

- ensuring special protection and assistance measures for children

In addition to the legal dilemmas presented by consideration of a separation operation, the indicators which permit, for example, the identification of an 'armed element' may be extremely difficult in practice. This is where military intelligence and experience may be important - even prior to deciding to effect a separation operation. This will also be the case where it is alleged that former fighters have 'genuinely and permanently laid down their arms' and therefore wish to be considered as refugees. Ongoing monitoring of the situation may also be required.

Our study also found that identification of armed elements should occur ideally at the earliest possible moment eg., at the border, usually where military elements are more likely to be present. It is crucial however that such activities do not interfere with the operation of the principle of non refoulement. We found that on the Guinea border in 1998/1999 suspected militia members were being summarily detained and returned by the military without a clear determination of their status or need for protection. In identifying the lack of capacity of host states as one of the stumbling blocks to the successful separation of combatants and displaced persons the SG has noted that one of the results is that *"potential host countries increasingly deny asylum by closing their borders, thereby further exacerbating the situation of displaced persons within the conflict area"* (para 32,).

Finally, actually effecting the separation may sometimes require the use of force. In certain environments it has been suggested that police may be sufficient (particularly with respect to controlling weapons and movements in camp). But other commentators have are of the view that *"the only effective way to remove unwilling armed combatants and keep them out is by means of an armed force, and this is something even seasoned and equipped militaries often refuse to take on, as evinced in the Goma camps"*

It is interesting in this regard to read the recent UNHCR evaluation of the Tanzanian security package which focused on augmenting local police capacity to deal with refugee security challenges. There it was noted that *"one element [of the package] which is generally acknowledged to have met with relatively little success s[was] the separation of armed elements and other exiles who can be excluded from refugee status by virtue of their present or past activities"* <sup>2</sup>. According to the assessment the package had some success in *"limiting the overt politicization and militarization of the refugee camps"* although *"covert militarizations and military activities in other parts of the border area"* continued to be conducted.

On the other hand, it may be that other methods of maintaining the civilian nature of refugee camps, that do not amount to formal separation operations, may be just as effective. .

A conversation with a official from the International Rescue Committee recently provides some basis for the suggestion that the relocation of camps in Guinea away from the borders with Liberia and Sierra Leone may have contributed to reducing tensions in Guinea camps – the very move itself effecting a de facto separation of those elements bent on cross border operations. As the Tanzanian security package gets replicated in Guinea over the coming months it will be interesting to how enhanced policing capacity alters the security situation for refugees on the ground. It will also be interesting to observe how such a development might force a shift in the type of operations currently being carried out by the Guinean military. Fueled by a perception that refugee and rebel populations are fused, these operations amount to informal and violent 'separation' activities, resulting in assault, arbitrary detention, and death, which have been severely criticized by rights groups.