

INTERNATIONAL PEACE  
OPERATIONS ASSOCIATION

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CONGRESSIONAL TESTIMONY BY DOUG BROOKS

## COMMITTEE ON GOVERNMENT REFORM

*Subcommittee on National Security, Emerging Threats, and International Relations*  
*June 13, 2006*

**M**r. Chairman, members of the Subcommittee, I would like to thank you for inviting IPOA's testimony. It is an honor to appear before you today.

As president of the International Peace Operations Association (IPOA), I represent firms from all over the world that provide essential services including logistics, training and security in support of international peace and stability operations in conflict and post-conflict regions. IPOA predates 9-11 and our focus has always been to ensure that the private sector's enormous capabilities are utilized to support peace operations with professionalism and high ethical standards. Our Code of Conduct was originally written by human rights lawyers and nongovernmental organizations and has subsequently been embraced by all IPOA member companies. Adherence to the Code is a prerequisite for membership. IPOA and its members work continuously to improve upon the Code and to enhance IPOA's enforcement mechanisms.

The Peace and Stability Industry is growing. Although our member companies come from a variety of nations and backgrounds and range in size from quite small to very large, they are united in a belief that the private sector can fulfill a critical role in supporting international peace and stability operations professionally and ethically. IPOA member services include aviation, training, logistics, security, medical support, humanitarian relief, construction, demining and unexploded ordnance disposal, armoring and many others. Employees of IPOA member companies are operating in every peace and stability operation in the world, including Afghanistan, the DR Congo, Haiti, Iraq and Sudan. Indeed, international peace operations simply could not happen without the

critical services of the private sector which brings enormous efficiencies, capabilities and cost savings that are vital to the success of humanitarian peace and stability operations.

That IPOA has doubled in size in less than a year is testimony to the value the industry places on our association and our message of industry standards and ethical operations. Currently we include 24 leading companies that are proactive in advocating ethical industry standards, appropriate national and international regulations, and increasing accountability and transparency. It is our belief that our association can be useful in addressing the critical legal and ethical concerns raised by critics, and we actively engage all key actors involved in complex contingency operations (CCOs), including the humanitarian, governmental, nongovernmental and media sectors. IPOA and its members recognize our critical role in supporting peace and stability operations and we are guided by humanitarian, ethical, moral and professional considerations. Ultimately, the more effective our support of international peace and stability operations, the more lives will be saved in the long-run.

While IPOA represents a broader industry, we recognize that the primary focus of this hearing is on the Private Security Companies, which make up about half of IPOA's membership. It might be of interest to the committee to know that the vast majority of private sector employees providing valuable services in CCOs are actually involved in logistics, support and training operations. We estimate the total annual value of services provided in the field to support peace and stability efforts at \$20 billion, of which PSCs amount to some \$2-4 billion. The following chart might be useful in understanding the Peace and Stability Industry.

# PEACE AND STABILITY INDUSTRY

Sector	<b>LSCs</b> Logistics and Support Companies	<b>PSCs</b> Private Security Companies	<b>SSR</b> Development and Security Sector Reform Companies
<b>Service Goal</b>	<b>Logistics and Technical Support</b>	<b>Security</b>	<b>Sustainable Development, Training and Security Sector Reform</b>
<b>Services</b>	Logistics and supply Threat assessment Consultancy Mine Clearance Medical services Construction/engineering Waste management	Site protection Travel and transportation protection Private security details Threat assessment and management Survival training	Security Sector Reform Democracy and Governance Economic development Business development Crisis Mitigation and Recovery
<b>Companies</b>	AMECO AYR Aviation Centigon Demining Enterprises Int. Evergreen J-3 Global Medical Support Solutions Main Street Supply and Logistics PAE PWC Logistics RONCO Security Support Solutions Toifor	ArmorGroup Blackwater EOD Technology Erinys Hart Olive Group OSSI-Safenet Reed, Inc SOC-SMG	Creative Associates MPRI

The quality of personnel we have worked with in the Department of Defense and Department of State has often been remarkably high. Many are military veterans of previous conflicts who bring enormous experience, dedication and a can-do attitude that helps us to work out the many bureaucratic barriers and complexities that would otherwise hamper our industry's support for peace and stability operations in Afghanistan, Iraq, Sudan and other conflicts. It has been a privilege to support their efforts.

