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THE SECURITY, AND CIVILIAN AND HUMANITARIAN CHARACTER OF REFUGEE CAMPS AND SETTLEMENTS

I. INTRODUCTION

1. This information note reviews recent developments and initiatives with regard to the promotion of the security, and civilian and humanitarian character of refugee camps and refugee populated areas. It examines options to address this objective that have been developed by UNHCR and elaborated upon in consultation with the United Nations Department of Peace-Keeping Operations (DPKO) and UNHCR. These have been discussed at the Security Council and in other fora as part of the follow-up to the Secretary-General's *Report on the Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa* (A/52/871-S/1998/318 of 13 April 1998), hereafter referred to as the Secretary-Generals Report on Africa. The document also reviews some of the measures being pursued or envisaged by UNHCR in promoting improved security in refugee camps and refugee populated areas.

II. THE NATURE OF THE PROBLEM

2. In many cases, insecurity affecting refugee camps and refugee populated areas results from a failure to strictly respect the civilian and humanitarian character of refugee operations. In the aftermath of the genocide in Rwanda, the presence among refugees of former combatants and persons involved in grave crimes against humanity has been a tragic illustration of the failure of States hosting refugees and of the international community to ensure the neutrality of camps. Insecurity can also arise as a result of several other factors, such as conflict amongst different groups within the refugee population, conflict between refugees and the local population, common crime and banditry, and, in certain cases, the deployment of undisciplined police and security forces. In many instances, camps are located too close to international borders.

3. These situations result in endangering the physical safety of refugees, whose lives and belongings are threatened, who could be the victims of external attacks against the camps and settlements they live in and who could fear either being prevented from repatriating voluntarily or, on the contrary, being forced into a hasty return to uncertain conditions. Women and children are often the targeted victims of banditry, while many men fear being forced to join fighting. Similarly, insecurity might affect the surrounding local population and exacerbate tensions between the refugees and the nationals of the host country. Finally, some situations are perceived as threats to the security of the country of origin or the whole region.

4. To effectively address the issue of ensuring the security, and civilian and humanitarian character of refugee camps and refugee populated areas, host Governments and the international community as a whole must ensure that a number of different security-related tasks are undertaken. These include the following:

- Maintaining law and order and creating a secure environment in refugee camps and refugee populated areas;
- Preventing refugees from engaging in subversive activities which could cause tensions between the host country and the country of origin;
- Disarming exiled groups who have access to weapons and curtailing any flow of arms into refugee populated areas;
- Separating bona fide refugees from those exiles who should be excluded from refugee status by

- virtue of their involvement in crimes against humanity, continued engagement in military activities or any other activity incompatible with refugee status under relevant conventions;
- Demobilizing exiled soldiers and other armed elements, and ensuring their effective reabsorption into civilian society.

III. INTERNATIONAL EFFORTS TO ADDRESS THE PROBLEM

5. The problem of the security, and civilian and humanitarian character of refugee camps first came to the attention of the Executive Committee of the High Commissioner's Programme in 1979 in the context of armed attacks on refugee camps in Southern Africa. In 1981, at the request of the then High Commissioner, former High Commissioner Ambassador Felix Schnyder conducted a study on the subject. In 1983, in his report to the Sub-Committee of the Whole on International Protection, the High Commissioner stated that "[in] the case of military attacks on refugee camps and settlements the political and non-political - i.e. humanitarian - elements are always closely interrelated. It may not therefore be possible for the High Commissioner to undertake effective action - even to achieve his purely humanitarian objectives - otherwise than in close cooperation with the political organs of the United Nations, and in close consultation with the United Nations Secretary-General which should be established in every case."

6. In 1987, the Executive Committee at its thirty-eighth session in conclusion no. 48 (XXXVIII , A/AC.96/702, paragraph 206) urged UNHCR and other concerned organs of the United Nations to make every effort to promote conditions which would ensure the safety of refugees in camps and settlements. It also called on States of refuge to do "all within their capacity to ensure that the civilian and humanitarian character of such camps and settlements is maintained."

