

# Managing Security Risks in Hazardous Missions: The Challenges of Securing United Nations Access to Vulnerable Groups

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## INTRODUCTION

Over the last decade, the United Nations (“U.N.”) has taken a central role in the international community’s response to the consequences of disasters and armed conflicts. Increasingly, international strategies to cope with instability and armed conflicts rely on the deployment of the staff of U.N. agencies in the midst of armed hostilities to provide urgently needed humanitarian assistance to threatened populations. Furthermore, reconstruction and development activities traditionally undertaken in peaceful environments have also become an integral part of stabilization efforts in situations that are far from secure.

These frontline activities are not without costs in terms of personnel safety and security.<sup>1</sup> It is estimated that, over the last decade, more than 500 humanitarian and development personnel from the U.N. and other international agencies have lost their lives in the course of these operations (138 in the last two years alone).<sup>2</sup> Many more have been injured or have suffered from exposure

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1. Koenraad Van Brabant defines personnel safety as referring “to ‘accidents’ caused by nature (e.g., avalanche) or non-violent circumstances (e.g., fire, road accidents) and to illness, injury and death resulting from medical conditions not brought about by violence, or due to lax safety guidelines and procedures in the workplace” and uses the term security of personnel “to indicate the protection of aid personnel and aid agency assets from violence.” Koenraad Van Brabant, *Operational Security Management in Violent Environments: A Field Manual for Aid Agencies*, in 8 GOOD PRAC. REV., at iii, xiii (Rachel Houghton ed., Humanitarian Prac. Network at the Overseas Dev. Inst. 2000), available at <http://www.odihpn.org/publistgpr8.asp>.

2. These estimates were developed by the Program of Humanitarian Policy and Conflict Research at the Harvard School of Public Health (“HPCR”) based on a chronology of security incidents compiled and generously shared by Dennis King. See DENNIS KING, U.S. DEP’T OF STATE, *THE YEAR OF LIVING DANGEROUSLY: ATTACKS ON HUMANITARIAN AID WORKERS IN 2003* (2004).

to unsafe environments. Projections suggest that if current trends persist and no new measures are taken to address the sources of insecurity, over 400 national and international staff members will lose their lives in the next five years and several hundred more will be injured due to increased exposure to security risks in conflict areas.<sup>3</sup>

Paradoxically, international agencies, both of the U.N. and non-U.N. variety, have been slow to respond to this insecurity and have yet to establish a robust security management system.<sup>4</sup> There are, however, two developments of note. On the one hand, in view of the growing human costs of recent operations, such as those in Iraq and Afghanistan, many agencies specializing in emergency response appear increasingly risk-averse, often in contradiction to their own stated mandate to provide relief or protection against human rights abuses in conflict areas.<sup>5</sup> On the other hand, reconstruction and development agencies, under pressure by Western donors, are often compelled to increase their presence in hazardous situations where they are clearly not prepared to cope with prevailing insecurity. This latter scenario has often occurred in the context of new integrated approaches to conflict management and post-conflict peace-building.

As the U.N. undertakes major reforms, particularly in the field of conflict prevention and peace-building, one should consider how the organization and its agencies will address the vulnerability of its personnel to security threats. Over the years, the U.N. has sought to fulfill its own moral vision by attempting to be a beneficent universal institution which promotes human rights and protects vulnerable populations from humanitarian catastrophes.<sup>6</sup> The organization has also embraced transformative agendas, helping governments reshape the social, political, and economic structures of countries in

3. HPCR estimates that, assuming there is a constant number of humanitarian staff deployed to the field, there will be 400 national and international staff casualties in the next five years. This projection is based on U.N. baseline data and on Dennis King's data. CATE BUCHANAN & ROBERT MUGGAH, NO RELIEF: SURVEYING THE EFFECTS OF GUN VIOLENCE ON HUMANITARIAN AND DEVELOPMENT PERSONNEL 75 (Ctr. for Humanitarian Dialogue 2005) available at <http://www.reliefweb.int/library/documents/2005/hdc-gen-21jun.pdf>; see KING, *supra* note 2.

4. International agencies are understood here as those organizations involved in international efforts to provide assistance (developmental, humanitarian, technical, or political) to governments, civil societies, and populations affected by an armed conflict. These include U.N. and non-U.N. agencies, the International Committee of the Red Cross [hereinafter "ICRC"], non-governmental organizations [hereinafter "NGOs"], and charitable groups and foundations that operate internationally and engage actively in conflict environments. Although these organizations may function under specific and divergent mandates, their staff and activities often face similar security challenges. The agencies addressed here do not include peacekeeping, peace enforcement, or other military-type operators.

5. See *Afghanistan: MSF Pulls Out of Country*, INTERNATIONAL REGIONAL INFORMATION NETWORKS, July 28, 2004, [http://www.irinnews.org/report.asp?ReportID=42408&SelectRegion=Central\\_Asia&SelectCountry=AFGHANISTAN](http://www.irinnews.org/report.asp?ReportID=42408&SelectRegion=Central_Asia&SelectCountry=AFGHANISTAN) (reporting Médecins Sans Frontières' ("MSF") decision to withdraw from Afghanistan after twenty-four years of operational presence—a period including two major civil wars, the Soviet occupation, and the Taliban-led government—citing lack of security for its staff); *Red Cross to Cut Iraq Staff*, BBC NEWS, Oct. 29, 2003, [http://news.bbc.co.uk/1/hi/world/middle\\_east/3224723.stm](http://news.bbc.co.uk/1/hi/world/middle_east/3224723.stm) (announcing that the ICRC would reduce its staff in Iraq in response to the bombing of its Baghdad headquarters).

6. See U.N. Charter pmb1.

conflict.<sup>7</sup> Parties to various conflicts, in particular the non-state armed groups, may sometimes perceive such agendas as biased and politically motivated. Thus, the universality of the values promoted by the U.N. no longer guarantees the security of its access in conflict situations. The U.N., much like other major international agencies involved in reconstruction and peace-building, must develop detailed and well-tailored security strategies which integrate the values of transparency and compassion into its missions and address the new security realities faced by its staff in the field.

This Article argues that the U.N.'s response to emerging security threats may bear significant implications for the nature and orientation of the mission of the organization, for the way the mission is perceived by the parties in situations of armed conflict, and for the capacity of the mission to fulfill its objectives. From a purely technical viewpoint, managing the security of U.N. agencies' personnel seems to be strategically important in defining the role of the United Nations in conflict situations, particularly in terms of its access to, and the protection of, vulnerable groups.

At the core of the current debate, two schools of thought are competing to assert their influence on the orientation of U.N. agencies' security response. The first, which this Article shall call the "system-based security approach," emphasizes the centralization of standards-driven security management as part of the integration of the U.N.'s humanitarian, developmental, peacekeeping, and political activities at the field level. This approach, promoted by U.N. security experts, provides the basis for a scalable and replicable security system, mirroring the military deployments it is designed to accompany. The other school, referred to here as the "community-based security approach," seeks acceptance of U.N. missions by the communities that the U.N. agencies are designed to assist at the field level. This approach views the communities themselves as guarantors of the security of staff. Culturally and politically sensitive, this approach essentially promotes a decentralized and receptive approach to field security in coordination with other local non-governmental organizations. The future of the United Nation's ability to operate in a conflict environment may reside in balancing these two approaches. The debate on security management, therefore, constitutes a defining moment for the United Nations as an operational organization in conflict situations.

This Article is based on a 2005 survey ("SMI survey") and on research on the security strategies of humanitarian and development agencies, undertaken by the Program on Humanitarian Policy and Conflict Research ("HPCR") at the Harvard School of Public Health within the framework of the Security

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7. See, e.g., The Secretary-General, *Prevention of Armed Conflict, delivered to the Security Council and the General Assembly*, U.N. Doc. S/2001/574, A/55/985 (June 7, 2001) (reviewing the U.N.'s role in conflict prevention and peace-building); see also G.A. Res. 60/L.1, ¶¶ 73–78, 97–105, U.N. Doc. A/60/L.1 (Sept. 20, 2005) (describing the new mandate of the peace-building commission and various aspects of the U.N.'s conflict prevention and peace-building strategies, including developmental assistance, human rights protection, humanitarian relief, and gender equality and political reforms).

Management Initiative (“SMI”).<sup>8</sup> Part I reviews the various sources of insecurity for humanitarian personnel. Part II presents the latest observations of the 2005 SMI survey regarding international agencies’ responses to the increased insecurity. Part III presents an analysis of international agencies’ strategies for dealing with insecurity, and Part IV proposes a common model of security management, as well as current policy challenges for the establishment of a robust security management system. Finally, Part V provides a set of observations and practical recommendations for donor governments and international agencies on ways to improve the security and safety of their personnel in hazardous missions.

## I. THE SECURITY ENVIRONMENT OF INTERNATIONAL AGENCIES IN THE TWENTY-FIRST CENTURY

### A. *Reasons for the Increased Security Threats*

First, a review of the new sources of insecurity facing the United Nations and other international agencies active in conflict areas is necessary to provide a framework for the analysis of these security threats in a larger political and social context pertaining to the domain of international assistance.

A key aspect of the current insecurity is not that conflict situations have become much more violent in recent years, but, rather, that the staff of international agencies have become more exposed to security risks in conflict zones. This increased exposure to risks has much to do with agencies’ changing operational objectives and methods. The blurring of mandates, especially within the U.N. environment, and the competitive pressure for operational outreach in areas of high insecurity, are key causes of this increased insecurity.<sup>9</sup> Most international reconstruction and development agencies now routinely lay claim to the mantle of humanitarianism and its underpinning principles of independence, neutrality, and impartiality—principles traditionally attached to life-saving assistance programs. For example, the U.N. Food and Agriculture Organization (“FAO”) increasingly refers to its agricultural programs, such as those in rural Haiti, as humanitarian activities.<sup>10</sup> The U.N. Development Programme (“UNDP”) described some of its post-conflict reconstruction activities as humanitarian, including its emergency repairs to

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8. See generally PROGRAM ON HUMANITARIAN POL’Y AND CONFLICT RES. AT HARV. U., SECURITY MANAGEMENT INITIATIVE: PROGRESS REPORT 2 (2005), [http://www.hpctr.org/pdfs/SMI\\_Progress\\_Report\\_-\\_March\\_2005.pdf](http://www.hpctr.org/pdfs/SMI_Progress_Report_-_March_2005.pdf) [hereinafter SMI PROGRESS REPORT] (describing the SMI project).

9. See Meinrad Studer, *The ICRC and Civil-Military Relations in Armed Conflict*, 83 INT’L REV. RED CROSS 367, 367–91 (2001) (addressing complaints about increasingly blurred mandates); Jonas Gahr Støre, Sec’y Gen., Norwegian Red Cross, *The Role of a Humanitarian Organization in an International Security Operation—A Basis for Cooperation or Basis for Separation?* (Feb. 2, 2004), <http://www.redcross.no/file.asp?File=Bilder/PDF/ForedragAtlanterhavskomiteen020204.doc> (discussing the need to create a “humanitarian space” within mixed-mandate contexts).