We welcome these hearings, as one of the great problems we face as an industry is irresponsible sensationalism. IPOA represents legitimate companies doing legitimate work of real humanitarian value, and our industry will continue to support international peace operations into the future. The reality is that our members specialize in providing critical services professionally and ethically in chaotic environments. Such operations are inherently risky, and implementation is always challenging but too often misunderstood and misconstrued by outsiders. Frequently we find ourselves responding to inaccuracies propagated by irresponsible journalists, activists and even academics. We appreciate the interest and

concerns of this Committee and welcome this forum as an opportunity to address the sensationalism and to set the record straight.

***Specific Committee Questions:***

***What are the roles and missions of private security firms on the battlefield?***

The term 'battlefield,' especially in regards to PSCs, is a misnomer. While PSCs are contracted specifically for protective services in high-risk CCOs, they are not contracted to participate in anti-insurgent operations or offensive operations but rather in a defensive mode only to protect facilities and persons at risk from banditry or violence. This is an important distinction from an international law perspective. The Department of Defense has been very clear that PSCs are non-combatants and they cannot be used either offensively or as a planned component of an organized military defense. It should be noted that PSCs were not involved in the original incursions into Afghanistan and Iraq and were only contracted after the international phase of the war had ended.

Private Security Companies (PSCs) provide essential defensive security in inherently dangerous CCOs for

private sector, media, nongovernmental organizations (NGOs) and government clients. PSCs are defensive in nature, can be armed or unarmed, and are contracted to protect ‘nouns’ – people, places and things. Ultimately PSC services boil down to keeping people alive and ensuring reconstruction and relief efforts can continue. Their primary missions in Iraq include personal protection (also known as Protective Security Details - PSDs), static site security (such as government buildings, training grounds and such), protection of critical infrastructure (ports, oil installations and pipelines, power stations and power lines), convoy protection and security consulting, planning and advice. PSCs do not engage in offensive combat operations. Like other firms in the private sector, many PSCs hire a large proportion of their workforce locally, often comprising as much as 80% of their on-the-ground employees. PSCs free the U.S. military to focus its resources and personnel on its core mission of addressing the anti-Iraqi Forces.

***What international legal controls are in place for private security firms?***

Everyone is under international humanitarian law. Companies do not have standing in international law, but individuals do, as do states. States contracting PSCs and host states are obligated to enforce international law. From the IPOA perspective we have worked with appropriate organizations including the International Committee of the Red Cross to support our membership’s understanding of their responsibilities under international humanitarian law. Companies must take responsibility for employees who violate the law. State clients should also make clear to contracted companies that such transgressions will not be tolerated. Companies should be expected to operate professionally and legally and should be replaced if they tolerate violations of international humanitarian law by their employees.

The Private Security Company Association of Iraq (PSCAI) works closely with the Iraqi government to institute laws and regulations and to ensure that their membership of more than fifty PSCs are licensed by the Iraqi government and abide by licensing and laws. The PSCAI has partnered with IPOA on a number of projects to address many of the key issues facing Iraqis and the industry, and has been extremely proactive in helping to create appropriate legal frameworks for the operation of an ethical and professional PSC industry.

In Iraq, companies operate in accordance with Iraqi law and residual laws from the Coalition Provisional Authority that apply until modified or revoked by the Iraqi government. Such legacy CPA directives laws include CPA Memo 17 and CPA Order 3, CPA Order 17, CPA Order 100 (The full texts of these laws are available on the PSCAI web site at <http://www.psc.ai.org/cpadocs.html>). In addition, the Rules for the Use of Force provided by USCENCOM are also important to PSCs and can be summarized to three instances in which the use of force is considered legitimate: self-defense, defense of items or persons in the contract, and protection of Iraqi civilians under imminent threat (Appendix II). Once it is determined that force is necessary, graduated levels of force are itemized in the Rules.

In some cases contractors are covered under Status Of Forces Agreements (SOFAs) negotiated by the U.S. government, an arrangement that most companies have found desirable. As of today no such agreement has yet been created with the new Iraqi government.

***What United State statutes, regulations or policy directives apply to private security firms?***

One of the great misconceptions is that the industry seeks to evade laws, regulations and accountability. In fact, rules and guidelines can make commercial operations far easier, more predictable and simpler. They also serve as a barrier to entry to less professional companies and limit the ability of those firms to tarnish the entire industry. Although laws and regulations are necessary, poorly conceived and written laws and regulations can make flexibility difficult, even substantially more dangerous than necessary. The chaotic nature of CCOs means that companies in our industry must have the flexibility to address the evolving challenges. The industry looks forward to working with policymakers to ensure that the net effect is positive for the companies engaged in remarkably difficult environments and, more importantly, for civilians suffering from the conflict.