7. At a Regional Meeting on Refugee Issues in the Great Lakes, held in Kampala in May 1998 and convened jointly by UNHCR and the Organization of African Unity (OAU), it was recognized that host States might not always have the capacity to establish and maintain the rule of law in refugee populated areas. "In such situations," the report concluded, "UNHCR has a valuable role to play in mobilizing the international resources required to strengthen law-enforcement capacity." In their final statement, the co-chairpersons of the meeting elaborated on this theme, stating that "Humanitarian agencies alone cannot confront security problems in refugee camps," and that "There was broad agreement on the need, in extreme cases, for international intervention in refugee situations to ensure that the civilian character of camps is maintained."

8. In the Secretary-General's Report on Africa, the Secretary-General urged "the establishment of an international mechanism to assist host Governments in maintaining the security and neutrality of refugee camps and settlements." "Such a mechanism," he continued, "might encompass training, logistics, financial support, the provision of security personnel and the monitoring of national security arrangements." The issue was reviewed again at a ministerial level meeting of the Security Council on 24 September 1998 as part of a general review of the various recommendations emanating from the Secretary-General's Report on Africa. Subsequently, on 19 November 1998, the Security Council adopted a resolution (S/RES/1208) reaffirming the primary responsibility of host States in ensuring the security, and civilian and humanitarian character of refugee camps and settlements in accordance with international refugee, human rights and humanitarian law and calling for concerted international action to support States in discharging that responsibility.

IV. REVIEWING OPTIONS

9. In a follow-up document to the Secretary-General's Report on Africa, submitted to the Security Council for discussion on 24 September 1998, the Secretary-General reviewed a number of options for ensuring that the security and neutrality of refugee camps and settlement are maintained (discussion of recommendation 9 in document A/52/871 - S/1998/318). These options were largely based on a "ladder of options" proposal submitted by the High Commissioner in July 1998 as part of consultations she held with the Under-Secretary-General for Peacekeeping Operations.

10. In a statement to the Security Council on 10 November 1998, the High Commissioner also reviewed the various options, referring to "soft", "medium" and "hard" options, which reflect the phasing of measures that can be undertaken under her humanitarian mandate, to a full international or multinational military operation under either Chapter VI or Chapter VII of the Charter of the United Nations. While recognizing that recourse to the "hard" options would and should remain the exception, the High Commissioner stressed the importance of developing mechanisms that are comprehensive and predictable. The section that follows reviews the various options examined during the process described above and outlines some possible directions for the future.

(a) The "soft" options: preventive measures and cooperation with national law-enforcement authorities

11. Preventive measures should be taken from the earliest phase of a refugee movement in order to ensure the security, and civilian and humanitarian character of any refugee camps that are established. Such measures should aim at ensuring that emergency response effectively promotes increased security. Refugee camps should be located at a reasonable distance from the border, in accordance with the 1969 OAU Refugee Convention and UNHCR's position, and should ideally not exceed 20,000 refugees as recommended by UNHCR's *Emergency Handbook* (discussion of Recommendation 22 in the follow-up document on the Secretary-General's Report on Africa). Refugee leaders and representatives should be elected among candidates that are committed to promoting the civilian and humanitarian character of their camp and should include a fair gender distribution. The distribution of food and other relief items should be made directly to individuals or family heads by the United Nations agencies or non-governmental organizations (NGOs) and not through the intermediary of "leaders". Whenever possible, there should be a permanent presence of international humanitarian staff in or very near the camp. Particular attention will also need to be given to ensuring that the presence of refugees does not impact negatively on the economy of the region hosting them and on the welfare of nationals. UNHCR will incorporate more systematically these concerns into its internal procedures, training modules, standard instructions and guidelines for programming (including a budgetary provision for security in the new budget structure) and reporting on both protection and assistance as well as in its emergency preparedness and response systems.

