Dealing with Risk in Unstable Countries

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Agenda

- Legal Framework
- Security/Risk Framework
- Case studies

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Legal Framework

- Normal assumption: provide a reasonably safe working environment.
  - *But can't really be provided in these countries*.
  - Do we need to redefine "reasonably safe"?

- Since we can't guarantee a "normal" level of safety, what do we do?

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Legal Framework

- What duty?

  - Duty of (reasonable) care under the circumstances

  - Received a "tacit commitment that [ministry] would undertake reasonable efforts to ensure her safety during her assignment"

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Legal Framework

- How might that duty be breached?
    - Inadequate security
    - Inadequate monitoring
    - Inadequate background checks of other staff
    - Inadequate training / warnings
    - Inadequate crisis preparation and/or response
        - Contingency plans for evac
        - Hostage response/negotiation

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Legal Framework

- Causes of action

  - Negligence
    - Plus punitive damages
    - "duty of care . . . not to intentionally cause her harm and not to engage in misconduct they knew was substantially certain to cause her serious injury or death."

  - Intentional/negligent Infliction of Emotional Distress

  - Title VII-type laws

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Legal Framework

- Four quick case studies
  - Hostage situation for mission organization
  - School taking international trip
  - Sexual assault by staff of partner org
  - Engineering firm sending employee to ex-pat assignment

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Legal Framework

- So if there's a duty, a duty to do what sorts of things?
  - Pre-incident
    - Train
    - Research – and be careful – you'll be held to it.
    - Advise/warn – acknowledgement, consent, waiver (or not), and med/arb

  - Post-incident
    - Extricate out of situation
    - Think about whether you need to get other employees / contractors out
    - Beware of whose interests your pursuing

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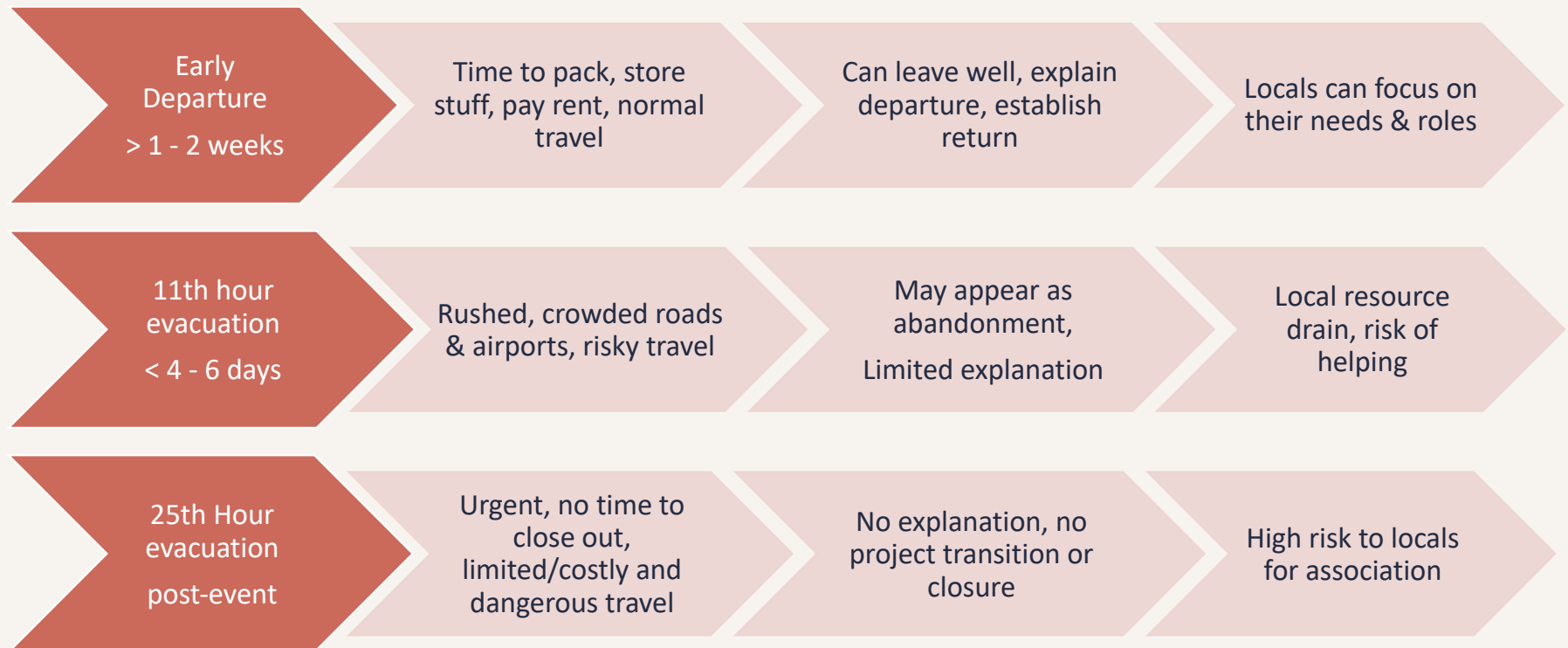
Security Risk Framework