The principal Department of Defense policy governing contractors – with specific provision for armed contractors is found in DoD Instruction 3020.41:

*Contractor Personnel Authorized to Accompany US Forces.* In this instruction contractor personnel are required to “conform to all general orders applicable to DoD civilian personnel issues by the ranking military commander.” Military commanders may also limit security accesses and requests for removal of specific individuals are predictably honored by the

companies. See section 6.1.3 in the DoD Instruction for a discussion of applicable U.S. law. Service specific regulation of armed contractors can also be found in service regulations, such as AR 190-56: *The Army Civilian Police and Security Guard Program*. Short of actual legal efforts, the industry self-polices most personnel issues. Even minor infractions by contractor employees can be punished with loss of employment and repatriation by companies keen to ensure contractual compliance and client satisfaction. Although somewhat ruthless from a human resources perspective, the nature of CCOs and demanding clients leaves little room for employee hearings or boards of enquiry.

It is important to highlight the value and potential of the Military Extraterritorial Jurisdiction Act (MEJA), 18 U.S.C.2441, which is designed to be utilized in place of the Universal Code of Military Justice (UCMJ) for holding civilian contractors accountable. The courts have determined on several occasions in the past that the UCMJ cannot be applied to U.S. civilians unless war has been declared by Congress, and MEJA was designed to fill this legal gap. The act permits the Justice Department to go into U.S. district courts to prosecute employees of Defense Department contractors and subcontractors accused of felony misconduct on foreign soil. It also covers non-U.S. citizen employees unless their countries of citizenship elect to try the case. MEJA originally applied specifically to Department of Defense contractors, but was subsequently expanded by Congress in 2004 to include all contractors working in support of DoD missions. MEJA has been challenged by critics, primarily for the small number of prosecuted cases. IPOA members believe that MEJA can work, but would support improvements and expansions as we have in the past.

In addition to MEJA, the Patriot Act can apply to contractors for non-Department of Defense agencies and addresses "offences committed by or against a U.S. national" on lands or facilities used by United States personnel in foreign states. One case has already been tried using the Act. Additionally there is the DFARS, a set of rules that all contractors must follow. A recent rule (Case 2003-D087) specifies that contractor personnel that deploy with or support U.S. military forces deployed outside the United States are responsible for ensuring that their employees comply with applicable U.S. and host nation laws and regulations as well as the principles of international law.

### ***What types of established standards are in place for private security firms?***

The major industry groups including the PSCAI, the British Association of Private Security Companies (BAPSC) and IPOA are all active in working to ensure appropriate industry standards. PSCs generally maintain their own codes of conduct. IPOA, however, has developed its own code that member companies are required to adhere to as well (see Appendix I).

Originally written by NGOs and human rights lawyers and constantly being improved and enhanced, the IPOA Code of Conduct is designed to address the key concerns raised by policymakers, humanitarian organizations and NGOs, and to ensure the highest level of conduct and professionalism possible in the uniquely chaotic environments CCOs.

It is both a fortunate and unfortunate coincidence that IPOA's Standards Committee is running a long-scheduled simulation exercise at George Mason University at precisely the same time as these hearings. The simulation is being monitored and assisted by academics and human rights organizations and will test the Committee's ability to assess simulated complaints from a number of different sources and test IPOA's response and enforcement mechanisms. Our goal is to allow anyone - including journalists, human rights organizations, civilians and others - to bring a complaint about a Code of Conduct violation to the Standards Committee and have it properly addressed. At the same time, we are developing an external advisory body to monitor this process as well as all aspects of our Association to ensure that our standards and policies are of the highest possible caliber.

We believe that the IPOA Code of Conduct is a valuable tool for ensuring ethical behavior and for setting the standard for all companies specializing in CCOs. Clients – be they states, NGOs or international organizations - would be well advised to include adherence to the standards set by the IPOA Code in their Requests for Proposals. At the very least, we believe that our Code is an excellent demonstration of a company's dedication to ethical behavior, something that cannot be underplayed in any peace and stability operation where internationally recognized neutral and effective legal systems are the exception rather than the rule.

