear of being held liable for any failure, because of their lack of knowledge about NGO security policy generally and its execution in specific contexts, because of their reluctance to cause an uproar concerning a further encroachment upon NGO independence, and because states too are still coming to grips with the PSC phenomenon and how PSCs may best serve state interests. However, it is clear that at least in some cases, donors are overcoming this hesitation and becoming forceful. As an example, International Alert reports of instances in which NGOs were pressured by states to accept PSC services.[59] Prudence, therefore, dictates that NGOs be prepared to respond to these demands, or perhaps even be proactive, with an approach that takes their concerns about NGO/PSC interaction into account.

The fact that donor states are not monolithic, and that different agencies and programmes can be specifically targeted by NGOs, suggest that cooperation on certain activities of mutual concern can be of benefit to NGOs. Additionally, NGOs might gain from state-held expertise and information. While there might not be total agreement between the two different types of organizations on how PSCs should operate, there may be sufficient overlap to afford NGOs additional clout in their relations with PSCs.

NGO relationships with state-based organizations conducting security sector reform are of especial note given that PSCs present particular challenges and opportunities. On the one hand, PSCs seemingly make security sector reform more difficult given that they are non-state actors that provide for security and usurp the role of the state in so doing. This upsets a delicate calculus based on the "recognition that in immediate post-conflict environments, fragile states and developing countries, the ability of the state to deliver security and access to justice for its citizens is a prerequisite for sustainable economic growth and social development".[60] On the other hand, PSCs are increasingly a vehicle through which states execute security sector reform programming. It stands to reason that qualitative aspects about PSCs will become increasingly salient to security sector reformers.

Generally, ensuring that PSCs have the requisite training and abilities, respect human rights and international humanitarian law, and act responsibly in conflict-torn environments are important factors that are germane to most PSC clients. It would not be likely, for instance, that any respectable client would wish to be associated with a PSC that was poorly trained or that promoted human rights abuses. However, both NGOs and those involved in security sector reform have particular concerns about how PSCs affect the manpower pools from which state security sectors draw, and to what ends.

Clearly, NGOs have to rely upon PSC services for the basic reason that indigenous state security actors are likely ineffective. Reliance upon those international military forces identified above that may be serving in a conflict torn state presents operational and ethical challenges. However, if one of the paths leading to stability involves the development of a functioning and responsible indigenous security sector, then the greater amount of money likely to be available for locals to work for PSCs could well help convince them not to serve

[58] ECHO, p. 66, p. 69; Renouf, J. S., p. 3.
[59] Vaux, T., C. Sieple, G. Nakano, and K. Van Brabant, *Humanitarian Action and Private Security Companies: Opening the Debate* (International Alert: London, 2002), p. 10.
[60] Mancini, F., *In Good Company? The role of business in security sector reform* (Demos: London, 2005), p. 13.

in the public realm. In some cases, PSC salaries for locals can be two to four times more than what could be earned in an indigenous security sector. In the face of this dilemma, one can argue that NGOs are best served by ensuring that the PSCs they hire are not only conscious of humanitarian requirements and are willing to phase themselves out of having an active presence, but also that these firms make certain that their indigenous employees are suitable candidates for potential state security sector service. Therefore, NGOs should be concerned not only with the links local employees have to the conflict, lest this implicate the NGO or permit it to inadvertently fund continued violence. They should also be concerned with the economic dependency NGO/PSC interaction promotes and how this affects longer term security sector development and conflict resolution. Otherwise, NGOs risk a reinvigoration of the debates of the 1990s that NGO activity may be doing harm.

Should security sector reformers have assessments as to which PSCs have been the most helpful in terms of security sector reform endeavours, and this information would be particularly helpful in NGO planning. The pooling of such information would help in lifting the veil of contract confidentiality that can hamper information collection. Also, given that security sector reform endeavours may sometimes be criticized for frequently stressing the numbers of personnel trained or reformed rather than the level of qualitative attributes possessed by these personnel, ensuring that these individuals developed a respect for human rights and international humanitarian law while under NGO employ would be similarly helpful.