10. See ReliefWeb, Haiti: U.N. Food and Agriculture Organization (FAO) Humanitarian Assistance Project for Agricultural Producers in the Gonaïves Region (May 27, 2005), <http://www.reliefweb.int/rw/RWB.NSF/db900SID/ACIO-6CSQVW?OpenDocument>.

infrastructure and job-creating reconstruction programs in Iraq.<sup>11</sup> The mixing of life-saving activities with development and reconstruction programs may have blinded some of these agencies to new vulnerabilities brought on by the political motives of their sponsors and financial backers who often tie their support for assistance to political reforms, good governance, or political alignment. In occupied Iraq for instance, the United Nations pursued vastly different activities within a single integrated mission. These activities included programs as diverse as relief assistance, reconstruction, institution-building, technical assistance, and political reforms, each of which has a distinct character and unique security requirements.<sup>12</sup> The humanitarian nature of these activities, as expressed by Sergio Vieira de Mello, former special representative of the U.N. Secretary-General, partially explains the U.N. staff's negligent attitude regarding their own security.<sup>13</sup> This mentality was based on the perception that, despite the deteriorating security environment, the U.N. staff all belonged to a "humanitarian community" that would not be the target of attacks.<sup>14</sup>

Although the United Nations and other international agencies have undertaken major efforts to improve the safety and security awareness of their personnel, recent surveys, including the present study, show that, for the most part, they remain poorly prepared to adequately assess and manage risks in highly insecure environments despite the fact that many of these agencies employ the best professional operators available. There is an apparent incongruity between the operational experience accumulated within each agency and the lack of systemic and standardized approaches to security management. The sense of immunity against attacks that humanitarian agencies have and the voluntary character of the humanitarian professional culture may have limited their ability to employ security management tools widely available in other private and security sectors.

Interestingly, one of the main sources of pressure for security reform appears to come not from the staff itself, but from the families of those who lost

11. See United Nations Development Programme, *Briefing Notes on Post-Conflict Iraq: A UNDP Humanitarian Action Plan* (Mar. 28, 2003), <http://www.undp.org/dpa/journalists/Iraqflashpreser28March.pdf>.

12. See S.C. Res. 1483, ¶ 8, U.N. Doc. S/RES/1483 (May 22, 2003).

13. See U.N. SCOR, 58th Sess., 4791st plen. mtg. at 5, U.N. Doc. S/PV.4791 (July 22, 2003) ("The United Nations presence in Iraq remains vulnerable to any who would seek to target our Organization . . . . Our security continues to rely significantly on the reputation of the United Nations, our ability to demonstrate, meaningfully, that we are in Iraq to assist its people, and our independence." This statement was recorded a month before the bombing of the U.N. headquarters in Baghdad that killed Vieira de Mello and twenty-one other staff.)

14. See INDEP. PANEL ON THE SAFETY AND SECURITY OF THE UNITED NATIONS PERSONNEL IN IRAQ, REPORT OF THE INDEPENDENT PANEL ON THE SAFETY AND SECURITY OF U.N. PERSONNEL IN IRAQ 3 (2003), <http://www.un.org/News/dh/iraq/safety-security-un-personnel-iraq.pdf> [hereinafter INDEPENDENT PANEL REPORT] (stating that "[t]he observance and implementation of security regulations and procedures were sloppy and non-compliance with security rules commonplace"); Oliver North, *Baghdad Blues*, WASH. TIMES, Aug. 23, 2003, <http://www.washtimes.com/commentary/20030823-112746-6114r.htm> (quoting U.N. spokesman Salim Lome as saying, "we didn't expect to have to worry so much [after all], we are humanitarians").

their lives in service of the United Nations. International agencies are now facing increasingly litigious constituencies, among beneficiary populations and, more notably, among their predominantly Western staff. Such claimants increasingly seek compensation for damages incurred in preventable security and safety incidents.<sup>15</sup> There are no precise numbers available on the litigation, or threats of litigation, exerted by the families. However, interlocutors we spoke with in the course of the 2005 SMI survey expressed the view that threats of litigation may be a key factor in prompting the U.N. agencies' interest in security management reforms.<sup>16</sup>

The elaboration and implementation of new security strategies and procedures to address the operational risks facing staff may have become unavoidable. As this Article will describe, the professionalization of security management is not without major consequences for the identities and mandates of international agencies, especially given the emergence of integrated missions and the expansion of civil-military relations. Agencies will have to review the balance between "the depth of their commitment to defending their own institutional interests . . . and the degree to which that commitment influences the way they conceive of providing help to people in need."<sup>17</sup>

Before reviewing current strategies to address the security challenges faced by the United Nations and other international agencies, it is important to identify some of the factors underpinning the increased exposure to insecurity. According to the Independent Panel on the Safety and Security of U.N. Personnel in Iraq, these factors include the growing number of field operations in fragmented or failed states, the blurring of the distinction between civilians and combatants in conflict areas, the privatization and fragmentation of armed forces and the increased availability of weapons, the globalization of terror movements, and the spread of religious and fundamentalist ideologies some of whose adherents openly oppose key U.N. tenets.<sup>18</sup>

The first three factors identified by the Panel are not surprising. They reflect the ongoing deterioration of the social and security environments in which international agencies are called to operate.<sup>19</sup> The last two factors, however, focus on singularly new threats against the United Nations and other agencies. These factors will be analyzed in turn.

15. See Koenraad Van Brabant, *HPG Briefing: Mainstreaming Safety and Security Management in Aid Agencies*, 2 HUMANITARIAN POL. GROUP BRIEFING 1 (2001), <http://www.odi.org.uk/hpg/papers/hpgbrief2.pdf>.

16. Interview with Alan Drew, Dir., Health and Sec. Dep't, European Bank for Reconstruction and Dev., in London, Eng. (Feb. 9, 2005).

17. DAVID RIEFF, *A BED FOR THE NIGHT* 85 (2004).

18. INDEPENDENT PANEL REPORT, *supra* note 14, at 19.

19. See generally EUROPEAN COMM'N DIRECTORATE-GEN. FOR HUMANITARIAN AID, REPORT ON SECURITY OF HUMANITARIAN PERSONNEL: STANDARDS AND PRACTICES FOR THE SECURITY OF HUMANITARIAN PERSONNEL AND ADVOCACY FOR HUMANITARIAN SPACE (2004), [http://www.reliefweb.int/rw/lib.nsf/db900SID/LHON-66VEC8/\\$FILE/security\\_report\\_echo\\_2004.pdf?OpenElement](http://www.reliefweb.int/rw/lib.nsf/db900SID/LHON-66VEC8/$FILE/security_report_echo_2004.pdf?OpenElement); Pierre Krähenbühl, *The ICRC's Approach to Contemporary Security Challenges: A Future for Independent and Neutral Humanitarian Action*, 86 INT'L REV. RED CROSS 505, 505–13 (2004).

### 1. *The Growing Number of Field Operations in Fragmented or Failed States*

Over the last decade, international agencies have been called to deploy their humanitarian, reconstruction, and development activities in a growing number of hazardous locations, from unstable political environments to outright civil or international wars. For instance, the number of U.N. staff deployed in hazardous missions multiplied by four from 1991 to 2003, reaching over 40,000.<sup>20</sup> Other international agencies faced similar increases in staff deployment to conflict areas.<sup>21</sup> Upon the request of donor governments to amplify synergies between assistance and peace efforts (for instance, in Afghanistan,<sup>22</sup> Sierra Leone,<sup>23</sup> or Darfur<sup>24</sup>), international agencies also had to expand their operational engagement from traditional relief assistance to rights-based programming, reconstruction and development and, ultimately, conflict prevention and resolution activities. This increasing qualitative involvement in conflict prevention, management, and resolution has caused agencies to deploy more staff in a growing number of conflict situations to undertake activities more politically sensitive than ever before, thereby increasing their vulnerability and exposure to insecurity.

### 2. *The Blurring of the Distinction Between Civilians and Combatants*

Since the Second World War, conflicts have increasingly engaged civilians, both as active participants in hostilities and direct targets of attack. Tragically, civilians have also constituted the overwhelming majority of war casualties.<sup>25</sup> With the waning of the Cold War, a pattern of deliberate war against civilians, waged by largely untrained forces wielding relatively light arms, has persisted.<sup>26</sup> Therefore, assisting civilians may be perceived by parties to a conflict as a gesture of political and security significance. Despite the humani-

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20. See INDEPENDENT PANEL REPORT, *supra* note 14, at 19. The U.N. considers a mission hazardous when prevailing security conditions require the application of security measures under U.N. security phases. *Id.*

21. The number of ICRC personnel in the field grew from 6266 in 1994 to 12,450 in 2004. See INT'L COMM. OF THE RED CROSS, ANNUAL REPORT 1 (1994), available at <http://www.icrc.org/web/eng/siteeng0.nsf/iwpList140/F6D5F568606558CDC1256B660059116D>; INT'L COMM. OF THE RED CROSS, ANNUAL REPORT 45 (2004), available at [http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/section\\_annual\\_report\\_2004](http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/section_annual_report_2004).

22. See Alan Kreczko, *The Afghan Experiment: The Afghan Support Group, Principled Common Programming, and the Strategic Framework*, 27 J. DISASTER STUD., POL'Y & MGMT. 239 (2003), available at <http://www.blackwell-synergy.com/doi/abs/10.1111/1467-7717.00231>.

23. See U.N. SCOR, 60th Sess., 5219th plen. mtg., U.N. Doc. S/RES/1610 (June 30, 2005) (extending the U.N. mission in Sierra Leone for six months).

24. See U.N. SCOR, 60th Sess., 5151st plen. mtg., U.N. Doc. S/RES/1590 (Mar. 24, 2005) (establishing the U.N. mission in Sudan).

25. See R. L. SIVARD, *WORLD MILITARY AND SOCIAL EXPENDITURES* (1996).

26. The Secretary-General, *We the Peoples: The Role of the United Nations in the Twenty-First Century*, at 33, delivered to the General Assembly, U.N. Doc. A/54/2000 (Apr. 3, 2000), available at <http://documents-dds-ny.un.org/doc/UNDOC/GEN/N00/388/97/img/N0038897.pdf?OpenElement>. For a quantitative analysis of the transformation of warfare, see HUMAN SEC. CTR., *HUMAN SECURITY REPORT 2005: WAR AND PEACE IN THE 21ST CENTURY* 15 (2005), available at <http://www.humansecurityreport.info/index.php?option=content&task=view&id=28&Itemid=63>.

tarian character of their endeavor, international agencies run the inherent risk of being perceived as taking sides in the conflict and, thus, becoming the target of attacks simply by deploying their humanitarian operations for the benefit of the civilian population. The direct targeting of the U.N. headquarters in Iraq in the summer of 2003, and the targeted killing of staff members of the United Nations High Commission for Refugees (“UNHCR”) in Afghanistan in November 2003,<sup>27</sup> exemplify the deteriorating security conditions that U.N. agencies face.