12. Additional consideration must also be given to the ways in which the international community can assist host authorities to separate military and civilian elements who arrive during an influx. The international community should also be prepared to assist host countries in this regard through quartering, disarming and demobilizing military elements pending their return to their home country. UNHCR should encourage and assist host countries to carry out refugee status determination procedures and, as necessary, to apply the exclusion clauses of international and regional refugee instruments. The difficulties of individual status determination in situations of mass influx should, however, not be underestimated. On the other hand, it must be stressed that former combatants who renounce their military status and abide by their obligations as refugees should not be penalized. Mechanisms will need to be developed to register them appropriately and monitor their continued presence in camps, as well as their behaviour.

13. When the resources of host States are overwhelmed by security problems in refugee populated areas, a strategy of cooperation with national law enforcement authorities may be required. These programmes put the emphasis on the primary responsibility of host States to ensure the security and civilian and humanitarian character of refugee camps and settlements, while recognizing that the presence of refugees places an important and unexpected burden on limited national resources. Such special efforts, however, should remain an exception and be implemented only after a careful assessment of the situation.

14. Cooperation programmes with national police forces are already in place in Kenya and the United Republic of Tanzania. UNHCR provides material support for the deployment of some 130 police officers in camps in Kenya and 278 in those of the United Republic of Tanzania for the purpose of ensuring law and order and, in the case of and the United Republic of Tanzania, to also monitor activities which would be contrary to the obligations of the refugees under the 1969 OAU Refugee Convention. A similar formula was tested in 1995 and 1996 in the camps then located in the Kivu area of the Democratic Republic of the Congo. All of these experiences have stressed the importance of successfully developing targeted training for the cooperating national force and to exercise, with the full consent of the authorities, a monitoring role of the basic policing and humanitarian standards being enforced. In the Democratic Republic of the Congo, the management of this liaison function was ensured by an international "Liaison Group", composed of up to 35 army and police officers, made available by or through a number of Governments. UNHCR is in the process of examining various past and current experiences, with a view to developing a model for the management of this necessary interface or liaison function between UNHCR and the national force which has been deployed under a programme of cooperation for security.

(b) The "medium" options: deployment of civilian or police monitors

15. A number of intermediate options have been examined during UNHCRDPKO discussions and multilateral discussions among Member States which led to the adoption of the Security Council resolution S/ RES/1208. These have included various measures, such as the utilization of private security firms, the direct hiring of security personnel and the deployment of civilian or police monitors. These measures go beyond the strict competence of humanitarian organizations such as UNHCR, but fall short of deploying an external military force.

16. UNHCR has expressed its reservations regarding the deployment of private security firms or the hiring of armed security personnel in a humanitarian operation, on the grounds of principle, accountability and the financial cost. Such arrangements also detract from the host States' responsibility to ensure the security, and civilian and humanitarian character of refugee camps and refugee populated areas.

17. To deploy multi-national civilian observers in a refugee situation would be a novel and potentially useful proposition. International observers could be invited, with the consent of the host State, to conduct monitoring

missions when there are reasons to suspect the presence of arms and armed elements in refugee camps. The purpose of these monitoring missions would be to assess and report on the security situation to the Secretary-General and, through him, to the Security Council. The type of international observers and their terms of reference would depend on the nature of the security needs in a refugee populated area. The information collected by international observers would lend objectivity and credibility to the on-going or subsequent efforts of the international community to mobilize the necessary support to restore the security and civilian and humanitarian character of refugee camps and settlements.