### ***How do private security firms vet their employees?***

Although the DoD Instruction 3021.41, section 6.3.5

has specific vetting requirements, every company also maintains their own vetting procedures which also depend on the nationality of the employees being hired. Ability to do background checks and research individual histories varies substantially among countries, and while many government contracts require monitoring of this vetting process, they do allow flexibility based on the realities on the ground. The Peace and Stability Industry is truly international, and IPOA believes that no matter how thorough a company's vetting procedures, it is critical that firms take responsibility for the employees and contractors they hire.

For Western employees from countries such as Australia, France, Germany, the United Kingdom and the United States, conducting fairly thorough background checks is easily achievable. For 'third country nationals' (TCNs) from developing countries, the process can be substantially more difficult. When utilizing local employees, the process can be even more complex. In countries such as Iraq and Liberia, years of conflict and upheaval have destroyed many personal records. Often the remaining records originated with regimes that are inherently suspect in nature. Vetting is often done through the use of trusted local intermediaries, which is hardly ideal, but many companies have refined such processes to a high art form with excellent results.

In addition, IPOA developed a strategy for the hiring of TCNs to ensure that they are aware of the risk they will face once recruited and that industry employees are fairly treated. An IPOA opinion editorial on this topic is included in Appendix III.

***What type of training do private security firms provide their employees?***

Training requirements are often contract-dependent. Some contracts require different skill sets than others, and some contracts specify exactly the kinds of training required of personnel. Training varies widely between companies and between contracts within companies, and is also set by levels of risk and complexity. We do not need to have Delta-trained individuals guarding gates, nor do we want half-trained mall cops protecting newly elected leaders in extremely dangerous environments. The key is flexibility and good contract management by both contract managers and PSCs.

Even individuals with the highest level of military training often require special reorientation to do

the kind of defensive security required by PSCs. As one former Delta Force soldier now employed by a PSC contracted in Iraq told me, "I had to learn that our job is to run away." In other words, PSC employees, no matter how elite their military background, benefit from training to address their new realities. PSCs often find that their contracted start times preclude a full training regime for the initial deployments of employees, but it has been our experience that companies are quickly able to address these weaknesses as the contracts mature. At the same time, many have found it helpful to include cultural and language training beyond the requirements of contracts, which IPOA strongly encourages.

***What difficulties have you, as a private security firm, encountered dealing with the U.S. military, Department of State and/or the U.S. Agency for International Development in a battlefield environment?***

While the Peace and Stability Industry has been privileged to work in support of U.S. military operations and in support of long-term stability and security in Iraq and elsewhere, a number of key issues have surfaced that could be improved.

***Improving Oversight***

One of the key issues that our member companies have been concerned about is effective and standardized oversight by government clients. An early complaint of IPOA member companies in Iraq was the shortage of Contract Officers and the short deployment times in the field - sometimes as short as three months. To put this in perspective, at the peak of the Vietnam War, with some 80,000 contractors deployed in country, the number one complaint about Contract Officers was their short deployment times of only one year.

While we have seen an improvement in Iraq on this issue, there are two reasons for these concerns. First, the higher quality companies that comprise IPOA members want their efforts and quality to be recognized by the government and differentiated from companies incapable or unwilling to provide the same quality. Second, the nature of contracts in CCOs where levels of risk can change on a weekly or even daily basis requires a high degree of flexibility and frequent contract modifications. It is essential that clients have the flexibility and field authority to alter contracts on short notice. The existing Federal Acquisition Regulations (FAR) were simply not written to address contracting in CCOs and fall somewhat short in providing the necessary flexibility that is required in this environment.

A second key issue that needs to be addressed is the variances in oversight techniques. While one might assume that contract law is standardized, and especially so within the U.S. Government, our member companies have discovered that contract management between the Department of Defense and Department of State can be quite different and often in conflict. We believe that government departments should ensure that Contract Officers and oversight personnel attend cross-training programs to establish connections and standardization of oversight and requirements from contractors.

Another aggravating factor that makes efficient oversight difficult is the remarkably heavy workload faced by contract officers that precludes them from any sort of effective oversight. One of the key findings of the GAO reports is that Contract Officers are trying to manage vast numbers of contracts worth billions of dollars with predictable results.

Outsourcing services to the private sector has been hugely successful in terms of efficiencies, quality, speed and results. It is safe to say that the U.S. military in Iraq is the best supported, best supplied military force in history. However, having taken advantage of the outsourcing potential, it makes sense to ensure that the government oversight capabilities are available and capable of ensuring the best results. This can be accomplished through an expansion of Contract Officer numbers and resources. From a contractor perspective, effective oversight simplifies our jobs enormously and allows better competition, reduction in costs and improvements in quality.

