

International Humanitarian Law and Private Military and Security Companies  
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PSC Certification - Building a Credible System for Accountability of  
Private Sector Security Service Providers

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Standards for Quality Assurance & Risk Management

ASIS International is developing a series of standards to support accountability for the *Montreux Document on Pertinent International Legal Obligations and Good Practices for States Related to Operations of Private Military and Security Companies During Armed Conflict* (09/2008) and the *International Code of Conduct for Private Security Service Providers* (11/2010). The standards provide auditable criteria for PSC's to demonstrate their operations are consistent with respect for human rights, legal obligations and good industry practices related to their operations in conditions where governance and the rule of law have been undermined by conflict or disaster.

The purpose of the series of standards is to improve and demonstrate consistent and predictable quality of services provided by PSCs while maintaining the safety and security of their operations and clients within a framework that aims to ensure respect for human rights, national and international laws, and fundamental freedoms. The standards build on the principles found in existing international human rights law and international humanitarian law.

The ANSI/ASIS PSC.1-2012 standard provides auditable criteria for PSCs, and their clients, to demonstrate accountability that human rights and fundamental freedoms are adhered to, and untoward, illegal, and excessive acts prevented, documented and remediated. Third party attestation and certification will allow PSCs to demonstrate accountability to the Montreux Document and the ICoC. The standards emphasize identifying, assessing and managing risks so PSCs can establish and implement policies and practices to minimize risks and prevent undesirable and disruptive events. The standards are compatible with the ISO 31000:2009 - *Risk management -- Principles and guidelines* and the ISO 9001:2008 - *Quality management systems – Requirements* so PSCs can build on existing business management practices for quality and risk management to provide more cost effective services supporting a culture that promotes respect for human rights.

The standards are the product of an international effort. The Technical Committee for the ANSI/ASIS PSC.1-2012: *Management System for Quality of Private Security Company Operations - Requirements with Guidance* was comprised of more than 200 members from 25 countries. In order to assure balanced input of stakeholder perspectives there was equal representation of user of PSC services; providers of security services; and human rights and civil society organizations and other interested parties. Meetings were conducted by WebEx to enable worldwide participation. The standards have already become a requirement for government contracting.

The series of management system standards are comprised of:

- ANSI/ASIS PSC.1-2012: *Management System for Quality of Private Security Company Operations - Requirements with Guidance*. This ANSI standard has been published and provides principles, auditable requirements, and guidance for a Quality Assurance Management System to provide quality assurance in all security related activities and functions while demonstrating accountability to law and respect for human rights.
- ANSI/ASIS PSC.2-2012: *Conformity Assessment and Auditing Management Systems for Quality of Private Security Company Operations*, also published, provides the criteria for certification bodies to conduct fair and transparent audits to validate conformance to the PSC.1 standard. The PSC.2 standard also provides requirements for auditor competence to assure auditors working for certifications bodies have the necessary knowledge and skills to evaluate conformance to the PSC.1 standard's requirements and the effectiveness of their implementation.
- ASIS PSC.3-201X: *Maturity Model – Phased Implementation of a Quality Assurance Management System for Private Security Service Providers* is currently out for balloting for approval and public comment. This standard provides guidance to help PSCs phase in the PSC.1 standard in a business sensible fashion while meeting the objectives of protecting the security, safety and human rights of individuals and communities. The maturity model is a tool for PSCs to evaluate where they are in relation to conforming to the PSC.1 standard and determine a path forward to reach full conformance.
- ASIS PSC.4-201X: *Quality Assurance and Security Management for Maritime Private Security Companies – Guidance*. The final standard in the series is a guidance document to address the special circumstances, laws and conditions for PSCs operating on the high seas.

The ANSI/ASIS PSC.1-2012 standard emphasizes the sanctity of human life. Therefore, the standard seeks to protect the security, safety and rights of not only the local and impacted communities but also clients and the providers of security services. The risk assessment and management approach covers:

- Risk related to human rights;
- Risks related to impacted communities;
- Risks related to security and protection of the client, assets and persons being protected;
- Risks related to the security and safety of the security providers; and

- Security management risks related to services including protection of assets (human, tangible and intangible – reputational and information risk is huge in this industry)

PSCs operate in inherently dangerous and high risk environments. They must manage risk to the client while also managing risk to the organization and impacted communities. A risk assessment provides an understanding of risks, their causes, likelihoods and consequences. The risk assessment provides the basis for minimizing and mitigating risks to both internal and external stakeholders.

The risk assessment and management is a dynamic process. There is ongoing communication and consultation with internal and external stakeholders including users of security services, providers of security, and persons and communities impacted by security services. There is also ongoing situational monitoring emphasizing anticipation and prevention of undesirable and disruptive events. The organization evaluates both likelihood and consequences of undesirable and disruptive events to prioritize risk based on impact and develop strategies to mitigate, respond to and remedy incidents. The risk assessment approach emphasizes that the provision of security and respect for rights inseparable.