18. The current Kosovo Verification Mission (KVM) in Federal Republic of Yugoslavia also offers a model for the deployment of civilian observers and will need to be continually assessed. The Organization for Security and Cooperation in Europe (OSCE) is tasked to provide a mission of some 2,000 multi-national civilian monitors to verify the security situation and compliance by all parties with Security Council resolution S/ RES/1199 of 23 September 1998. This resolution requires the withdrawal of security forces to pre-conflict levels and the cantonment of heavy weapons in the Federal Republic of Yugoslavia province of Kosovo. The KVM is designed to create the political and security environment conducive to the safe and dignified return of populations displaced by the earlier events in 1998.

19. The deployment of an international police force has also been envisaged as an option to manage refugee situations presenting exceptional security problems. These could be deployed by the United Nations or by regional organizations and could be authorized and mandated by the Security Council, and comprised of police units contributed by Member States.

(c) The "hard" options: military deployment

20. The deployment of a United Nations Peacekeeping Operation or that of a multinational or regional force under Chapter VI of the United Nations Charter, and even more so under its Chapter VII, requires strong political convergence between States and, in particular, members of the Security Council. In most cases, such a deployment has been envisaged to address situations that went much beyond the issue of refugees or population displacement, although such displacement has often been an important factor contributing to the decision. While recognizing that the deployment of external military forces will remain exceptional, there is a need to ensure that forces are equipped and trained to address refugee and related issues when such objectives form part of the force's agreed mission. With that notion in mind, the Security Council in S/ RES/1208 supported the inclusion in the United Nations Stand-by Arrangements of military and police units and personnel trained for humanitarian operations in order to provide advice, supervision, training and technical or other assistance for the maintenance of the security, and civilian and humanitarian character of refugee camps and settlements. In this regard, DPKO is preparing a Note Verbale to Member States seeking support as a follow-up to the Security Council resolution. UNHCR is in contact with DPKO to assist in defining the profile of such specialized units.

V. LOOKING AHEAD

(a) Assessment of needs

21. Not all refugee situations present exceptional elements which negatively affect the security of refugees and the civilian and humanitarian character of refugee camps and refugee populated areas. It is therefore necessary to develop mechanisms to assess situations that are both flexible and rigorous, ensuring that when situations become politically complex, there can be recourse to independent expertise. UNHCR intends to include the consideration of the security environment as one of the standard functions of its emergency assessment teams for all new situations. This could be done by using the specialized officers currently available through the Field Staff Safety Section at Headquarters and in the field or by drawing from a roster of experts that could be established as part of UNHCR's own emergency response mechanisms.

22. There are situations, however, where the complexity of the political, military and security aspects will require the intervention of external expertise. UNHCR would then take the initiative to propose to the Secretary-General the creation of an independent assessment team. The composition of such a team, its terms of reference and its reporting lines should be decided by the Secretary-General.

(b) Training

23. Among the measures noted by the Security Council in S/ RES/1208 to support to the efforts of States in promoting security, and the civilian and humanitarian character of refugee camps and settlements, training and the provision of technical advice figured prominently. UNHCR already participates in a number of training programmes and exercises involving police or military forces. In January 1995, UNHCR produced two training modules which are

being used extensively. The first, a *UNHCR Handbook for the Military on Humanitarian Operations*, was created specifically for the use of armed forces who may find themselves working with or alongside UNHCR. The second handbook, entitled *Working with the Military*, aims at assisting UNHCR staff members and associated personnel in achieving a better understanding of the relationship with the military.

24. The number of invitations received by UNHCR to participate in training programmes and military exercises has been growing steadily over the last few years, reflecting the growing interest in operations related to humanitarian situations by national armed forces and regional organizations. This has placed a heavy burden on the Office's limited training staff and on the resources of certain operations which are often solicited. UNHCR is in the process of re-defining responsibilities for matters related to security and liaison with military forces and law-enforcement authorities within the new structure at Headquarters. In parallel, discussions are being held with a number of regional organizations and training institutes with a view to better plan and prioritize UNHCR's involvement in such training and exercises. The possibility of a more coordinated approach and pooling of material and training resources between United Nations humanitarian agencies should also be explored.