

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