### *Blue on White*

Another concern that the industry has faced is the 'blue on white' issue, so called 'friendly-fire' incidents where PSCs are accidentally fired on by military units. The nature of CCOs means that mistaken identity will always be a hazard, but there are ways to minimize the problem. While PSCs are generally not allowed to wear military uniforms, most companies do wear some form of corporate uniform, usually a polo shirt of a certain color with the company logo. Some security work requires the use of 'low-profile' vehicles that blend in with civilian traffic, but also puts employees at greater risk of mistaken identity at military checkpoints or on encountering military convoys.

These complications are compounded by the fact that most companies utilize local personnel as

much as possible to carry out their contracts. The use of local employees provides numerous legal and financial benefits while helping to provide jobs, support the local economy and enhance ties with the local community. The problem in Iraq is that too often armed Iraqi employees are mistaken for insurgents by coalition forces. This issue has been highlighted in GAO reports as well [see the July 2005 report (GAO-05-737)].

A 2005 IPOA roundtable discussed this issue and brainstormed with Pentagon and industry management officers. Subsequently, IPOA, the Private Security Company Association of Iraq (PSCAI), and the British Association of Private Security Companies (BAPSC) collaborated to produce wallet cards with the key points for deploying coalition troops to consider:

#### What to Know About Private Security Companies (PSCs) in Iraq:

- PSCs are valuable, legal, armed security *partners* of MNFI.
- PSC personnel come from a variety of countries and backgrounds and include experienced military veterans. *PSCs also employ many Iraqis* who work alongside non-Iraqi personnel.
- PSCs protect important sites and individuals and travel in an assortment of armored and unarmored SUVs, cars and convoys.
- PSCs are civilians operating under strict rules of engagement and identify themselves with high visibility orange placards, country flags, or other means. They will have government issued identification.
- ***Remember . . . PSCs are friendlies working in support of the reconstruction effort!***

DoD has been highly supportive of this project, but did request some additional text changes recently which has slightly delayed production and deployment of the cards (we have some samples available here today).

Another activity that substantially enhanced coordination between the military and civilian sectors was the creation of the Regional Operations Centers (ROCs) which use a sophisticated GPS system to track the movement of civilian convoys, warn them of potential hazards and threats, and deconflict their movements with the military. I personally witnessed the operations of these centers during my visit over the holidays in December/January 2005-2006. While there were inevitable complaints about such a complex and sophisticated system, it nevertheless forms the

centerpiece for the operations of many PSCs. Similar systems should be required from the beginning in future operations.

### *Export Licensing*

One recurrent issue is licensing. Member services, training operations and exports require licenses from the Department of Defense and Department of State, which is entirely appropriate. However, the scale of operations in Afghanistan and Iraq has made this requirement something of a bottleneck. Special measures have been taken by the relevant offices to facilitate license requests for these operations, but we still believe these offices could be better resourced and the process safely streamlined without compromising appropriate controls over exports of services and equipment.

### *Access Badges in Iraq*

One of the more critical but complex issues in Iraq is regarding access badges. In a high-security environment such as we see in Iraq, contractors require these badges to be able to fulfill their contracts. It used to be possible for contractor personnel to obtain necessary access badges in 2-3 days but recent changes have meant that for international personnel the required badges can now take between 10 and 90 days. In the mean time the personnel are required to sit idle in-country and at risk while waiting for the badge. This frustrating bureaucratic bottleneck has been enormously wasteful in time and resources and is having a seriously adverse impact on the larger mission. This is a problem that could be largely solved by allowing electronic applications in which finger prints and so on could be sent through a secure server. Alternatively, allowing remote sites to do the badging, including Kuwait, Jordan or even the United States would reduce costs and smooth out the process.

### *Smart Clients*

IPOA includes the top companies in the industry and we believe that our public adherence to the IPOA Code of Conduct and our commitment to higher ethical standards gives our member companies an edge on competitors. We are working domestically and internationally to make IPOA membership a quality point that clients can recognize when awarding contracts. Nevertheless, the industry is very much demand driven, and clients can and should demand and expect higher standards from the companies they utilize.