NGOs being smart consumers of PSC services reinforces the link with security sector reform because at its root, NGO/PSC interaction limits the sense of solidarity NGO personnel have with populations in need, not only because current PSC security procedures may dictate it, but also because it is only these NGO personnel that receive the direct benefits of protection. Put differently, PSCs alter the political context on the ground; they frequently provide security services that are exclusive, as opposed to inclusive services that would be the task of an effective and responsible state security sector. As an official from the NGO Oxfam suggests, this protection is of the utmost importance: "[Civilian] protection from violence is more vital than humanitarian relief".[61] Linking back to arguments made earlier in this analysis, human security is meant to be universal in its purview and in its application. All actors should be wary of their responsibility to protect in response to state failure and they should also be cognizant of the independent impact of their own activities. The promotion of human security, therefore, is not just a state-oriented undertaking; it is the responsibility of all, something Jean Renouf recognizes is sometimes lost on NGOs: "[B]y focusing on their own security, humanitarian organizations tend to forget that the debate should not only focus on their physical protection, but also on how to mitigate the absence of human security of the beneficiaries; their security should not be seen as an end itself, but as a mean to an end".[62]

Therefore, though PSC protection may ensure the safety of NGO personnel and thus the continuance of NGO activities, the quicker a reformed and responsible security sector can be developed, and the more NGOs can do to certify that this sector is populated by responsible, well trained individuals, the better. As such, NGOs will be better able to

[61] Cited in Roberts, A., *Humanitarian Action in War: Aid, protection and impartiality in a policy vacuum,* Adelphi Paper 305 (International Institute for Strategic Studies: London, 1996), p. 34.
[62] Renouf, J. S., p. 2

respond to the question put forth by Koenraad Van Brabant: "[A]re you [the NGO] contributing to the privatization of security, whereby those who are able to pay can buy security while others have to live in fear, or are you contributing to increased wider, public security?" [63]

Interacting with state security sector reform actors ostensibly puts NGOs into "non-humanitarian territory", whereby longer term development is emphasized rather than the immediate delivery of assistance to those in need. Without a doubt security sector reform is a development activity given the importance a responsible security sector has in terms of reversing poverty and promoting economic, social, and political development. Yet many NGOs engage in both humanitarian delivery and development activities and the line between these activities is often indistinct, both organizationally and in practice. Certainly, as Larry Minear attests, this divide has proven to be a challenge for NGOs since their rise to prominence in the 1990s: "Access to populations in need of humanitarian action, negotiating terms of engagement with non-state actors, extracting from belligerents compliance with international norms, strengthening local institutions, and making the necessary links between relief and development needs. Those challenges have not changed as a result of the prevailing constructs through which geo-political events have been understood".[64] These challenges, however, may also be an opportunity in terms of NGO/PSC interaction. Recognizing that many NGOs are multi-mandated organizations makes it easier for NGOs to appreciate that NGO/PSC interaction, meant to facilitate humanitarian action, in turn has developmental implications that need to be addressed.

The obvious risk with this approach is a further exacerbation of the already existing tensions regarding, ironically, an NGO's own observance of the humanitarian ethic. Indeed, an objective of NGO/PSC interaction is the development of a type of humanitarian-centric security that is sensitive to the maintenance of independence, impartiality, and neutrality. Yet, development activities, by their very nature, have a specific political and social agenda and may favour, over the longer term, those wishing to further the reestablishment or legitimising of state institutions: "These agencies want to ameliorate immediate suffering but also to campaign against its causes and transform society towards a particular vision of liberal peace and prosperity".[65] It is this engagement with development activities, in realms that are not self-evident and in which choices need to be made, that compromises NGO adherence to the humanitarian ethic and potentially also contributes to their insecurity which, also ironically, PSC services are meant to address:

> As humanitarian action extends increasingly across a range of activities – from crisis relief to post-conflict reconstruction – the justification for humanitarian inviolability appears difficult to sustain by analogy to the ideal of purely neutral humanitarian relief that takes no sides on social or political questions. Nation building and the reconstruction of a society are politically laden, distinctly non-neutral activities that,

[63] Van Brabant, K., *Operational Security Management*, p. 77.
[64] Cited in 'Humanitarian Aid and Intervention', p. 24. See also Stoddard, A., 'Humanitarian NGOs: challenges and trends', Macrae, J., and A. Harmer (eds.), *HPG Report 14: Humanitarian action and the 'global war on terror': a review of trends and issues* (Overseas Development Institute: London, 2003), p. 26.
[65] Slim, H., 'With or Against? Humanitarian Agencies and Coalition Counter-Insurgency', Centre for Humanitarian Dialogue, July 2004, p. 4. See also Lancaster, C., and S. Martin, 'The changing role of US aid policy in protracted crises', Harmer, A., and J. Macrae (eds.), *HPG Report 18: Beyond the continuum: The changing role of aid policy in protracted crises* (Overseas Development Institute: London, 2004), p. 45.

> although closely associated in the field with humanitarian relief, do not operate from the same conceptual basis of neutrality and, hence, inviolability.[66]

It is fair to say that despite their protestations regarding maintenance of the ethic, multi-mandate organizations have yet to come to terms with the operational impact of development activities. NGO/PSC interaction, placed in the context of security sector reform, might contribute towards reducing some of the problems inherent in that relationship, but it may also add to the list of ways NGOs are diluting the purity of humanitarian endeavour.

International Committee of the Red Cross

As the recognized guardian of international humanitarian law, the ICRC might offer an additional approach in ensuring a more humanitarian-centric PSC industry. The framework for such action already exists; in 1999 the ICRC launched initiatives on how businesses should operate in zones of conflict and in 2004 it began a specific programme of systematic, rather than ad hoc, engagement with PSCs. Traditionally, the ICRC's own security stance has been to rely upon the acceptance strategy; it employs armed security, including PSCs, only rarely (for instance, the ICRC employed ArmorGroup in the Democratic Republic of the Congo and Lifeguard in Sierra Leone). Nevertheless, its 2004 programme is not surprising given its desire to ensure that all actors in conflict zones, regardless of their status, accept and understand international humanitarian law. For the ICRC, no actor is to stand outside international humanitarian law as a matter of neglect, ignorance, or explicit policy; all are to be accountable.

To expand, the rationale for expanding the nature of the ICRC's engagement, and in turn expanding the accountability of all actors, is premised on two points. First, as one of often several humanitarian actors in a particular conflict zone, the ICRC will have an interest in working to prevent the activities of one humanitarian actor from tainting humanitarian endeavour generally. Second, expanding an appreciation of international humanitarian law might also include a wider consideration of how PSCs should be contracted and managed in the service of NGO activities. With respect to NGOs, the ICRC might foster guidelines on how to interact with PSCs that recommend the explicit mention in contracts of respecting human rights and international humanitarian law. Similarly, in line with existing ICRC guidelines, the ICRC might suggest that NGOs go to lengths to ensure that the PSC presence would not be detrimental to those in need. With respect to PSCs, the ICRC might build upon its propagation of international humanitarian law to indicate the qualitative distinctions inherent in serving a humanitarian clientele. While there would be no obligation for PSCs to appreciate such distinctions (unlike observance of international humanitarian law), the particular normative weight of the ICRC in this regard might be helpful at least in rallying the attention of NGOs and giving PSCs reason to pause.