### 3. *The Privatization and Fragmentation of Armed Forces and the Increased Availability of Weapons*

Though the overall number of traditional international conflicts has decreased since the early 1990s, the remaining and emerging conflicts often take place within failing or collapsed states.<sup>28</sup> The fragmentation of states, with its various manifestations (ineffective government control over territory and people, warlordism, repression of minorities, movement of internally displaced and refugee populations) contributes to the complexity of conflicts. International agencies must cope with these new uncertainties by developing strategies that, ideally, remain impartial and amenable to all parties to the conflict. The ability of these agencies to preserve the integrity of their programs and maintain the acquiescence of the parties to the conflict amounts, for the most part, to their security.

Moreover, the prevailing guiding operational principles for humanitarian action in armed conflict were developed for application in linear types of warfare, characterized by a degree of readability of both the battlefields and the command structures of contending forces. Yet, humanitarian organizations increasingly operate within the context of “swirling tactics” rather than “linear tactics.”<sup>29</sup> Indeed, humanitarian organizations and workers are now faced

27. See Crispin Thorold, *Afghanistan's Fearful Aid Community*, BBC NEWS, [http://newswww.bbc.net.uk/2/hi/south\\_asia/3278279.stm](http://newswww.bbc.net.uk/2/hi/south_asia/3278279.stm) (last visited Feb. 24, 2006) (reporting the killing of U.N. staff member Bettina Goislar in Afghanistan).

28. See MONTY G. MARSHALL & TED ROBERT GURR, *PEACE AND CONFLICT 2005: A GLOBAL SURVEY OF ARMED CONFLICTS, SELF-DETERMINATION MOVEMENTS, AND DEMOCRACY* 1–3 (2005) (stating that although “the decline in the global magnitude of armed conflict . . . has persisted[,]” thirty-one of the remaining countries in conflict are given “red flags” because they are “at serious risk of mismanaging societal crises and succumbing to civil war or governmental collapse”).

29. “Swirling tactics” are defined by the new characteristics of the modern battlefield. “Armies must now plan to fight three battles at once. Combat doctrines require that units be able to fight the ‘direct’ battle—that is, to engage units directly to their front. But doctrine also requires that armies be able to fight the ‘deep’ battle, to reach out and strike deeply behind the enemy’s lines with large combat forces to disrupt timetables, supplies, and reinforcements.” The “rear” battle requires “that armies must plan to deal with sizeable enemy forces engaged in attacking the rear . . . . Accordingly, the entire battlefield is highly unstable, a war not of fixed lines, but of swirling combat in which units will be expected to fight isolated from parent units. Units will be trapped, decimated, bypassed, isolated, and often expected to fight until they can no longer do so. In short, modern war is not a war of offense and defense as in World War II, but a war of meeting engagements in which all units are expected to conduct a continuous offensive.” RICHARD A. GABRIEL & KAREN S. METZ, *A SHORT HISTORY OF WAR: THE EVOLUTION OF WARFARE AND WEAPONS* ch. 5 (Marianne P. Cowling ed., U.S. Army War College Strategic Stud. Inst. 1992),

with “a style of warfare that is itself qualitatively different from almost all war that has gone before.”<sup>30</sup> Furthermore, the proliferation of small arms has had a significant impact on both the political and security environments of contemporary conflicts. Individuals can now arm themselves and create an active military group for only a few hundred dollars.<sup>31</sup> With a minimum of training, they can engage in warfare with other groups or government forces. This access to weapons has generated both the spread of (criminal and political) violence and the leveling of political groups. Private groups are able to acquire substantial power and exert control over large territories and populations. International agencies’ operators have to engage with such groups for access to vulnerable populations and to obtain credible security guarantees.

#### 4. *The Globalization of Terror Movements and the Spread of Religious and Fundamentalist Ideologies*

The attacks in Baghdad on the U.N. headquarters in August and September 2003 and on the International Committee of the Red Cross (“ICRC”) head office in October 2003, as well as calls for further attacks by fundamentalist movements,<sup>32</sup> have forced humanitarian agencies to reconsider their security.<sup>33</sup> In the past, when agencies’ personnel were targeted by armed groups, these attacks were never understood as substantial challenges to the *modus operandi* of these organizations. They were perceived as isolated security incidents demonstrating a lack of understanding or trust of the neutral characters of the organizations.<sup>34</sup> Such explanations appear grossly inadequate, however, when one considers the unprecedented level of planning behind the

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<http://www.au.af.mil/au/awc/awcgate/gabrmetz/gabr0020.htm>.

30. *Id.*

31. It was possible, in 2001, to buy a single used AK-47 for just ten dollars in Afghanistan’s black market. Indeed, over fifty-nine percent of the total global firearms stockpile is owned by civilians. Aaron Karp, *Red Flags and Buicks: Global Firearm Stockpiles*, in SMALL ARMS SURVEY 2002: COUNTING THE HUMAN COST 66, 79 (2002).

32. See Scott Baldauf, *Aid Groups in Afghanistan Weigh Good Deeds Vs. Safety*, CHRISTIAN SCI. MONITOR, Oct. 28, 2003, <http://www.csmonitor.com/2003/1028/p07s01-wosc.html> (discussing a statement by Taliban threatening NGOs believed to be working in the interests of the United States); CHINA Daily, *Al Qaeda Web Site Claims U.N. Bombing in Baghdad* (Aug. 26, 2003), [http://www2.chinadaily.com.cn/en/doc/2003-08/26/content\\_258266.htm](http://www2.chinadaily.com.cn/en/doc/2003-08/26/content_258266.htm) (reporting that Brigades of Abu Hafis al Masri claimed responsibility for the 2003 bombing of the U.N. office in Baghdad); Laura Rozen, *Hate Speech: Is an Al-Qaeda-Linked Group Behind the August 19 Truck Bombing of the U.N. Headquarters in Baghdad, and the Friday Attack on the Najaf Mosque?* WAR AND PIECE: REPORTS ON NATIONAL SECURITY AND FOREIGN POLICY ISSUES FROM WASHINGTON, D.C., Aug. 30, 2003, <http://www.warandpiece.com/blogdirs/000041.html> (quoting Brigades of Abu Hafis al Masri’s statement of responsibility for the 2003 bombing of the U.N. office in Baghdad).

33. See Ian Fisher & Elizabeth Becker, *The Struggle for Iraq: The Reconstruction; Aid Workers Leaving Iraq, Fearing They are Targets*, N.Y. TIMES, Oct. 12, 2003, at 18; Daniel B. Schneider, *Driven from Iraq, Aid Groups Reflect on Work Half Begun*, N.Y. TIMES, Nov. 15, 2004, at A13; Press Release, Médecins Sans Frontières, *MSF Stops Activities in Iraq* (Nov. 4, 2004).

34. See Angelo Gnaedinger, Dir.-Gen., ICRC, *Humanitarian Action: “Today’s New Security Environment has Forced Us Back to Basics”* (Feb. 27, 2004), <http://www.icrc.org/Web/Eng/siteeng0.nsf/iwpList88/201C56BB82A156B9C1256E5A00393D71>; see also Pierre Gassmann, *Rethinking Humanitarian Security*, HUMANITARIAN EXCHANGE, June 2005, at 32, <http://www.odihpn.org/report.asp?ID=2721>.

violent attacks in Baghdad, prompting the withdrawal of most international staff from Iraq and, later, from parts of Afghanistan. More importantly, the global outreach of the terror organizations involved appeared to endanger humanitarian operations not only in specific conflict settings, but all over the world.<sup>35</sup>

The globalization of terror movements and the spread of religious and fundamentalist ideologies requires significantly more than managerial responses; it reaches to the core of the security dilemmas confronting international agencies and calls for a reevaluation of their strategic approaches to conflicts. Can international agencies continue to operate if they become explicit targets of attack? What types of security measures can be implemented to maintain life-saving activities? Can humanitarian organizations proactively maintain the perception that the essence of their task is humanitarian—neutral in endeavor, impartial in method, independent and distinct from backers—and continue to seek acceptance by all the parties concerned? The explicit targeting of international organizations has finally brought to the fore essential questions concerning the relationship of each organization with the political motives and the strategic security concerns of their home constituencies, namely their funding sources.<sup>36</sup>

Relying on the principle of independence is increasingly problematic considering the significant growth of U.N. and non-U.N. international agencies in recent years, and the parallel increased dependency of these agencies on large donors, such as the European Union and the United States who, themselves, pursue political agendas.<sup>37</sup> For instance, after the bombing of the U.N. headquarters in Baghdad, al Qaeda allegedly claimed responsibility for the attack and declared that the United Nations is “a branch of the American State Department.”<sup>38</sup> These issues explain in part why humanitarian organizations have had difficulties in addressing the emergence of new threats within the context of their core values and current mandates.

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35. See INDEPENDENT PANEL REPORT, *supra* note 14, at 31; MOHAMMAD-MAHMOUD OULD MOHAMEDOU, NON-LINEARITY OF ENGAGEMENT: TRANSNATIONAL ARMED GROUPS, INTERNATIONAL LAW, AND THE CONFLICT BETWEEN AL QAEDA AND THE UNITED STATES (2005), available at [http://www.hpccr.org/pdfs/Non-Linearity\\_of\\_Engagement.pdf](http://www.hpccr.org/pdfs/Non-Linearity_of_Engagement.pdf).

36. See, e.g., Letter from Mary E. McClymont, President and Chief Executive Officer, InterAction, to Andrew Natsios, Adm'r, U.S. Agency for Int'l Dev. (July 24, 2003), [http://www.interaction.org/files.cgi/2180\\_Response\\_to\\_Natsios\\_Speech\\_-\\_Final.doc](http://www.interaction.org/files.cgi/2180_Response_to_Natsios_Speech_-_Final.doc) (responding to Natsios' reported statement that U.S. government-funded NGOs were “to be considered an arm of the US government”); Colin Powell, Sec'y of State, U.S. Dep't of State, Remarks to the National Foreign Policy Conference for Leaders of Nongovernmental Organizations at Yale Law School: September 11, 2001: Attack on America (Oct. 26, 2001), [http://www.yale.edu/lawweb/avalon/sept\\_11/powell\\_brief31.htm](http://www.yale.edu/lawweb/avalon/sept_11/powell_brief31.htm) (stating “I am serious about making sure we have the best relationship with the NGOs who are such a force multiplier for us, such an important part of our combat team”).

37. See, e.g., Judy Aita, *Development Requires Aid Plus Good Governance, USAID Chief Says*, THE WASHINGTON FILE, June 27, 2005, available at <http://www.usembassy.org.uk/forpo745.html> (quoting Andrew Natsios as saying, at a June 27, 2005 special meeting of the U.N. General Assembly, that “development progress is, first and foremost, a function of country commitment and political will to rule justly, promote economic freedom and invest in people”).

