

II. Background/Context³

The primary responsibility of host states for the physical protection of refugees and the maintenance of the humanitarian and civilian character of refugee camps and settlements is a well-established principle in the international refugee protection regime.⁴ At the same time however, it has been increasingly recognized by the international community that there is a need to support host states which are unable to discharge such responsibilities. This was made clear in recent UN Security Council resolutions 1208 (1998) and 1296 (2000)⁵, and has been the subject of informal discussions among governments following from the UN Secretary-General on the Causes of Conflict in Africa, and his two reports on the Protection of Civilians in armed conflict, as well as in regional meetings such as the one held in Pretoria, South Africa in February 2001.⁶

³As this report is intended to compliment the March 2000 report on the role of international police prepared by DFAIT, the authors have chosen not to detail the range of security threats or actors encountered in camps, which is reflected there.

⁴Numerous UN and Regional Documents have asserted the primary role of host states, including the Conclusions on International Protection of the UNHCR Executive Committee. See for example, UN Security Council resolution 1208 (1998), UN General Assembly resolution 39/140 (1984), UNHCR EXCOM Conclusion Nos. 22 (1981), 45 (1986), 48 (1987), 72 (1993).

⁵These Resolutions establish the legislative parameters for authorizing action under Chapter VI or VII, which could involve the deployment of international military forces to address insecurity in camps with consent of the host country, and aims to link-up between the humanitarian, political and military components of the UN System.

⁶UNHCR regional Symposium on Maintaining the Civilian and Humanitarian Character of Asylum, Refugee status and other locations. 26-27 February, 2001, Pretoria, Souther Africa. See www.unhcr.ch/cgi-bin/teaxis/vtx/global-consultations.

Certainly insecurity in refugee camps is not a new phenomenon. Parties to conflict, including rebel movements, host countries and other states, both within and beyond the regions directly concerned, have often made use of refugee populations in a quest to attain political and military objectives. However, recent interest and recognition of the need to work with host states has been precipitated by reports and accounts of serious insecurity in refugee camp environments in different regions of the world in the last several years. This was perhaps most visible in the Great Lakes region of Africa in the mid-1990s, but has also been evident more recently in Albania and West Timor. Attention has been particularly focussed on instances where the presence of armed or criminal elements, including alleged war criminals, has compromised the civilian and humanitarian character of the camps, sometimes affecting the ability of genuine refugees to get access to objective information about their country of origin, and in other instances contributing to instability in the host country or broader regional instability. Such circumstances can weaken the ability of host states to maintain law and order and can create hostility within host countries, or provoke armed attacks on refugee sites by countries of origin and their allies. Failure to maintain the civilian and humanitarian character of refugee camps also directly affects the safety and security of civilians in and around those environments, including humanitarian workers assisting them.

The problem of insecurity in refugee camp environments should be an issue for which a multiplicity of actors share responsibility: the refugees themselves, local communities, host countries, countries of origin, donor states, UNHCR and its operational partners, regional organisations, and the political and military components of the United Nations System. However, despite their inability to deal with such