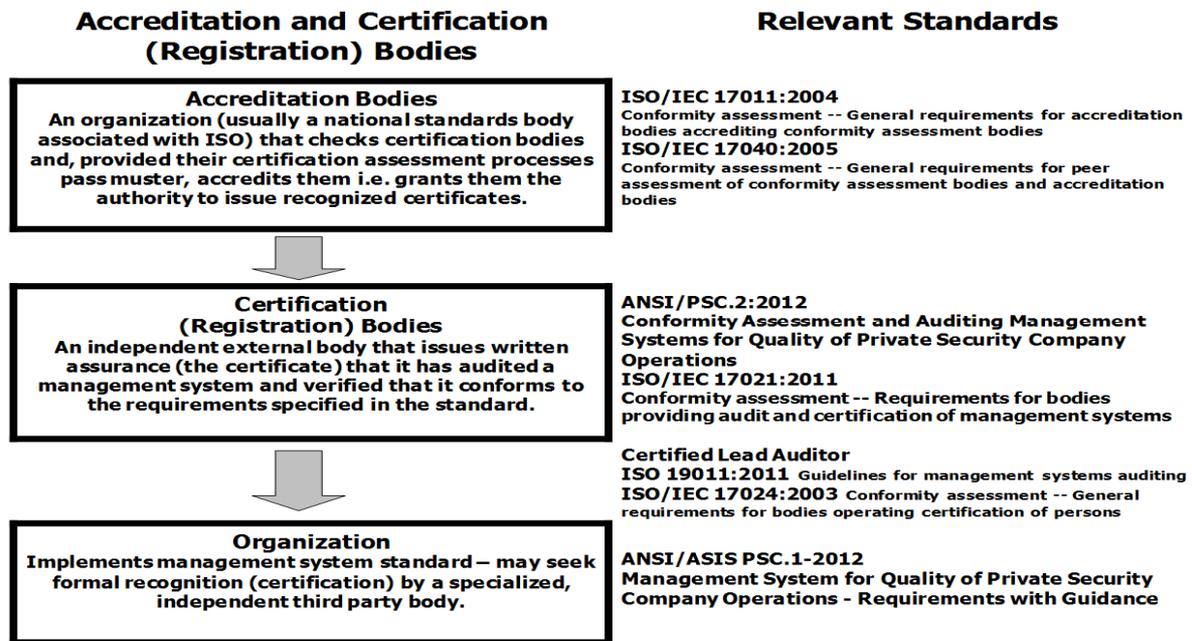
PSCs and their clients have a legal and ethical obligation to follow all applicable international humanitarian, human rights, and customary law and agreements. It is incumbent on an organization to identify the relevant laws and determine how the requirements apply to their operations. These laws and their importance must be stressed to all employees and subcontractors involved in operations.

Objectives should be established and documented. It should include internal and external expectations for the organization and its contractors and supply chain. The objectives should be derived from, and remain consistent with, the quality assurance management policy, the risk assessment, and respect for international law, local law, and human rights. Organizations should establish quality assurance programs for achieving its objectives and risk treatment goals.

The certification process is well choreographed building on existing best practices for auditing and certification programs articulated in the ISO/IEC 17021:2011 *Conformity Assessment –Requirements for bodies provide auditing and certification of management systems*. The ISO/IEC standard is supplemented by the ANSI/ASIS PSC.2-2012: *Conformity Assessment and Auditing Management Systems for Quality of Private Security Company Operations* which raises the bar by hardwiring the requirements for auditor competence and address issues related to protection of human rights, complaints mechanisms, integrity of information and background screenings.

The figure below illustrates the certification process. Every steps of the process is well defined and controlled by a set of standards requiring conformance to a set of specifications standards. Starting at the bottom of the figure, the PSCs implement and conform to ALL the requirements of the PSC.1 standard. Conformance of the standard is validated by an independent third-party accredited certification body. In order for a certification body to give a recognized certification, it must first become accredited by an independent accreditation body who validates that the certification body is in full conformance with the ISO/IEC 17021 and ANSI/ASIS PSC.2 standards and that they are using certified competent PSC.1 auditors that have been credentialed by a training provider that is certified to the ISO/IEC 17024 standard. There is on-going monitoring of conformance and performance evaluation at

each level of the certification process. There is also the opportunity for external parties to provide feedback and report concerns at all levels of the certification process. Therefore, it behooves civil society and human rights organizations to actively engage in the different levels of the process to lend expertise and input into the activities of the certification and accreditation processes.



Other pieces of the puzzle are also being developed to support the PSC series of standards to achieve their goals of providing quality security services while assuring respect for human rights. These include:

- Developing an auditor competence scheme based on the requirements of the PSC.2 standard to assure that auditors are competent to conduct audits evaluating the conformance and effectiveness of the implementation of the PSC.1 standard;
- Training and certifying competent auditors to assure they are using a consistent, repeatable, fair and transparent auditing process;
- Guidance and training on implementation and operation of the management system to help PSCs implement the standard and understand their obligations to respect legal requirements and human rights;
- Advice on implementing the standard;
- Certification bodies will need to recruit certified competent auditors and be accredited to conformance with the ISO/IEC 17021 and ANSI/ASIS.PSC.1 standards;
- Work still needs to be done to complete the development of the maturity model standard and the maritime security guidance, both of which are nearing completion;
- Implementation of the PSC.1 standard by the PSCs. Until a PSC has implemented ALL the requirements of the PSC.1 standard it cannot become certified; and

- Internationalization of the standards will be beneficial. Currently, there are no Technical Committees within CEN or ISO with the scope, expertise or appropriate mix of stakeholders to develop standards that address security and the protection of rights.

The breadth of country representation and depth of expert representation cannot be replicated with international standards bodies. This is a serious problem for internationalization of the standards. There are no technical committee in ISO which has the scope or expertise in this area. For the internationalization of the standards within ISO, there is a need for an open, transparent process which includes extensive outreach to attract all the appropriate stakeholders. In the interim, ASIS International holds the copyrights and is willing to share the ANSI standards with any National Standards Body, CEN or ISO.

As a final thought, it is important to ask what is the potential impact of the PSC standards on clients and NGOs. There is now a national standard documenting industry best practice. There are also major clients who have indicated they will require the standard in their contracting process. Therefore, what are the liability implications of being a client or NGO and not requiring the standard when you contract a PSC and something happens – negligence? Given that we are in the beginning of this process, it is hard to predict the implications for not using the standards. But from a client's or a PSC's perspective, isn't it better to implement a standards that improves business management and promotes a culture of respect for human rights.