38. CHINAdaily, *supra* note 32.

### 5. *Operational Integration and the Emergence of New Operational Risks*

Following the U.S.-led interventions in Afghanistan and Iraq, the reality of integrated missions, which compound all sectors of international activities in a given country under one peace-building mission, has emerged almost naturally. Indeed, David Rieff writes that “it is difficult to see how this new humanitarian model in which military action and humanitarian effort are viewed as joined in one seamless enterprise will easily or soon be undone.”<sup>39</sup> The challenges inherent in repairing government infrastructure and in rebuilding a sustainable economy on the remnants of a fragmented state require serious strategic planning and the integration of international assistance under one coherent framework.<sup>40</sup> International assistance is now clearly linked to security concerns, declared to be of “national interest,”<sup>41</sup> and promoted as a preventive response to the global threat posed by extreme violent groups.<sup>42</sup>

These integrated efforts are often undertaken at the expense of previously dominant military groups (e.g., the Taliban in Afghanistan, Sunni Baathists in Iraq) that may remain militarily active. In view of the supremacy of the U.S. military and its allies, disgruntled armed groups are often tempted to score political points by attacking agencies engaged in social, political, and humanitarian programs. Such agencies are typically the weaker civilian links of these integrated missions. Recent security incidents in Iraq, particularly the murder of Margaret Hassan, head of Care International’s operations in Iraq,<sup>43</sup> and the killing of at least thirteen employees of the Election Commission by armed groups in Afghanistan,<sup>44</sup> demonstrate the extent to which the link between humanitarian and developmental programs and peace enforcement efforts can endanger the integrity of the former, with little benefit to the latter.

Some argue that these risks are even greater when military personnel, *in lieu* of international agencies, engage actively in the delivery of humanitarian and development assistance. The decision to allow military personnel to provide humanitarian and developmental assistance is typically driven by the military’s intention to provide “force protection” or to collect intelligence on the activities of insurgent groups. On occasion, the military engages in the delivery of such services very simply because the emergency needs of a given

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39. RIEFF, *supra* note 17, at 339.

40. See U.N. Gen. Assembly & Sec. Council, Panel on U.N. Peace Operations, *Report of the Panel on United Nations Peace Operations*, U.N. Doc. S/2000/809, A/55/305 (Aug. 21, 2000).

41. U.S. AGENCY FOR INT’L DEV., FOREIGN AID IN THE NATIONAL INTEREST: PROMOTING FREEDOM, SECURITY, AND OPPORTUNITY (2002), [http://www.usaid.gov/fani/Full\\_Report—Foreign\\_Aid\\_in\\_the\\_National\\_Interest.pdf](http://www.usaid.gov/fani/Full_Report—Foreign_Aid_in_the_National_Interest.pdf)

42. See JAVIER SOLANA, A SECURE EUROPE IN A BETTER WORLD (2003), [http://ue.eu.int/ueDocs/cms\\_Data/docs/pressdata/EN/reports/76255.pdf](http://ue.eu.int/ueDocs/cms_Data/docs/pressdata/EN/reports/76255.pdf).

43. See Reuters AlertNet Foundation, Hassan Murder Engenders Soul-Searching (Dec. 13, 2004), <http://www.alertnet.org/thefacts/reliefresources/110294259234.htm>.

44. FOXNews.com, Alleged Taliban Leaders Arrested in Afghanistan (June 5, 2005), <http://www.foxnews.com/story/0,2933,158630,00.html>.

population have remained unmet because of the serious threats faced by international humanitarian agencies.<sup>45</sup>

### B. *New Security Risks in a Larger Operational Context*

Most experts agree that despite the tragic consequences of these attacks on humanitarian agencies' staff and the emotional impact of the loss of life, the monetary cost of security incidents related to attacks on agencies' personnel remains relatively low compared to other sources of risk such as road accidents, illnesses, criminal violence, riots, or collateral damage from hostilities.<sup>46</sup> Furthermore, the factors that mark specifically U.N. agency personnel as explicit targets should not be considered important because the increase in the probability of targeted attacks on U.N. personnel is nominal. The real cause of concern, instead, is the political and operational consequences of such attacks and the realization that some conflict areas or parties to conflict may effectively become "off-limits" for international agencies, including those exclusively engaged in emergency response.

## II. UNITED NATIONS' RESPONSE TO INCREASING SECURITY RISKS

### A. *Institutional Changes*

Having reviewed the sources of insecurity, the U.N.'s response to this volatile new security environment is undertaken. While significant investments in security hardware are being made, including security infrastructure, equipment, field training, and expertise, it appears that the United Nations has not yet developed a proper strategic approach to its security in terms of vision and means. Moreover, methods for assessing risks, managing crises, communication, and allocation of responsibilities remain inadequate. This Part will analyze, in particular, the reasons that account for the lack of cogent security strategies in the United Nations.

In the past, the U.N.'s security strategy has been based primarily on acceptance of a U.N. mission by the local population and the emblematic protection offered by the U.N. flag. But, as evidenced by the 2003 attacks on U.N. headquarters in Baghdad<sup>47</sup> and the growing number of fatalities among relief workers and elections observers in Afghanistan, Iraq, and Democratic

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45. GERARD MCHUGH & LOLA GOSTELOW, *PROVINCIAL RECONSTRUCTION TEAMS AND HUMANITARIAN-MILITARY RELATIONS IN AFGHANISTAN* (Save the Child. 2004), <http://www2.apan-info.net/mpat/documents/PRTs%20and%20Human-Mil%20Relations%20In%20Afghanistan.pdf>; see also Paul O'Brien, *PRTs—Guaranteeing or Undermining a Secure Future in Afghanistan?*, 5 *FORCED MIGRATION REV.* 38, 38–39 (2003).

46. Interview with Alan Drew, Dir., Dep't of Health and Safety, European Development Bank, in London, Eng. (Apr. 5, 2005); Interview with Olivier Gabus, Agent Général, GEN Assurances, in Neuchatel, Switz. (May 2, 2005); see SMI PROGRESS REPORT, *supra* note 8.

47. "In Iraq the United Nations and NGOs quickly learned to their dismay and horror that their humanitarian flags and symbols are no longer enough to provide for their protection or for the protection of civilians caught in the crossfire of conflict." Gil Loescher, *Threatened Are the Peacemakers*, *NOTRE DAME MAG. ONLINE*, Spring 2005, <http://www.nd.edu/~ndmag/sp2005/loescher.html>.

Republic of Congo,<sup>48</sup> the increased exposure to security threats has seriously challenged the security management capacity and capability of the United Nations. Recent internal reviews into the security system of the United Nations highlighted serious deficiencies in the management of the security of staff in conflict areas.<sup>49</sup> The shortcomings identified by these inquiries included the poor training of security personnel, the lack of resources to maintain essential security infrastructure, the culture of indifference among operational staff with regard to security procedures, and the dearth of analytical capabilities for continued risk assessments.<sup>50</sup>

These deficiencies have had severe consequences for the security of U.N. staff over the recent years and have limited the ability of the U.N. system to deploy its personnel in conflict areas. The tragedy in Baghdad in August 2003 provided the necessary impetus to address these issues in a systemic manner with the support of the U.N. General Assembly. U.N. Secretary-General Kofi Annan responded by establishing a series of mechanisms to further develop internal security policies. In June 2004, the Deputy Secretary-General, Louise Fréchette, reported the launch of several initiatives to strengthen the U.N. security system in general and to enhance the capacity of the Office of the United Nations Security Coordinator (“UNSECOORD”) in particular. These reforms were in line with previous policy recommendations adopted by the U.N. General Assembly.<sup>51</sup> In particular, a senior change manager was appointed in January 2004 to advise on ways to strengthen the U.N. security system and to assist in the implementation of a number of new actions, including the development of an enhanced procedure for threat and risk assessment, the upgrading of operating security standards, the evaluation of systems for compliance and accountability, and the training and career development of security personnel.<sup>52</sup>

On December 23, 2004, as part of a broad review of security, the U.N. General Assembly approved the establishment of the Department of Safety and Security.<sup>53</sup> This new department integrated a number of security offices throughout the United Nations, including the former UNSECOORD, the Safety and Security Services (“SSS”), and the civilian security component of the Department of Peacekeeping Operations.<sup>54</sup> On January 13, 2005, the

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48. Aita, *supra* note 37, ¶ 3.

49. *Id.* ¶¶ 4–5.

50. See The Secretary-General, *Report of the Secretary-General on Strengthening the Security and Safety of United Nations Operations, Staff and Premises*, ¶ 2, delivered to the General Assembly, U.N. Doc. A/58/756 (Apr. 5, 2004) [hereinafter *Report on Strengthening Security*].

51. See Press Release, Deputy Sec’y-Gen., Deputy Secretary-General Describes Fundamental Changes In Thinking, Approach to U.N. Security, In New York Address, U.N. Doc. DSG/SM/226 (June 7, 2004), available at <http://www.un.org/News/Press/docs/2004/dsgsm226.doc.htm>.

52. *Report on Strengthening Security*, *supra* note 50.

53. See G.A. Res. 59/276, U.N. Doc. A/RES/59/276 (Dec. 23, 2004).

54. See Press Release, The Sec’y-Gen., Accountability for Crimes Against U.N., Associated Personnel ‘Woefully Inadequate,’ Secretary-General Says in Message on Day of Solidarity with Missing Staff, U.N. Doc. SG/SM/9783 (Mar. 28, 2005), <http://www.un.org/News/Press/docs/2005/sgsm9783.doc.htm>.

Secretary-General appointed Sir David Veness, former assistant commissioner for specialist operations with Scotland Yard, to head the Department of Safety and Security at the Under-Secretary-General level.<sup>55</sup> Veness is the first security professional named at the most senior managerial level of the United Nations with a far-reaching mandate to professionalize the U.N. security system.<sup>56</sup>

Other international agencies have also hired security experts at their headquarters and the regional field level to oversee security arrangements.<sup>57</sup> Upon the invitation of donor governments, NGOs such as the United States Agency for International Development (“USAID”) and the Humanitarian Aid Department of the European Commission (“ECHO”) combined their efforts to build their own security systems and to pool security expertise.<sup>58</sup> The international NGO RedR, for example, now runs training programs both on individual and institutional security.<sup>59</sup> InterAction, an alliance of U.S. humanitarian and international development NGOs, has established the position of an NGO security coordinator<sup>60</sup> as well as a security advisory group, which develops policies and protocols for the security of NGO staff.<sup>61</sup> InterAction plans to propose a new security blueprint to its board of directors by the end of 2005.<sup>62</sup>

At the field level, cooperative arrangements on security have similarly emerged. The Afghanistan NGO Security Office (“ANSO”) provides humanitarian organizations working in Afghanistan with updated security reports and security management strategies.<sup>63</sup> The NGO Coordination Committee in Iraq (“NCCI”) offers similar security coordination and support as part of its mission to coordinate the work of the NGOs remaining in Iraq.<sup>64</sup> Finally,

55. Louise Fréchette, The Deputy Sec’y-Gen., U.N., Press Conference by Deputy Secretary-General Louise Fréchette at United Nations Headquarters (Jan. 13, 2005), <http://www.unis.unvienna.org/unis/pressrels/2005/dsgsm242.html>.