Competition has been one of the key reasons for qualitative improvements in contracting in Afghanistan and Iraq, and we believe much more can be done by utilizing contractual requirements, and by ensuring proper oversight. My own field research in Iraq and elsewhere has amply revealed that companies in this highly competitive market are eager to ensure that their clients are satisfied with the quality of work. While operations in chaotic conflict and post-conflict regions necessarily require a high degree of flexibility, we should not resign ourselves to compromise on quality.

*Mr. Doug Brooks is the President of the International Peace Operations Association.*



APPENDIX I: INTERNATIONAL PEACE OPERATIONS ASSOCIATION

## CODE OF CONDUCT

### PREAMBLE: PURPOSE

This Code of Conduct seeks to ensure the ethical standards of IPOA member companies operating in conflict/post-conflict environments so that they may contribute their valuable services to be utilized for the benefit of international peace and human security.

Members of IPOA are pledged to the following principles in all their operations:

### 1. HUMAN RIGHTS

- 1.1 In all their operations, Signatories will respect the dignity of all human beings and strictly adhere to all relevant international laws and protocols on human rights.
- 1.2 In all their operations, Signatories will take every practicable measure to minimize loss of life and destruction of property.
- 1.3 Signatories agree to follow all rules of international humanitarian law and human rights law that are applicable as well as all relevant international protocols and conventions, including but not limited to:
  - 1.3.1 Universal Declaration of Human Rights (1948)
  - 1.3.2 Geneva Conventions (1949)
  - 1.3.3 Protocols Additional to the Geneva Conventions (1977)
  - 1.3.4 Protocol on the use of Toxic and Chemical Weapons (1979)
  - 1.3.5 Voluntary Principles on Security and Human Rights (2000)

### 2. TRANSPARENCY

- 2.1 Signatories will operate with integrity, honesty and fairness.
- 2.2 Signatories engaged in peace or stability operations pledge, to the extent possible and subject to contractual and legal limitations, to be open and forthcoming with the International Committee of the Red Cross and other relevant authorities on the nature of their operations and any conflicts of interest that might in any way be perceived as influencing their current or potential ventures.

### 3. ACCOUNTABILITY

- 3.1 Signatories understand the unique nature of the conflict/post-conflict environment in which many of their operations take place, and they fully recognize the importance of clear and operative lines of accountability to ensuring effective peace operations and to the long-term viability of the industry.
- 3.2 Signatories support effective legal accountability to relevant authorities for their actions and the actions of

company employees. While minor infractions should be proactively addressed by companies themselves, Signatories pledge, to the extent possible and subject to contractual and legal limitations, to fully cooperate with official investigations into allegations of contractual violations and violations of international humanitarian law and human rights law.

- 3.3 Signatories further pledge that they will take firm and definitive action if employees of their organization engage in unlawful activities.

### 4. CLIENTS

- 4.1 Signatories pledge to work only for legitimate, recognized governments, international organizations, non-governmental organizations and lawful private companies.
- 4.2 Signatories refuse to engage any unlawful clients or clients who are actively thwarting international efforts towards peace.

### 5. SAFETY

- 5.1 Recognizing the often high levels of risk inherent to business operations in conflict/post-conflict environments, Signatories will always strive to operate in a safe, responsible, conscientious and prudent manner and will make their best efforts to ensure that all company personnel adhere to these principles.

### 6. EMPLOYEES

- 6.1 Signatories ensure that all their employees are fully informed regarding the level of risk associated with their employment, as well as the terms, conditions, and significance of their contracts.
- 6.2 Signatories pledge to ensure their employees are medically fit, and that all their employees are appropriately screened for the physical and mental requirements for their applicable duties according to the terms of their contract.
- 6.3 Signatories pledge to utilize adequately trained and prepared personnel in all their operations in accordance with clearly defined company standards.
- 6.4 Signatories pledge that all personnel will be vetted, properly trained and supervised and provided with additional instruction about the applicable legal framework and regional sensitivities of the area of operation.
- 6.5 Signatories pledge that all their employees are in good legal standing in their respective countries of citizenship as well as at the international level.



- 6.6 Signatories agree to act responsibly and ethically toward all their employees, including ensuring employees are treated with respect and dignity and responding appropriately if allegations of employee misconduct arise.
- 6.7 Signatories agree to provide all employees with the appropriate training, equipment, and materials necessary to perform their duties as laid out in their contract.
- 6.8 Employees will be expected to conduct themselves humanely with honesty, integrity, objectivity, and diligence.