- Assessing the Security and Safety Risks before entry
  - Broadview approach to identify the presence and disposition of political, cultural and environmental risks
  - Contextualize findings based on the individual and organizational ministry intentions
  - Identify or Create risk mitigations
    - Some mitigations will be inherent to ministry intentions
    - Others will require specific additional actions or responses

  - Mandate appropriate Security Awareness/Response training!

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Security Risk Framework

- Balancing Risk Tolerance (Individual vs. Organizational)
  - Understand that Individuals tend to hold a higher risk tolerance
  - Communication is vital to negotiating for balance
    - Missional Longevity (forest from the trees)
    - Impact on locals (not about you)
  - Establish protocols before launch (or if they are already in-field, prior to an incident/crisis)
    - Crisis response procedures
    - Acknowledgment of evacuation decision authority
    - Impacts of evacuation refusal

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Security Risk Framework

- Impacts of Departure Timing

Early Departure > 1 - 2 weeks	Time to pack, store stuff, pay rent, normal travel	Can leave well, explain departure, establish return	Locals can focus on their needs & roles
11th hour evacuation < 4 - 6 days	Rushed, crowded roads & airports, risky travel	May appear as abandonment, Limited explanation	Local resource drain, risk of helping
25th Hour evacuation post-event	Urgent, no time to close out, limited/costly and dangerous travel	No explanation, no project transition or closure	High risk to locals for association

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Case Studies (Afghanistan 2021)

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Case Studies (Ukraine 2022)

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Case Studies (Sri Lanka)

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Case Studies (Well-Timed Strategic Vacations)

Afghanistan airport pre-government collapse

Ukraine airport January 2022, just prior to invasion

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Say Help

Stay Safe, Say Help

➢ **Say Help** is a voice activated emergency call application that sends emergency data to user-selected receivers (in some cases this could be police, security agencies, or family/friends); there is a push button option if the user can physically open and handle their device

➢ When the User says HELP 3 times in a five second interval, the application silently starts a call or sends a notification to receivers (via text, WhatsApp or other communication apps) to a web-based information environment with the following data:

   ➢ The application starts recording and streaming voice and video data, even if the screen is locked; the user does not have to physically touch the device to start the call/notification

   ➢ GPS Location data is transmitted and streamed in real time giving the exact location of the device, which can be critical to emergency responders if the device is moving in a vehicle

   ➢ All data is recorded and stored, and remains accessible to the user and law enforcement via a Dashboard without the lengthy court proceedings to use the data in criminal prosecution cases

➢ Versions of this device are in the beginning stages of deployment to Africa, Mexico, and Universities in the USA

Questions?

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