56. *Id.*

57. Security-related openings are regularly posted on ReliefWeb, a web portal for the humanitarian community hosted by the U.N. Office for the Coordination of Humanitarian Affairs. *See* ReliefWeb, Vacancies, <http://www.reliefweb.int/vacancies> (last visited Feb. 10, 2006).

58. *See* EUROPEAN COMMISSION’S DIRECTORATE-GEN. FOR HUMANITARIAN AID, GENERIC SECURITY GUIDE FOR HUMANITARIAN ORGANISATIONS 15 (2004), [http://europa.eu.int/comm/echo/pdf\\_files/security/echo\\_generic\\_security\\_guide\\_en.pdf](http://europa.eu.int/comm/echo/pdf_files/security/echo_generic_security_guide_en.pdf).

59. RedR, RedR Training, <http://www.redr.org/redr/training/index.htm> (last visited Feb. 10, 2006).

60. InterAction, Jobs at InterAction, <http://www.interaction.org/jobs/jobads.html> (last visited Feb. 13, 2006).

61. *See generally* InterAction, InterAction Security Planning Guidelines, [http://www.interaction.org/files.cgi/687\\_Security\\_Planning\\_Guidelines.pdf](http://www.interaction.org/files.cgi/687_Security_Planning_Guidelines.pdf) (last visited Feb. 10, 2006).

62. Interview with James Bishop, Dir. of Humanitarian Policy and Practice, InterAction, in Washington, D.C. (Oct. 13, 2005).

63. *Rainbo Nation*, IRC CIRCULAR (Int’l Rescue Comm. U.K., London, Eng.), Winter 2003/2004, at 2, <http://72.14.207.104/search?q=cache:eCKPHk3QDD4J:www.theirc.org/resources/CIRCULAR-20ISSUE-205.pdf+ANSO+and+IRC&hl=en&gl=us&ct=clnk&cd=3>.

64. *See generally* NGO Coordination Committee in Iraq, <http://www.ncciraq.org> (last visited Feb. 13, 2006).

ECHO has recently produced a major survey of security strategies and resources for its partner organizations.<sup>65</sup>

As observed in the 2005 SMI survey, these investments are beginning to have an impact on the overall culture of humanitarian personnel. Basic security skills training is now available to staff in most agencies through various in-house training courses, or through outsourced training with specialized NGOs or private security companies.<sup>66</sup> Long distance security training via video or CD-ROM is also possible.<sup>67</sup> These training resources address “practical issues encountered in fieldwork (passive protection, interaction with belligerents, negotiation techniques, and mine awareness programs) and present each agency’s specific security regulations and operating standards.”<sup>68</sup>

This availability of information on security suffers, however, from two serious limitations. First, the SMI survey showed that basic security training is generally not made available to nationally recruited staff, who are increasingly made responsible for the security of entire operations.<sup>69</sup> Due to limited resources, international agencies tend to focus on building the security capabilities of international staff as the backbone of their security response. Such an approach must necessarily be reviewed in light of the growing trend of conducting operations in highly insecure environments remotely, using national staff as frontline operators. Second, security training generally remains introductory and does not address managerial issues in terms of, for example, methodology for risk assessments and crisis management.<sup>70</sup>

One should nevertheless note that efforts are emerging in this domain. The UNHCR is at the forefront of such efforts, with a comprehensive security management review released in January 2005.<sup>71</sup> However, all agencies interviewed in the course of the 2005 SMI survey agree that efforts are urgently needed to develop security management capabilities within international agencies, for both senior security advisors and senior operational managers.<sup>72</sup>

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65. EUROPEAN COMMISSION’S DIRECTORATE-GEN. FOR HUMANITARIAN AID, REPORT ON SECURITY OF HUMANITARIAN PERSONNEL: STANDARDS AND PRACTICES FOR THE SECURITY OF HUMANITARIAN PERSONNEL AND ADVOCACY FOR HUMANITARIAN SPACE (2004), [http://www.reliefweb.int/rw/lib.nsf/db900SID/LHON-66VEC8/\\$FILE/security\\_report\\_echo\\_2004.pdf?OpenElement](http://www.reliefweb.int/rw/lib.nsf/db900SID/LHON-66VEC8/$FILE/security_report_echo_2004.pdf?OpenElement).

66. SMI PROGRESS REPORT, *supra* note 8, at 2.

67. *Id.*

68. *Id.*

69. *Id.*

70. See GRAHAM WHITE, SECURITY TRAINING DIRECTORY FOR HUMANITARIAN ORGANISATIONS 15 (2004), [http://europa.eu.int/comm/echo/pdf\\_files/security/echo\\_security\\_training\\_directory\\_en.pdf](http://europa.eu.int/comm/echo/pdf_files/security/echo_security_training_directory_en.pdf); see also Koenraad Van Brabant, *Security Training: Where Are We Now?*, FORCED MIGRATION REV. 7 (Apr. 1999).

71. See UNITED NATIONS HIGH COMM’R FOR REFUGEES, A REVIEW OF UNHCR’S SECURITY POLICY AND POLICY IMPLEMENTATION: THE REPORT OF THE STEERING COMMITTEE ON SECURITY POLICY AND POLICY IMPLEMENTATION 20 (2004) (“The larger framework of the UN Security Management System is currently also under review, and significant changes are expected. The assumption of the Working Group in preparing this report is that in addition to its membership in and commitment to an effective UN Security Management System, UNHCR must have its own security policy and approach not least because the security and safety of staff members is an organizational and managerial accountability.”).

72. SMI PROGRESS REPORT, *supra* note 8, at 7.

*B. From Basic Training to New Security Management Standards and Procedures*

While most operational managers agree that the security environment has evolved considerably, it appears that the increased availability of operational training has taken place without a clear understanding of the types or sources of threats international agencies will face in the coming decades. In fact, there are few discussions addressing global and local threats against international agencies or exploring the role that agencies can play to mitigate exposure to these new risks.<sup>73</sup> More generally, international agencies express the view that although the safety and security of their staff is their foremost concern, stringent security measures should not dictate operational policy nor limit their ability to fulfill their mandates. Because the agencies fear that operational choices may be restrained by an over-emphasis on the provision of security, security issues are perceived as primarily technical matters and are not considered strategically important.<sup>74</sup>

As explained above, there is a dearth of strategic thinking in the development of international agencies' security responses, and this absence is one of the most striking limitations on the adequate provision of security. For the most part, current approaches have been elaborated as a series of technical responses to operational problems without meaningful policy debates among international agencies on coherent security strategies.<sup>75</sup> For example, despite the common recognition that one agency's behavior may affect the security of all agencies in a given theater of operation, there is little to no inter-agency coordination or information-exchange mechanisms beyond the U.N. Security Management Team ("SMT") grouping of the heads of each U.N. agency. ANSO in Afghanistan is a rare example of several agencies pooling their resources to manage their exposure to risks.<sup>76</sup> At the headquarters level, agencies rarely discuss risk assessment, crisis management, crisis mitigation, or insurance coverage.<sup>77</sup> Only recently have the Office of the U.N. Security Coordinator ("UNDSS") and the Inter-Agency Security Management Network

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73. See The Secretary-General, *Report of the Secretary General on Strengthened and Unified Security Management System for the United Nations, delivered to the General Assembly*, U.N. Doc. A/59/365 (Oct. 11, 2004); Press Release, General Assembly, Budget Committee Debates Secretary-General's Plan for Strengthened, Unified UN Security, U.N. Doc. GA/AB/3644 (Nov. 4, 2004), <http://www.unis.unvienna.org/unis/pressrels/2004/gaab3644.html>.

74. See generally SMI PROGRESS REPORT, *supra* note 8.

75. See, e.g., ANTONIO DONINI ET AL., MAPPING THE SECURITY ENVIRONMENT: UNDERSTANDING THE PERCEPTIONS OF LOCAL COMMUNITIES, PEACE SUPPORT OPERATIONS, AND ASSISTANCE AGENCIES (2005), [http://www.gcsp.ch/e/meetings/Research\\_Seminars/EU-Peace\\_Ops/2005/Donini.pdf](http://www.gcsp.ch/e/meetings/Research_Seminars/EU-Peace_Ops/2005/Donini.pdf). The report examines key aspects of the different perceptions of international agencies, local populations, and peace support forces on security and on implementation of related security attitudes and measures in three common operational locations (Afghanistan, Sierra Leone, and Kosovo). The report, which does not make any strategic recommendations to agencies, demonstrates that the security environment is defined, above all, by local constraints.

76. *Rainbo Nation*, *supra* note 63, at 2 (providing information on ANSO).

77. See SMI PROGRESS REPORT, *supra* note 8, at 3. Telephone Interview with Guy Malon, Broker, Marsh Inc. (June 10, 2005); Interview with Ed McLaughlin, Managing Dir. Risk Consulting Practice, Marsh Inc., in London, Eng. (June 27, 2005).

(“IASMN”) begun reflecting on security priorities and procedures for U.N. agencies working in hazardous environments.<sup>78</sup> No other significant institutional policy mechanisms address, in a coordinated manner, the security risks incurred by international agencies.

This lack of debate is particularly surprising in light of the lengthy discussions among international agencies on other aspects of management reform, such as the need for greater managerial accountability and transparency, the mainstreaming of human rights, and the nexus between rehabilitation and development. In other words, while security capabilities have grown into a primary strategic factor in allowing or prohibiting field operations, little has been discussed or published among agencies on this critical topic. Surprisingly, international agencies have not yet had this much-needed debate and discussion in spite of their willingness to discuss other issues.<sup>79</sup>

The failure of international agencies to develop cogent security strategies can be traced to the competing interests and priorities that emerge as agencies interact with the groups discussed below.

### 1. *Host Governments*

Host governments are, in principle, responsible for all security aspects of international agencies' operations. This responsibility flows from the inherent function of government to maintain law and order. However, there are no clear descriptions of what such responsibility should entail in practical terms.<sup>80</sup> The Convention on the Safety of U.N. and Associated Personnel, for example, simply refers to the responsibility of a host state to “take all appropriate measures to ensure the safety and security of United Nations and associated personnel” and provides some legal basis for the exchange of information pertaining to the prevention and prosecution of crimes against U.N. person-

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78. See The Secretary-General, *Safety and Security of Humanitarian Personnel and Protection of United Nations Personnel*, ¶ 34, delivered to the General Assembly, U.N. Doc. A/60/223 (Aug. 12, 2005).

79. See generally Van Brabant, *supra* note 1; Francois Grunewald, *Securite du Personnel en Mission Humanitaire: Entre Comprehension, Protection, Dissuasion et Acceptabilite, Quelques Elements de Strategie* (Août 1999), [http://www.urd.org/fichiers\\_urd/pole\\_dactivites/recherche/securite/compreh1.pdf](http://www.urd.org/fichiers_urd/pole_dactivites/recherche/securite/compreh1.pdf); HUMANITARIAN POLICY GROUP REPORT 14, HUMANITARIAN ACTION AND THE 'GLOBAL WAR ON TERROR': A REVIEW OF TRENDS AND ISSUES (Joanna Macrae & Adele Harmer eds., 2003), <http://www.odi.org.uk/hpg/papers/hpgreport14.pdf>; United Nations Office for the Coordination of Humanitarian Affairs, *Addressing the Challenges to Humanitarian Security* (Geneva, Mar. 2004) (prepared in consultation with the Inter-Agency Standing Committee Task Force on Collaborative Approaches to Humanitarian Security).