However, like the other avenues to improve NGO/PSC interaction, increased ICRC activism will not be a panacea. Though some have argued that the ICRC should move from

[66] Anderson, K., 'Humanitarian Inviolability in Crisis: The Meaning of Impartiality and Neutrality for U.N. and NGO Agencies Following the 2003-2004 Afghanistan and Iraq Conflicts', *Harvard Human Rights Journal* vol. 17 (2004), p. 42.

raising awareness to monitoring and oversight, there are significant limitations in going beyond what is outlined above.[67] Because the ICRC wishes to prevent overall compliance with international humanitarian law and does not purposively offer the reward of legitimacy to any particular armed actor, it also cannot punish through the removal of legitimacy. Additionally, though the ICRC commands a great deal of respect, each NGO's desire for independence and for the maintenance of its own operational culture and outlook would simply mean that ICRC guidelines would be matters for discussion within or between NGOs. What is more, the ICRC is unlikely to be interested in orchestrating a wide ranging framework because it lacks the multi-mandated focus of many NGOs. Unlike multi-mandated NGOs, the ICRC's outlook is limited; it stands apart from NGOs that also conduct development activities (and the challenges this raises as noted above). The ICRC may execute a wide-ranging plan to ensure the observance of international humanitarian law, but exact acceptance of ICRC guidelines on how humanitarian/PSC interaction should be conducted, while appropriate for the ICRC specifically, would probably not be universally accepted. Though the attention level of NGOs was raised, it would still be up to the NGOs themselves to determine the next step.

A caveat: one can argue that the only likely development related activity in which the ICRC would be keen to engage upon, in terms of NGO/PSC interaction, would be in the context of security sector reform. The ICRC would have an interest in ensuring that a new or reconstituted state security sector had an appreciation of international humanitarian law, but would be less concerned as to how this sector served as the supporting base for political, economic, and social development.

CONCLUSIONS

Before the end of the Cold War, it would have been difficult to appreciate the considerable presence non-state actors now have on the international stage. States and the international organizations that they formed largely dominated international discourse. However, with the rising prominence of weak and failing states, it has become increasingly clear that though states are legally sovereign, sovereignty as expressed in terms of responsibilities and capabilities is highly variable. Moreover, even stronger states cannot often handle, by themselves, challenges in the international system because of their complexity and/or their transnational nature. Non-state actors have ably stepped into the breach, either to complement, replace, or stand apart from state activism.

It is not intuitive that different types of non-state actors would necessarily interact. Certainly, interaction between NGOs and PSCs might seem oxymoronic in the first instance. One is dedicated to performing humanitarian deeds and the other concerns the private ownership of expertise related to the application of violence. One is seemingly a "do-gooder" while the other, while not evil, is sometimes associated, in the most pejorative way, with the word "mercenary". Nevertheless, several key factors bring these actors together: 1) Conceptual underpinnings that link the promotion of human security with all

[67] Cockayne, J., 'Commercial Security in Humanitarian and Post-Conflict Settings', p. 22.

actors; 2) The need of both types of organizations to be active and competitive; 3) Their interlinking relationships with states and; 4) Their joint presence in conflict zones.

Despite these numerous intersections, NGO/PSC interaction that is optimal for the humanitarian client is not always the result. This is because of the approach of the PSCs themselves, the strong relationships and interconnections that exist between states and PSCs, and the difficulties NGOs themselves have, individually and collectively, in handling the PSC phenomenon. In analyzing these factors, this study has provided some guidance that might be of use as NGOs attempt to get their houses in order with respect to PSCs. However, it is plain that these points will not, together, represent a panacea for NGOs. Decisions must be made as to how much time, effort, and resources go into developing a security savvy, the degree to which NGOs are prepared to cooperate at the headquarters and operational levels, and the manner in which they handle their own reliance upon states and upon strategies that are inherently development related rather than associated with humanitarian endeavour and its integral humanitarian ethic. Though there will not be a perfect or single solution, even with the application of considerable effort, steps can surely be taken that will help create a more humanitarian-centric PSC marketplace.

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ISBN 978-92-9222-055-6