

# About this Toolkit

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## 1. Background and approach

### The DCAF-ICRC partnership

The “Addressing Security and Human Rights Challenges in Complex Environments” Toolkit has been developed by the Geneva Centre for the Democratic Control of Armed Forces (DCAF) and the International Committee of the Red Cross (ICRC). The Toolkit is part of a joint DCAF-ICRC project that draws on the experience of the two organisations in order to support companies and other actors facing security and human rights challenges in complex environments. As part of this project, DCAF and the ICRC have also developed a Knowledge Hub ([www.securityhumanrightshub.org](http://www.securityhumanrightshub.org)). While the Toolkit and the Knowledge Hub are intended to have a wide application beyond the extractives sector, they were developed to reflect the commitment of both organisations as official Observers to the Voluntary Principles on Security and Human Rights (VPs). The DCAF-ICRC project is supported by the Human Security Division of the Swiss Federal Department of Foreign Affairs.

### The challenge: overload of resources, duplication of information, knowledge gaps

The DCAF-ICRC project began in December 2012 with a scoping study based on in-depth desk research and interviews with extractives companies, governments and civil society organisations (CSOs). The scoping study identified gaps in available resources and set out recommendations for the development of practical guidance and tools to improve security practices on the ground.

Findings from the scoping study demonstrated that existing guidance and tools very often revolve around the same issues, while some challenging aspects of engagement with host governments or with public and private security are under-developed or ignored. Furthermore, resources are found in different locations, are not always publicly accessible or are not available in a user-friendly format that responds to the needs of field and headquarters personnel. Many of those consulted find it time-consuming to identify the information they need. At times the documents consulted provide only limited practical advice on specific issues of concern.

### Approach: user needs and field realities

The project is grounded in extensive desk research of existing literature and tools addressing issues related to security and human rights, combined with “headquarters” and field research. Field missions to Colombia, Peru, the Democratic Republic of the Congo (DRC), South Africa, Ghana and Papua New Guinea were conducted between 2013 and 2015. In the same period and as part of the headquarters and field research, the project team held over 200 meetings with representatives from host and home governments, companies, CSOs, local communities and other relevant actors. These exchanges enabled the identification of real-life security and human rights challenges related to corporate operations, as well as good practices, tools and case studies that could help address those challenges.

Our approach:

- a) Living products: both the Toolkit and the Knowledge Hub are regularly updated with good practices, tools and resources, and amended based on user feedback.
- b) Practicality: these products aim to be implementation-oriented and to reflect user needs and field realities.

- c) Complementarity: the project first builds on existing resources and then develops new guidance wherever gaps have been identified.
- d) Knowledge sharing: all users are encouraged to share knowledge and materials so that they can be integrated in the Toolkit and/or the Knowledge Hub and made available to the wider public. Any confidentiality constraints can be raised with the project team and will be duly addressed.
- e) Non-prescriptive approach: it is up to the user to evaluate whether the proposed good practices are useful and relevant in a specific context.
- f) Review process: all products are reviewed by a multi-stakeholder group of experts on security and human rights issues, to ensure that the tools are aligned with realities on the ground and international standards.

### Addressing needs: developing user-oriented tools

The main products developed by the DCAF-ICRC project are a **Toolkit** to support companies' engagement with host governments, public security forces, private security providers and local communities (see sections 2-4 of this introduction), and a **Knowledge Hub** to share existing guidance and tools that address security and human rights related issues.

While the Toolkit includes references to just a selection of key resources, the Knowledge Hub aims to bring together on one web platform ([www.securityhumanrightshub.org](http://www.securityhumanrightshub.org)) a much wider selection of resources related to security and human rights issues. These resources are organised in seven sections.

1. General Guidance
2. Stakeholder Engagement (covering engagement with host governments, communities and CSOs)
3. Risk Assessment
4. Public Security Forces
5. Private Security Providers
6. Case Studies
7. Toolkit

The Toolkit section of the Knowledge Hub presents the "Addressing Security and Human Rights Challenges in Complex Environments" Toolkit and provides direct access to the latest version of the document, as well as to the Spanish translation.

All sections of the Knowledge Hub include a "Comment" function at the bottom of each page in order to encourage users to suggest new resources to be uploaded on the site, share good practices and provide feedback on both the Hub and the Toolkit.