80. A representative of the Group of 77 (the largest Third World coalition in the U.N.) and China stated that they are “of the view that the primary responsibility for the safety and security of the United Nations and its personnel lie with the host government. The Group shares the concerns raised by the [Advisory Committee on Administrative and Budgetary Questions] with regard to the inadequate working arrangements with host governments with regard to their responsibility and obligations for UN security and safety. The Group is also concerned that these responsibilities and obligations are not always finalized in legally binding written documents.” Mishal Mohammed Al-Ansari, Statement on Behalf of the Group of 77 and China by Mr. Mishal Mohammed Al-Ansari, State of Qatar, On Strengthened and Unified Security Management System of the United Nations (Nov. 4, 2004), <http://www.g77.org/Speeches/110404b.htm>.

nel.<sup>81</sup> Besides this, there is no indication of the degree or mode of a host government's involvement in the security and safety of international agencies.

On the other hand, agencies would not necessarily welcome an official security blanket as it may interfere with the warring parties' perception of the agency as a neutral body, exert unwarranted control over their movements and activities, and limit access to vulnerable groups. Thus, in an effort to keep the host governments at a distance, most agencies tend to understate their security needs and strategies.<sup>82</sup>

### 2. *Non-State Armed Groups and Civil Society*

International agencies that choose, as a matter of principle, to stay at arms length from security forces do so in part because they are aware of the importance of being perceived as transparent and trustworthy by non-state actors and civil society. Appearing concerned about staff security beyond the acceptable local norms necessary for protection against criminal activities can easily be perceived as hiding a more political agenda. Agencies in conflict areas tend to model their security arrangements on local practices and customs, even though they realize fully that their security needs differ substantially from those of local private actors.<sup>83</sup>

### 3. *International Agencies' Staff*

Finally, employment regulations may render agencies directly liable for the security of their personnel.<sup>84</sup> The determination of security risks may well trigger incommensurable consequences in terms of an agency's relationship with its own staff. In other words, the more determinate the security risks appear in a given situation, the more definitive the obligations of the agency will be to provide appropriate security arrangements. Most agencies now recognize that contractual waivers referring to the strictly volunteer nature of the commitment of individual staffers on missions in conflict areas will not suffice to limit the agencies' liability in court.<sup>85</sup> Although agencies understandably cannot provide absolute security to staff in conflict areas, just how much security they *should* provide remains difficult to determine. In this context, the professionalization of security can carry significant operational and financial liabilities for international agencies in terms of security assessment, analysis, protection measures, and the preventive evacuation and relocation of staff.

81. Convention on the Safety of United Nations and Associated Personnel, G.A. Res. 49/59, art. 7, 49 U.N. GAOR Supp. (No. 49), U.N. Doc. A/49/49 (1994), <http://www.un.org/law/cod/safety.htm>.

82. *Supra* note 77.

83. *Id.*

84. SMI PROGRESS REPORT, *supra* note 8, at 5; see The Secretary-General, *The Secretary-General's Bulletin: Staff Regulations*, Regs. 1.2(c) and 6.2, U.N. Doc. ST/SGB/2003/5 (Feb. 7, 2003), <http://documents-dds-ny.un.org/doc/UNDOC/GEN/N03/245/67/pdf/N0324567.pdf?OpenElement>.

85. *Supra* note 77.

### III. ANALYSIS OF THE CURRENT STRATEGIC APPROACHES TO INSECURITY

Two major schools of thoughts compete over the orientation of the U.N. agencies' security response. This Part will present these distinct approaches and will assess the potential evolution of the debate.

As discussed above, international agencies have spent too little time and too few resources on developing proper and cohesive security strategies. Current approaches to security combine different methods and vary from one agency to another. These approaches may be categorized as "system-based strategies" or "community-based strategies."

#### A. *System-Based Approach to Security*

Under a system-based security strategy, all agencies involved in a given conflict area implement strict security standards and procedures.<sup>86</sup> Thus, the security of each member depends to a large extent on the security of all the others. System-based security is at the core of the U.N. security system, in which UNDSS, the IASMN, and the security apparatus in the field are designed to function as a network of security officers operating in parallel to U.N. operations, providing guidance and standards on all security issues.<sup>87</sup>

Under this approach, security threats are perceived as a reality against which agencies must be protected. Security experts must, therefore, assess threats and plan counter-measures. The focus is on the threats and on the protection measures to be implemented, rather than on the sources of, or motives behind, the threats. The security response is based primarily on centralized generic standards such as the U.N. Minimum Operational Security Standards ("MOSS"). Field operators are responsible to their headquarters for the proper implementation of these standards.<sup>88</sup>

There are countless benefits to such a security approach. The system is rational and scalable, depending on the amount of resources available to ensure each agency's compliance with system-wide standards and procedures. Also, security capabilities can be deployed in timely fashion pending the availability of resources. The system is often based on military or security expertise that can readily adapt lessons learned in military operations on the security of people, premises, transportation, or communication.<sup>89</sup>

But there are four serious shortcomings to such systems. First, a system-based security approach depends largely on the quality of risk assessments and, therefore, requires strong intelligence capabilities. However, intelligence

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86. See UNITED NATIONS HIGH COMM'R FOR REFUGEES, SECURITY IN THE FIELD: INFORMATION FOR STAFF MEMBERS OF THE UNITED NATIONS SYSTEM (1998), [http://www.reliefweb.int/rw/lib.nsf/db900SID/LGEL-5CYK7D/\\$file/security.pdf?OpenElement](http://www.reliefweb.int/rw/lib.nsf/db900SID/LGEL-5CYK7D/$file/security.pdf?OpenElement).

87. *Id.*

88. United Nations Security Coordinator (UNSECOORD), *Minimum Operating Security Standards (MOSS) Policy Document* (July 1, 2004) (describing a Minimum Operational Security Standards (MOSS) standard).

89. See UNITED NATIONS HIGH COMM'R FOR REFUGEES, *supra* note 86.

capabilities are limited by the political and legal restrictions imposed by host governments or the international community.<sup>90</sup> The resulting lack of intelligence information means that military experts are often unable to take proper protection measures. Paradoxically, the implementation of tighter security measures often results in limiting interactions with the population and with potential sources of threats, thereby further hindering the agencies' capacity to assess their security environment.<sup>91</sup> Secondly, system-based security responses are essentially reactive and amorphous in that they construe security risks as generic threats such as thefts, kidnapping, and shootings. Such responses display little understanding of the social, economic, and political environment of these human-made threats—an understanding that could likely prevent their occurrence. Given the absence of adequate intelligence and the limited capability to engage in a preventive dialogue with the sources of the threats, international agencies are easy (“soft”) targets lacking the capability to build their security capital on a system-wide basis. As a result, system-based responses are generally unspecific, unstructured, and unconvincing. Thirdly, unless military capabilities are available, system-based security can easily be out-gunned or overrun by any armed group that finds it advantageous to chase the international agencies out of the conflict situation. Finally, though most agencies tend to extend the initially planned timeframe of their commitment in an operational setting, system-based security approaches tend to eschew a long-term view of agency deployment. For the above reasons, relying exclusively on system-based engagements will likely cause the various stakeholders to view the international agency more negatively, thereby severely constraining the further development of activities.

### B. Community-Based Approach to Security

A community-based strategy adopts a different approach to security. Under this formulation, security is defined as the product of a relationship with the community of beneficiaries and actors in the conflict. Thus, the security of staff derives from the acceptance of the presence and activities of international agencies by all those who can affect their security. This approach has been adopted by such humanitarian organizations as the ICRC and other NGOs active in conflict areas.<sup>92</sup>

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90. Louise Fréchette, U.N. Deputy Sec'y-Gen., Press Conference at United Nations Headquarters, *supra* note 55. (The Deputy Secretary-General introduced Sir David Veness, Under-Secretary-General for Safety and Security, who explained, among other things, the need for cooperation with host governments regarding intelligence gathering.)

91. See FEINSTEIN INTERNATIONAL FAMINE CENTER, THE FUTURE OF HUMANITARIAN ACTION: IMPLICATIONS OF IRAQ AND OTHER RECENT CRISES 6 (2003), [http://hwproject.tufts.edu/pdf/iraq\\_issues\\_20031022.pdf](http://hwproject.tufts.edu/pdf/iraq_issues_20031022.pdf); see also Dan Murphy, *In Iraq, Aid Group Favors Talk Over Barbed Wire*, CHRISTIAN SCI. MONITOR, Dec. 18, 2003, <http://www.globalpolicy.org/ngos/aid/2003/1218barbed.htm>.

92. See Grunewald, *supra* note 79; see also Philippe Dind, *Security in ICRC Field Operations*, 323 INT'L REV. RED CROSS 335 (1998), <http://www.icrc.org/Web/Eng/siteeng0.nsf/iwpList167/FFF830A9E30C059AC1256B66005C0B1C>; Pierre Krähenbühl, *Humanitarian Security: "A Matter of Acceptance, Perception, Behavior . . ."* (Mar. 31, 2004), <http://www.icrc.org/Web/Eng/siteeng0.nsf/html/5XSGWE>.

Under this approach, the security of the staff starts with the prevention of threats, by directly addressing potential sources of risks and negotiating access to vulnerable populations. The focus is on the sources of the threats and the means to prevent their emergence. Consultations with the community as well as representatives of parties to the conflict are essential components of this approach. Communication and transparency are the primary tools of this process. In this context, organizations must be able to articulate a clear and acceptable mandate and explain the purpose of their activities to the communities involved. Their activities should focus on clearly identified humanitarian or developmental aims. Following strict and transparent need assessments, the delivery of services must be recognized as impartial. The community and security-related stakeholders must have a genuine interest in the services provided. Under this approach the role of the humanitarian operators is central. Their expertise in building trust with the relevant parties and within the population plays a critical role in securing the operational groundwork for the agencies' activities.<sup>93</sup>

This approach also has four important shortcomings. First and foremost, while the community environment plays a central role in providing secure grounds for agencies to operate, it is wrong to consider U.N. humanitarian agencies like the UNHCR or UNICEF as community-based. The agendas of such organizations remain defined primarily by international entities and their funding is provided largely by foreign donors. The constant pressure on these U.N. agencies to have a distinct mandate and to be visible often conflicts with their desire and ability to interact with the community. Secondly, communities are in a position to guarantee the security of agencies only to the extent that they are themselves safe and secure. Global and foreign threats and organized crime, as well as an increasing number of "sectarian" armed non-state actors, are often beyond the reach of community-based security guarantees.<sup>94</sup> The community-based security approach leaves international agencies particularly vulnerable to external threats since it fundamentally limits their ability to put together close protection measures in community settings. Once an agency turns to the community to ensure its security, it begins sharing the risks faced by community members. Thirdly, acceptance by the community is elusive, difficult to measure or test over time, and may also be misleading. Communities of beneficiaries may not always have a choice in whether to accept or reject humanitarian assistance. Similarly, acceptance by the community does not automatically guarantee security. Acceptance by governments and armed groups alike are also necessarily dictated by evolving political and security strategies. As a result, acceptance strategies are not always useful as long-term strategies since acceptance itself may be fleeting. Communication strategies and negotiation skills are critical tools for enhancing the security

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93. See, e.g., Krähenbühl, *supra* note 92.

