

We found that during the Rwandan crisis, however, it had been extremely difficult in practice to apply these clauses. We launched a three-year research project to explore the question.

Could we devise a rights respecting approach to exclusion which would be legally sound and operationally effective?

An extensive program of field and academic research followed, directed by an international advisory group and benefiting from collaboration with UNHCR. The conclusions of phase I of the research stage of the project, and a description of the field studies, can be found in a Special Issue of the IJRL which was published earlier this year.

The advocacy and implementation stage for the Project is now commencing where perhaps the most difficult challenges lie.

Exclusion and Security

As the research on exclusion progressed, we found that it was impossible to develop a framework for applying exclusion without looking beyond the question of legal procedures to the question of refugee security more broadly. This was not only because of the politics and pragmatics surrounding the implementation of refugee law. But also because attempting to apply exclusion in a rigorous and comprehensive manner *itself* created additional human rights challenges. Not least among them were those thrown up by how to separate armed elements and others out from the main population of refugees.

We began thus to look more broadly at the legal framework which governed a whole range of responses and actors which might be effective in enhancing the security of refugees.

I'm going to summarize this framework briefly.

Refugee Security and the Legal Framework

Primary responsibility for the protection of refugee rights and refugee security lies with the host State. But the UN (including organs such as UNHCR), regional organizations, NGOs and other bodies may also assume varying degrees of obligation depending on the capacity and willingness of the host state to respond to refugee security needs. The importance of the involvement of these latter actors is particularly driven by the recognition that refugees are by definition persons in need of international protection. Security Council Resolutions 1208, 1265, 1296, 1325 and ExComm Conclusion No., 72 reflect how the international community primarily views its collective responsibilities in the field of refugee security.

The question of using force in order to secure enjoyment of human rights has been a topic much debated in the human rights community. But if there is little consensus about *when* it can be justified, there is much greater consensus around the framework which should govern such action *once* action has in fact been triggered - and this is where I understand today's operational discussion must be focussed.

Our starting point is that the imperatives of state security should not be seen as necessarily in conflict with those of the rights of refugees. In fact when the chief refugee protection instruments