The Knowledge Hub also includes a News Feed which focuses on the release of new policies, guidance, tools, projects and mechanisms aiming to improve respect for human rights and international humanitarian law in the management of corporate security in complex environments.

Users of the Knowledge Hub can subscribe to a regular Newsletter that will keep them informed about new uploads, recent updates to the Toolkit, and related news.

## Relationship to the Voluntary Principles on Security and Human Rights (VPs)

Through their engagement as official Observers to the VPs, DCAF and the ICRC identified the need for guidance for companies working with public and private security in complex environments. The government of Switzerland has provided support to this project from the start. In this respect, both the Toolkit and the Knowledge Hub are products that DCAF, the ICRC and Switzerland offer as a contribution to supporting implementation of the VPs. However, these are not formal VPs products and are in no way intended to be prescriptive. Moreover the Knowledge Hub and the Toolkit are designed to be of use to stakeholders beyond the VPs initiative.

The VPs and their Implementation Guidance Tools (IGTs) are two of the key resources used as reference documents for the development of the guidance contained in this Toolkit. As a set of principles, the VPs provide one of the most developed sets of standards applicable to the management of security in complex environments. Together with the IGTs, they provide relevant guidance for many companies facing security challenges. References to the VPs in this Toolkit should be understood as the principles contained in the VPs, not as the multi-stakeholder initiative that has been established around these principles

## Business, human rights and international humanitarian law

This Toolkit draws on international humanitarian law (IHL) and international human rights law (IHRL). IHL and IHRL are generally complementary bodies of law that apply in times of armed conflict, within their respective spheres of application, and that share certain common goals, such as the protection of life, health, dignity and property. That said, some IHL and IHRL rules produce conflicting results when applied to the same facts because they reflect the different reality that each body of law was primarily developed for. For instance, this is true for the rules governing the use of force, with the different paradigms of the conduct of hostilities associated with IHL on the one hand, and that of law enforcement primarily associated with IHRL. IHL only applies in situations of armed conflict, whether international armed conflicts or non-international armed conflicts. Meanwhile, international human rights law applies, in principle, at all times, i.e. in peacetime and during armed conflict. While IHL norms cannot be derogated from, some human rights treaties permit governments to derogate certain obligations temporarily under strict conditions and circumstances threatening the life of the nation, such as armed conflicts. Nevertheless, there are human rights that can never be derogated from, such as the right to life and the prohibition of torture, inhuman or degrading treatment. In addition, while it is uncontroversial that IHL applies extraterritorially, the exact extent of the extraterritorial applicability of IHRL remains unsettled, despite being widely recognised. IHL binds State and non-State actors as well as individuals – including managers and staff of companies for instance – whose activities have a nexus to the armed conflict. Thus, all entities, States, groups and individuals whose activities involve a direct participation in hostilities in an armed conflict are required to respect IHL.

While through the ratification of human rights treaties, States are legally obliged to protect, respect and fulfil human rights in their territory and/or jurisdiction, companies, according to an increasing tendency in the international community, as reflected in the UN “Protect, Respect and Remedy” Framework, have the responsibility to respect internationally recognised human rights wherever they operate. According to the UN Guiding Principles on Business and Human Rights, which operationalise the Framework and were unanimously endorsed by the UN Human Rights Council in 2011, this means that they should avoid infringing on the human rights of others and

should address adverse human rights impacts with which they are involved. Insofar as IHRL is integrated into national law and made applicable to companies, they are also under an obligation to respect human rights. As part of their obligations to protect, respect and fulfil human rights, States have the obligation to prevent, investigate and provide effective remedies for victims of business-related abuses, including by enacting and enforcing legislation requiring businesses to respect human rights, including human rights clauses when they enter in contracts with business entities and creating an enabling environment for businesses to respect human rights. Companies are bound by domestic laws and contractual requirements that can be legally enforced through judicial means.

## 2. Who is this Toolkit for?

**The primary audience for this Toolkit is any kind of company facing security and human rights challenges in complex environments.** The Toolkit will be useful for company staff working in a wide range of functions, in particular those dealing with security, government relations, business and human rights, corporate social responsibility, community relations, and legal issues.