94. See Max Glaser, *Humanitarian Engagement with Armed Non-State Actors: The Parameters for Negotiated Access*, 51 HUMANITARIAN PRAC. NETWORK 11 (2005).

of staff in these circumstances, but, alone, they are not enough. Finally, community-based security is not scalable or replicable without the availability of qualified individuals prepared to engage in a dialogue with the parties to the conflict and able to develop the necessary personal networks. Community-based security most often remains centered on individual operators who are capable of integrating the agencies' communication, programming, and security goals in a coherent manner. Experienced individuals are difficult to find and deploy on short notice. In addition, over-reliance on individual professionals may cause agencies to underestimate the need for institutional risk evaluation and response strategies in the face of constantly changing security risks.

### C. Current Debate

As observed in the 2005 SMI survey, even humanitarian agencies functioning under a centralized system-based approach recognize that acceptance by all stakeholders, as well as compliance with the principles of political neutrality, independence, and impartiality are the best guarantees for the security of their staff.<sup>95</sup> However, in the wake of the bombing attacks in Baghdad and the targeted attacks on staff in other operations, agencies are beginning to recognize that they must adjust their security measures based on a thorough examination of the perception of stakeholders and based upon an assessment of operational risks.<sup>96</sup> In this context, community-based and system-based strategies may each provide useful insights on ways to improve the security of staff confronted by new and evolving threats.

There is also, however, a continuing debate about the existence of a direct global terrorist threat against Western humanitarian agencies. The investment of over one hundred million U.S. dollars, made in the wake of the bombings in Baghdad, to protect the headquarters and field offices of the U.N. and the ICRC has been criticized as both excessive, given the absence of direct threats against specific locations, and as disproportionate to the dearth of resources invested in building staff capacity and analytical capability. Critics of this global threat paradigm point out that agencies should gear their security measures to specific and contextualized vulnerabilities that relate to the safety of staff, such as the prevention of road accidents and diseases, rather than to targeted attacks against staff and property.<sup>97</sup> Finally, most agencies consider their capacity to analyze the political situation and to assess the threats and risks of their environment to be hampered by a lack of institutional familiarity with the language, culture, and political nuances of the location where they operate. They are also seriously limited by the scarcity of seasoned generalist managers, high staff turnover, deficiencies in the transmission of key

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95. SMI PROGRESS REPORT, *supra* note 8, at 3.

96. See FEINSTEIN INTERNATIONAL FAMINE CENTER, *supra* note 91.

97. See SMI PROGRESS REPORT, *supra* note 8, at 13; Press Release, Budget Committee Debates Secretary-General's Plan for Strengthened, Unified UN Security, *supra* note 73.

information, and arm's-length policies with regard to national or international security forces providing key information on security issues.<sup>98</sup>

The process of transforming international agencies' approach to security is far from linear. The increased awareness of U.N. agency staff about security and safety challenges, resulting from a recent and growing availability of basic training, demonstrates both the will and capability of U.N. organizations to address increasing security risks. However, the lack of a cohesive strategy has seriously hindered the development of proper security standards and procedures necessary for further improvements.

#### IV. DEVELOPING NEW SECURITY STRATEGIES FOR INTERNATIONAL AGENCIES: THE INTEGRATED SECURITY MANAGEMENT SYSTEM

In view of the increased pressure on agencies to improve their security response at both the systemic and community levels, international agencies must look for new strategies to better protect their employees. In recent years, international agencies have developed hybrid approaches to security, relying at times on system-based strategies and, at other times, on community-based strategies. For example, military officers of the Provincial Reconstruction Team in Afghanistan negotiated security arrangements with local militia leaders while operators in the Gaza Strip were outfitted with equipment such as bullet-proof vests.<sup>99</sup> Although this method provides agencies with much-needed flexibility, it remains unsatisfactory as a long-term solution since it does not yield a coherent and replicable security strategy.

Ultimately, the system-based approach and the community-based approach to security are contradictory. Essentially reactive in nature, system-based security relies on external security resources, focuses on the military aspects of security, and provides a centralized and coordinated system of protection. Community-based security, which may offer the best-known method of preventing threats, remains difficult to scale or replicate and generates confusion regarding security standards in any given situation. Strategies devised to encourage the participation of local communities in programming and enhancing security management are not systematized, leaving limited opportunities to evaluate their impact on the security of staff over time and among agencies.

Above and beyond these contradictions, these strategies reflect the two distinct operational identities of the United Nations. Its first identity is as a state-based multilateral organization assisting its member states in fulfilling their national policy agenda. Its second role is as a civil society organization serving specific constituencies such as refugees, children, and victims of war. Debates between the two security approaches conceal the inherent political tensions between governmental and non-governmental institutions both in terms of operational end goals and the means of achieve them. Security manage-

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98. *Supra* note 77.

99. *Id.*

ment is, in this context, no different from other areas of operational and strategic planning. The consequences of the tensions, however, are more dramatic as compared to, for example, the planning of a vaccination campaign or measures to eradicate locust infestation.

Neither the system-based nor community-based approach offers a definite solution to the security needs of international agencies, and the improvised vacillation between the two is not a long-term solution. An integrated security management system that can provide common professional and cultural grounds for the development of sound security strategies is needed. This common security culture must be based on an understanding of the composite nature of international agencies' missions. International agencies—humanitarian, developmental, or political—are all driven by an internationalist agenda geared toward assisting local communities in times of conflict. The security of their operations depends as much on a standardized and well-integrated system-wide security strategy as on the support and participation of communities.<sup>100</sup>

Based on the preceding analysis, this Article suggests a new model for the creation of an integrated security management system (“ISMS”). Such a system could be put into place within each agency to serve the needs of each agency for tailored security strategies and also to provide a common professional ground for the establishment of a concerted security framework among international agencies.

#### A. *Understanding the Dynamic Character of Insecurity*

An ISMS begins by integrating all elements of the security responses of international agencies into a defined model, from the management of risks to the mitigation of damages. This integrated approach responds to the dynamic sequence of factors and events that give rise to insecurity.

Under the ISMS approach, an organization must first consider its specific vulnerabilities in any given context since these vulnerabilities will likely compound other risk factors. Examples of such vulnerabilities include the agency's history, its positioning vis-à-vis other actors and stakeholders in the conflict, the way that it is perceived by the parties to the conflict, and the potential consequences of its activities. Any operation faces a series of risks, from the most benign (e.g., desert environment) to the most serious (e.g., proliferation of small weapons). These factors must be continuously analyzed to provide op-

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100. This combination is akin to the work and strategies of public health organizations. Like security strategies, public health strategies are aimed at the management of public health hazards and focus on the reduction of the vulnerability of a population to health threats. Threats to public health are not perceived as stand-alone risks but as the product of both external agents and communal behaviors that allow the hazardous agent to prosper and threaten the health of individuals. Unified by a professional character, the public health domain is based on solid and replicable system-based strategies (e.g., public health as a scientific and professional field) as well as community-based interventions (community health programs) which are ultimately sustainable in the long run. See Claude Bruderlein & Jennifer Leaning, *New Challenges for Humanitarian Protection*, 319 BRIT. MED. J. 430, 430–35 (1999).

erational managers with information on the conflict environments in which their staffs will operate. These risk factors must be considered seriously by security managers because they contribute to the emergence of actual operational threats against international agencies. The true operational danger is in the realization and convergence of several such risk factors at a given time and location. Operators generally agree that threats are most often communicated to the agencies before a security incident occurs.<sup>101</sup> Hence, it is important to be able to accurately interpret and effectively react to these communications in a timely manner. Many of the threats communicated to agencies are not carried out and very few result in security incidents.<sup>102</sup> Thus, a key aspect of security analysis is to evaluate the credibility of the threats received and the capacity and willingness of individuals or groups to carry out such attacks. In some situations, protective measures may successfully prevent the occurrence of any substantial damages.<sup>103</sup>

A key aspect of insecurity is the interdependence between the various sequences of factors and events. Not all risk factors will result in a security incident. However, all losses and damages resulting from a security incident can be traced to an actual threat and to a series of risk factors. This interdependence is at the core of an ISMS as individual elements of the security response build on one another to create a common security strategy.

#### *B. Building an Integrated Security Management System*

Creating an integrated security management system does not require substantial new resources. Rather, it focuses on making current resources and expertise work together. At the core of an ISMS is a standards-based, centralized planning and policy structure that provides guidance regarding a set of security sectors located at the periphery. The central organ bears the responsibility of evaluating the performance of each security sector and, if need be, investigating potential failures of the security system. The central ISMS should be staffed by security experts who can provide the necessary guidance and training to security and operational staff in the field. This group of experts should be composed of both individuals with a military or law enforcement background as well as experienced operators from the humanitarian and developmental community. In any particular ISMS, the responsibility for implementation of the security measures may be located at the field level and implemented by field operators, who should be trained to fulfill security responsibilities. However, field operators need not have military or security backgrounds. Since gaps in any sector endanger the integrity and efficacy of the whole system, each security sector has an equal value in terms of priority. The responsibilities and competence of each sector are outlined below.

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101. *Supra* note 77; see BUCHANAN & MUGGAH, *supra* note 3.

102. *Supra* note 77.

103. *Id.*

### 1. *Risk Assessment and Analysis*

Security and operational managers should be entrusted with the responsibility of assessing and analyzing a series of identified risk factors according to policy guidelines from headquarters. Their analyses should provide practical recommendations to operational managers at the local and regional levels to address the sources of insecurity through threat prevention or protection measures. These assessments should be conducted as part of the agency's regular programmatic assessments and should not rely on covert intelligence gathering methods. The results of these assessments should be shared with other security sectors and organizations.

### 2. *Community Information and Threat Prevention*

Following the community-based approach and experience, operational managers should be given clear objectives and should offer clear messages to the community regarding their operations. The results of these exchanges should be documented and shared with other security sectors.

### 3. *Protection Measures and Crisis Management*

Based on the risk assessments and exchanges with community representatives, appropriate protection measures should be put in place to ensure the security of staff, premises, transportation, and communication. For each of these measures, specific standardized policies should be implemented based on the ISMS guidelines produced at headquarters. In times of crisis, such as when security incidents occur, contingency planning should be implemented for the preservation of critical assets. Training and drill exercises should be key components of security preparedness.