## **7. INSURANCE**

- 7.1 Foreign and local employees will be provided with health and life insurance policies appropriate to their wage structure and the level of risk of their service as required by law.

## **8. CONTROL**

- 8.1 Signatories strongly endorse the use of detailed contracts specifying the mandate, restrictions, goals, benchmarks, criteria for withdrawal and accountability for the operation.
- 8.2 In all cases—and allowing for safe extraction of personnel and others under the Signatories' protection—Signatories pledge to speedily and professionally comply with lawful requests from the client, including the withdrawal from an operation if so requested by the client or appropriate governing authorities.

## **9. ETHICS**

- 9.1 Signatories pledge to go beyond the minimum legal requirements, and support additional ethical imperatives that are essential for effective security and peace related operations:

### *9.2 Rules of Engagement*

- 9.2.1 Signatories that could potentially become involved in armed hostilities will have appropriate “Rules of Engagement” established with their clients before deployment, and will work with their client to make any necessary modifications should threat levels or the political situation substantially change.
- 9.2.2 All Rules of Engagement should be in compliance with international humanitarian law and human rights law and emphasize appropriate restraint and caution to minimize casualties and damage, while preserving a person's inherent right of self-defense.

### *9.3 Support of International Organizations and NGOs/Civil Society and Reconstruction*

- 9.3.1 Signatories recognize that the services relief organizations provide are necessary for ending conflicts and alleviation of associated human suffering.
- 9.3.2 To the extent possible and subject to contractual and legal limitations, Signatories pledge to support the efforts of international organizations, humanitarian and non-governmental organizations and other entities working to minimize human suffering and support reconstructive and reconciliatory goals of peace operations.

### *9.4 Arms Control*

- 9.4.1 Signatories using weapons pledge to put the highest emphasis on accounting for and controlling all weapons and ammunition utilized during an operation and for ensuring their legal and proper accounting and disposal at the end of a contract.
- 9.4.2 Signatories refuse to utilize illegal weapons, toxic chemicals or weapons that could create long-term health problems or complicate post-conflict cleanup and will limit themselves to appropriate weapons common to military, security, or law enforcement operations.

## **10. QUALITY**

- 10.1 Signatories are committed to quality and client satisfaction.

## **11. PARTNER COMPANIES & SUBCONTRACTORS**

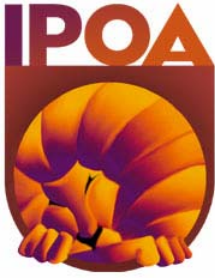
- 11.1 Due to the complex nature of the conflict/post-conflict environments, companies often employ the services of partner companies and subcontractors to fulfill the duties of their contract.
- 11.2 Signatories agree that they select partner companies and subcontractors with the utmost care and due diligence to ensure that they comply with all appropriate ethical standards, such as this Code of Conduct.

## **12. ENFORCEMENT**

- 12.1 This Code of Conduct is the official code of IPOA and its member organizations. Signatories pledge to maintain the standards laid down in this Code.
- 12.2 Signatories who fail to uphold any provision contained in this Code may be subject to dismissal from IPOA at the discretion of the IPOA Board of Directors.

*First Adopted: April 1, 2001*

*Tenth Version: March 31, 2005*



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APPENDIX II: USCENTCOM DOCUMENT

## RULES FOR THE USE OF FORCE

UNCLASSIFIED/FOUO 20 September 2005 (rev4)

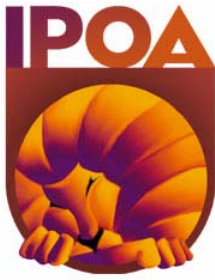
USCENTCOM

RULES FOR THE USE OF FORCE BY CONTRACTED SECURITY IN IRAQ

NOTHING IN THESE RULES LIMITS YOUR INHERENT RIGHT TO TAKE ACTION NECESSARY TO DEFEND YOURSELF.

