

were first agreed they were not just formulated with the goal of protecting refugees in mind. States in 1951 were in fact driven by the recognition that unless the refugee issue was managed carefully and consistently the presence of refugees could have a debilitating effect on State security. In 2001 the human security approach to international relations also points to the importance of making the human rights of refugees a policy consideration. The international human rights legal framework can in fact be seen in this way as a vehicle for de-politicizing decisions made around refugee security.

The international legal framework within which a decision to take a particular security measure can be assessed is not simple. A complex weave of human rights law, refugee law, the law of armed conflict, humanitarian law, international criminal law and UN Charter obligations must be explored in order to divine the parameters of permissible action.

For example,

UN Charter obligations require States to prevent refugees from taking up arms and threatening the integrity of another State.

The *law of armed conflict* obliges States to intern combatants engaged in international conflict (perhaps presenting as refugees) who are found on the territory of the host state.

Refugee and human rights law guide an assessment of how much freedom of expression a refugee may be permitted where a state of emergency is in force. The extent by which the movement and place of residence of a refugee can be restricted is also governed by this framework.

International criminal law helps to clarify who should be excluded from the protection of refugee status.

Some general guiding principles underlie the framework:

- The principle of the humanitarian and non-political nature of asylum
- The principle of non refoulement (the right not to be returned to persecution)
- The principle of non-discrimination
- The principle of the civilian nature of camps
- The principle of safe location of refugees
- The requirement to intern armed elements

Implementing the Framework

It is not for an organization such as ours to suggest which actors should be involved in each of the range of activities that have the potential to enhance camp security as part of implementing this protective framework. That is an operational question best answered by the technical experts here at this workshop.

But does the legal framework just described help in any way to guide how the role of the military in refugee security might be envisaged?