### 4. *Mitigation Measures*

The responsibility of a security system does not end with the conclusion of a security incident. The system must also address all the logistical aspects of the mitigation measures so as to minimize the consequences of the incident. In terms of human resources, these responsibilities may include emergency medical treatment, post-traumatic stress consultations, and evacuation. In terms of physical assets, it may include collection of residual assets, upgrading of protection measures and security responses, and evaluation and investigation of a security incident. Evaluation and investigation of a security incident is of particular importance both for compensating the injured parties and for evaluating the security lapses that may have occurred.

The ISMS model merges system-based and community-based methodologies into a common security strategy for international agencies. Under an ISMS, operational security needs are divided into the aforementioned four discrete fields of activities, from risk assessment to mitigation measures. Each field has its own policies and strategies. The respective activities of a given field allow

for the establishment of a clear, credible, and professional security system based on scalable and replicable strategies. As with other security approaches, an ISMS is unlikely to provide absolute security, but it will provide a coherent and integrated method to reduce the exposure of staff to security risks across agencies and situations.

### *C. Responsibility of Line Managers*

A central assumption of the ISMS model outlined above is that operational managers should be primarily responsible for the management of the security of personnel in hazardous missions. These managers should be trained and equipped with the necessary tools to undertake these responsibilities. Security experts should provide advice to the managers on specific security functions.

Most of the experts that participated in the 2005 SMI survey agree that operational decisions should be made by operational line managers and that security experts should be confined to an advisory role.<sup>104</sup> Agencies acknowledge that security experts tend to optimize the application of security regulations and enhance risk mitigation to an extent that often forces agencies to bunkerize their operations, prohibiting access to beneficiaries or forcing the organizations to withdraw entirely from operational theaters.<sup>105</sup> Consequently, agencies are compelled to develop alternative approaches, such as operating at a distance, that diminish the exposure of their international staff. Agencies recognize, however, that many of their operational managers do not have the security management capabilities to evaluate or overrule technical recommendations made by their security experts.<sup>106</sup> The selection process for assigning managerial staff to hazardous missions often does not take into account a candidate's abilities as a leader, a coordinator, or a crisis manager. Nor do clear tools exist to assess the skills and competency of managers in matters dealing with the security of staff. To support the professional development of their senior management staff in the security domain, U.N. agencies should therefore provide tailored training, monitoring, and evaluation.

### *D. Accountability and Institutional Risk Management Issues*

As noted, a key aspect of the ISMS is the acknowledgment of the role and responsibility of the line managers for the security of staff. This new responsibility must be embedded in a new framework of accountability in which managers are aware of the scope and limits of their critical responsibilities. Based on these responsibilities, managers will be in a position to request better tools and preparation to address new security challenges.

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104. SMI PROGRESS REPORT, *supra* note 8, at 4.

105. *Id.*

106. *Id.*

Currently, accountability frameworks of agencies range from the complex, static, and hierarchical system found in the United Nations<sup>107</sup> to almost non-existent in some NGOs.<sup>108</sup> Within the U.N. system, agencies are reluctant to accept further centralization of the security management framework, as they fear that the process will not sufficiently take their specific methods of work or their unique mandates into account.<sup>109</sup> Most agencies favor the delegation of decision-making regarding compliance with security regulations to the managers closest to and most familiar with the immediate stakeholders. Yet, in highly complex security environments, accountability frameworks are generally disregarded in favor of micro-management by headquarters, including interference from agency heads such as presidents, board members, or donor governments.<sup>110</sup> Rather than providing decision-makers with proper mechanisms to address new challenges, current accountability frameworks serve as justifications for both referring decisions upward and for risk-averse attitudes.

More importantly, most agencies have no clear and transparent risk threshold. Agency risk-management systems are not based on a predictable calculus of risks against compelling emergencies and imperative institutional mandates. Reactions to security incidents are often dealt with in an emotional manner rather than through pre-established, transparent processes with clear rules for examining decision-makers in the field and at headquarters.

#### *E. Institutional and Personal Liability Issues*

The final issue to arise from the 2005 SMI survey is the liability of organizations and managers for damages and compensation due to negligence.<sup>111</sup> The exposure of organizations to financial risks plays an important role in mobilizing interest in new security management capabilities.<sup>112</sup> Particularly in the aftermath of the Baghdad bombings, most aid agencies affirm that the security and health of their staff is their foremost concern, and that they are seriously concerned about their inability to cope adequately with the institutional (and possibly individual) liabilities arising from security incidents.<sup>113</sup>

As with any other industry's security management, the insurance system can be used to manage and assign security responsibilities. Insurance policies are devised, in part, by evaluating each agency's exposure to security risk and its procedures and standards for handling these risks. For this reason, insurance coverage can offer more than mere financial compensation for the deaths or

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107. See The Secretary-General, *Inter-Organizational Security Measures: Framework for Accountability for the United Nations Field Security Management System*, delivered to the General Assembly, U.N. Doc. A/57/365 (Aug. 28, 2002).

108. SMI PROGRESS REPORT, *supra* note 8, at 4.

109. UNITED NATIONS HIGH COMM'R FOR REFUGEES, *supra* note 71, at 20.

110. SMI PROGRESS REPORT, *supra* note 8, at 5.

111. *Id.*

112. *Id.*

113. *Id.*

injuries of staff-members; it can provide an exceptional opportunity to establish a proper security management system under a coherent, rational, and economical framework. Large agencies, such as the United Nations or the ICRC, have almost all contracted out their insurance policies at high costs.<sup>114</sup> These policies are based on the implementation of, and respect for, clear security rules and procedures. The failure of an organization to implement these rules in a given incident nullifies the compensation claim against the insurer.<sup>115</sup> Smaller agencies face considerable difficulties in obtaining proper insurance coverage for war-related risks in general, and for terrorist acts in particular.<sup>116</sup> Because of their small size and their lack of standardized security procedures, these agencies generally cannot afford the cost of open insurance coverage. Therefore, they have no choice but to hope for the best. Moreover, many NGOs with limited assets cannot offer significant aid to staff-victims or their families, beyond traditional pension-plan types of coverage.<sup>117</sup> As a result, wealthy donor governments are increasingly concerned that field victims' families may turn to them for compensation, especially when there is a close operational relationship between donor governments and their "partner" organization.<sup>118</sup>

## V. CONCLUSIONS AND RECOMMENDATIONS

This Article has presented a first set of observations regarding the increased security threats affecting the United Nations and other international agencies working in conflict environments. It has aimed to begin a debate on common security strategies that will generate the necessary prospective thinking to effectively address emerging threats to the security of agency staff. It proposes a model for an integrated security management system drawing from both the system-based and community-based strategies.

In the final analysis, emerging security risks present unique challenges that not only endanger the staff and operations at the various U.N. and non-U.N. agencies, but also affect their historical existence as independent organizations. It may be argued that the ultimate test of operational relevance resides with each organization's institutional capacity to protect its personnel and remain fully operational. Political relevance and operational sustainability will, thus, require that international agencies commit to developing their security capabilities and their strategies to address the sources of insecurity.

But U.N. agencies will need to proceed cautiously in security management reform within the U.N. system because engaging in such reform may limit their ability to develop field-based and mission-specific security man-

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114. See INDEPENDENT PANEL REPORT, *supra* note 14, at 36–38.

115. *Id.* ¶ 5 (stating that "claims will only be accepted under this policy if the organization and/or the Insured Person concerned has demonstrated to UNSECOORD that it has complied with all UNSECOORD security guidelines").

116. SMI PROGRESS REPORT, *supra* note 8, at 5.

117. *Supra* note 77.

118. *Id.*

agement. While the standardization of risk assessment and crisis management methods is very much warranted, the experience of U.N. staff will differ among agencies. Security management, therefore, cannot be isolated from other operational processes. Security tools should serve these differences rather than attempt to reduce them. Ultimately, one can expect that large organizations such as the United Nations and its agencies will strike the proper balance between system-based and community-based approaches on which to develop more adequate security strategies. Smaller and more traditional organizations, such as Médecins Sans Frontières or the ICRC, are more at risk of being unable to develop cogent security strategies and, thus, remaining entangled in the contradictory needs to professionalize their security requirements and to maintain the benevolent nature of their operations. The capacity of these civil society agencies to resist the increasingly litigious character of their constituencies will determine how long they can avoid being driven out of conflict areas.

The establishment of a coherent and integrated security system is a long-term and demanding goal for international agencies. The following are some basic recommendations to orient the efforts of senior management on the development of necessary strategic capabilities.

#### *A. The Centralized Development of Security Standards*

One of the strengths of the system-based security strategy is the rational, scalable, and replicable character of systemic security arrangements. Although these systems use immense resources, they have offered demonstrable results over time and have provided solid grounds for the development of a proper security culture. It is imperative that agencies allocate the necessary resources to the development of a set of robust security policies as well as to the training of their personnel not only on security techniques but also security management skills.

Topics for further policy research include communication and negotiation techniques, strategies for seeking secured access, the role of outsourcing and local participation in programming and security building, the size and pattern of deployment as part of a security strategy, alternative methods for community-based security assessments, the use of information technology in risk assessment and analysis, the sharing of security responsibilities between headquarters and the field, and staff management in high-risk environments.

Security policies should be developed in an objective and critical manner and be compared with policies of other agencies. In addition, these policies should be evaluated by external authoritative experts from various fields of expertise including the military, police, intelligence, private security firms, and insurance companies. To stimulate scholarly research on these issues as they pertain to humanitarian operations in conflict environments, agencies should also promote a scientific debate on security issues as they relate to other fields of security studies.

### *B. The Professionalization of Security Operators*

Successful security reform relies largely on the creation of a professional security network that engages operational planners and managers both at headquarters and in the field. All staff should, of course, be trained in security techniques such as response to attacks, surviving hostage-takings, and emergency procedures. Additionally, senior managers with security responsibilities should be trained in security management. These management skills should include situation analysis and risk assessment, development of preventive security strategies, design and implementation of security regulations, provision of physical and psychological protection to staff, building crisis management capabilities, monitoring and reporting of security incidents, and managing the effects and consequences of security incidents. To promote inter-agency cooperation in this area, senior management should consider submitting their training curricula for certification by an independent board of experts that would review and advise agencies on the professionalization of their security system and activities. Donors can also play a role in promoting compliance of international agencies with the certification process.

### *C. The Development of a Common Professional Security Culture*

Finally, efforts should be devoted to promoting a new security culture among all professionals involved in conflict areas, so as to facilitate the integration of security considerations into the programming of the agencies' activities. Regardless of the nature or scope of activities of the international agency involved in the conflict area, the security of one agency is more than ever dependent on the security of all agencies. International agencies must discard the assumption that some organizations are safer or even immune from attacks because they carry a distinct emblem or belong to a specific religion, ideology, or national origin.

Different types of activities may warrant different security and operational strategies. For example, ICRC frontline operations may require more stringent confidentiality rules than human rights observers in the country. However, the overall success of these strategies ultimately depends on the professionalization of their management, the common recognition of their interdependence, and the respect for core security standards in terms of training and staff behavior in the field. Professional training at all levels of U.N. and non-U.N. agencies should incorporate these new security concepts and encourage a dialogue on the security of staff and its implications for all those concerned.