1. **CONTRACTORS:** Are noncombatants, you may not engage in offensive operations with Coalition Forces. You always retain your ability to exercise self-defense against hostile acts or demonstrated hostile intent.
2. **CONTRACTED SECURITY FORCES:** Cooperate with Coalition & Iraqi Police/Security Forces and comply with theater force protection policies. Do not avoid or run Coalition or Iraqi Police/Security checkpoints. If authorized to carry weapons, do not aim them at Coalition or Iraqi Police Security Forces.
3. **USE OF DEADLY FORCE:** Deadly force is that force, which one reasonably believes will cause death or serious bodily harm. You may use **NECESSARY FORCE**, up to & including deadly force, against persons in the following circumstances:
  - a. In self-defense;
  - b. In defense of facilities & persons as specified in your contract;
  - c. To prevent life threatening offenses against civilians;
  - d. In defense of Coalition-approved property specified in your contract.
4. **GRADUATED FORCE:** You will use the reasonable amount of force necessary. The following are some techniques you can use, if their use will not unnecessarily endanger you or others:
  - a. **SHOUT:** Verbal warnings to HALT in native language (AWGAF TE-RA AR-MEE = STOP OR I'LL SHOOT) (ERMY SE-LA-HACK = DROP YOUR WEAPON)
  - b. **SHOW:** your weapon & demonstrate intent to use it.
  - c. **SHOOT:** to remove the threat only where necessary.
5. **IF YOU MUST FIRE YOUR WEAPON:**
  - a. Fire only aimed shots.
  - b. Fire with due regard for the safety of innocent bystanders.
  - c. Immediately report the incident & request assistance.
6. **CIVILIANS:** Treat Civilians with Dignity & Respect.
  - a. Make every effort to avoid civilian casualties.
  - b. You may stop, detain, search, & disarm civilian persons if required for your safety or if specified in your contract.
  - c. Civilians will be treated humanely.
  - d. Detained civilians will be turned over to the Iraqi Police/Security or Coalition Forces as soon as possible.
7. **WEAPONS POSSESSION AND USE:** Possession & use of weapons must be authorized by USCENTCOM & must be specified in your contract.
  - a. You must carry proof of weapons authorization.
  - b. You will maintain a current weapons training record.
  - c. You may possess & use only those weapons & ammunition for which you are qualified & approved.
  - d. You may not join Coalition Forces in combat operations.
  - e. You must follow Coalition weapons condition rules for loading & clearing.

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APPENDIX III: OPINION-EDITORIAL

## THE USE OF INTERNATIONAL EMPLOYEES IN PEACE OPERATIONS

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**T**here is growing attention to the fact that private companies working in Iraq and elsewhere utilize international employees (occasionally called Third Country Nationals or TCNs) to support their operations in the field. Although this attention is in general negative, based on the utilization of employees from Asia or Latin America, it is quite common for private companies to engage the services of a global workforce. In a globalized economy, all transnational companies – whether their focus is manufacturing, extraction, transportation or even security – look for employees with the required skill sets from both local and international sources.

This is true of universities, hospitals, construction companies, and television stations. Even national armies engage the services of internationals. The British army, for instance, has maintained at least one regiment of Nepalese Gurkhas in their army since the middle of the 19th Century, while the Indian army also makes extensive use of Nepalese citizens. The French Foreign Legion is comprised almost entirely of foreign citizens, and virtually every military in the world – including the United States – counts numbers of non-citizens among its ranks. United Nations peacekeeping missions as well as African Union and NATO operations are built around the very idea of employing people of diverse nationalities.

While there have been attempts to restrict the recruiting of international employees for work in dangerous conflict and post-conflict environments, such efforts are misguided and ultimately do little more than obstruct the basic human right of individuals to choose their employment. There are many risky jobs in the world, from coal mining to construction, from assembly line work to arctic fishing. Each of these professions carries

an associated risk which was must be factored into an individual's decisions to pursue employment in that field. The same is equally true of reconstruction or security work, though it is difficult to imagine vocations where the appropriate skills could have a more beneficial impact.

Although people working in challenging environments generally earn higher salaries by way of hazard pay, many international employees are enticed by the higher wages as they often live in developing countries where options for employment are limited. While larger wages may be attractive for some individuals, each individual must weigh the benefits against the many other factors of employment, including the associated risks. It is the responsibility of the company to inform individuals of the rewards as well as the risks associated with their employment, and it is the right of the individual to decide where and from whom to seek employment.

While there should not be any fundamental objections to the practice of hiring voluntary employees from less developed countries, there are three key guidelines which companies should follow. First, companies should ensure that all employees fully understand the level of risk as well as the terms, conditions, and significance of their contracts. Secondly, companies should ensure that all their employees are screened appropriately for the applicable operation. And thirdly, companies must act responsibly and ethically toward all their employees: this includes ensuring employees are treated with respect and dignity and responding appropriately if allegations of employee misconduct arise.

The use of TCNs is not surprising nor should it be alarming. International peace requires international talent.