Despite being mainly targeted at companies, many of the recommendations included in this Toolkit promote collaboration, particularly between companies, governments and CSOs. Different actors may find this Toolkit useful as a means to foster common understanding and to identify practical ways of working with companies to address challenges faced on the ground:

- **Host governments:** both the chapters on “Working with host governments” and “Working with public security forces” are directly relevant to host governments. It is the host state’s duty to protect human rights and to provide security within its territory. Therefore, the commitment and active involvement of host government actors is essential to address security and human rights challenges. That is why many of the good practices in this Toolkit involve companies’ engagement with the host government, suggesting ways in which companies and host government actors could work together to address those challenges.
- **Home governments:** through their network of contacts and influence, home governments can play an important role in promoting good practices on the management of security around corporate operations. Some of the recommendations in this Toolkit suggest that companies seek home government support to improve respect for human rights and international humanitarian law in the management of corporate security. Others identify potential synergies that can be realised through bridging ‘business and human rights’ and security sector reform actors and approaches. These recommendations provide home governments with some ideas on how they can contribute to such efforts.
- **CSOs:** through knowledge of local contexts, networks of contacts, field experience and subject matter expertise, CSOs constitute invaluable partners and/or advisers for companies wanting to improve respect for human rights and international humanitarian law while maintaining the security and safety of their operations. Consequently, the good practices included in this Toolkit very often encourage companies to work with CSOs to address some of the security and human rights challenges they face. This Toolkit can also help CSOs identify ways in which they can engage with and promote good practices among companies.

### 3. What is inside this Toolkit?

The Toolkit has the form of an overall guidance document divided into four chapters.

- ▶ Chapter 1, “Working with host governments”, provides guidance for companies on ways of engaging with the host government to address security and human rights issues.
- ▶ Chapter 2, “Working with public security forces”, provides guidance for companies facing challenges related to public security arrangements around their area of operations.
- ▶ Chapter 3, “Working with private security providers”, provides guidance for companies contracting private security companies in complex environments.
- ▶ Chapter 4, “Working with communities”, provides guidance for companies on how to manage relations with local communities around their area of operations

The Toolkit<sup>1</sup> is structured around real-life security and human rights challenges identified through consultations with a wide variety of stakeholders. These are included in the list of Challenges. The document has internal links: by clicking on one challenge in the list the user is automatically directed to the page where that challenge with its corresponding guidance is presented. Therefore **users do not need to read the whole document, they just have to read the list of Challenges, identify the challenges they are facing and click to access the relevant pages.**

Each challenge is presented on a separate page with a series of related good practices. These **good practices are not meant to be prescriptive. It is up to the user to evaluate whether they could be feasible, useful and appropriate to the local context in a specific situation.**

Good practices are in many cases followed by a reference to a source where more information or guidance can be found. The main sources used for the development of this Toolkit are mentioned in the list of References, together with the respective abbreviations used throughout the Toolkit.

Practical tools such as checklists and case studies are also key components of the Toolkit. These are geared towards supporting project-level implementation.

This Toolkit is a living document. The four chapters developed will be regularly updated with new good practices, case studies and tools.

### 4. How to support further development of this Toolkit?

**Your feedback will continue to be essential to the development of new guidance and tools.**

This feedback may take a number forms, such as comments on the guidance developed so far, suggestions for good practices to be added to the Toolkit, or sharing of tools and resources that could be integrated in the Toolkit and/or the Knowledge Hub. This may be done via email by sending a message to [PPPs@dcaf.ch](mailto:PPPs@dcaf.ch) or via the Knowledge Hub’s “Comment” function found on each section of the site.

The release of updated versions of the Toolkit will be announced on the homepage of the Knowledge Hub, as well as in the Hub’s newsletter, which will publish updates on a quarterly basis. You can sign up to the newsletter on the Knowledge Hub website.

1. This Toolkit does not address issues related to dealing with the presence of armed non-state actors (ANSA) in a company’s area of operations. While the potential adverse impacts of corporate activities in conflict contexts are well established, whether direct impacts or via business relationships, there is presently only a limited understanding of how companies can responsibly manage their impacts on conflict dynamics and human security where ANSAs are present. The presence of ANSAs brings a variety of challenges for companies managing their security provision, business relationships, fiduciary transactions, and stakeholder engagement. These challenges warrant the development of more specific guidance. CDA Collaborative Learning Projects is currently working to address the challenges of Business and ANSAs. Initial findings are captured within the article Business and Armed Non-State Actors: Dilemmas, Challenges, and a Way Forward, published in the November 2014 edition of Business, Peace and Sustainable Development. Further information can be found at: <http://cdacollaborative.org/cdaproject/business-and-armed-non-state-actors/>