Exploring the Role of the Military in Refugee Camp Security:
International Seminar - Summary Report

Eynsham Hall, UK
July 10-12, 2001

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EXECUTIVE SUMMARY

On July 10-12, 2001, a seminar was organized jointly by the Canadian Department of Foreign Affairs and International Trade and the United Kingdom Ministry of Defence (Joint Doctrine and Concepts Centre), focussing on the role international military forces might play in dealing with serious insecurity in and around refugee camp environments. The seminar was intended to complement an earlier workshop which had been hosted by the Government of Canada concerning the role which could played by international police in these same contexts.[1]

Building on experiences in the field, and following discussions in the United Nations Security Council and General Assembly over the last several years, both meetings had the objective of identifying practical strategies for dealing with incidences of insecurity in refugee camps. In these instances, host governments, who bear primary responsibility for ensuring the physical safety of refugees, may require the support of the international community to maintain the civilian and humanitarian character of camps on their territory. Addressing insecurity in refugee camps, particularly the presence of armed elements, can have important implications for regional stability and for the safety and security of civilians in and around those environments, including humanitarian workers assisting them. This has been evident in several high profile cases, including most recently in West Timor, Guinea and Tanzania. While some in the humanitarian and academic

community have hypothesized about the types of activities that might be undertaken by external police or military actors, the Ottawa and Oxford meetings were an attempt to explore untested assumptions, and identify the implications and requirements of such engagement.

The July 10-12, 2001 seminar was held at Eynsham Hall, in the UK, and brought together representatives from troop contributing countries with military and police peacekeeping experience and national refugee camp protection responsibilities, international development specialists, diplomats and legal experts, and practitioners from UN humanitarian organizations, the Red Cross movement, and the NGO community. Utilizing case studies and other relevant experience, participants focussed on situations of serious insecurity, where the presence of international military forces might be employed to assist humanitarian agencies and host governments responsible for camp management. Emphasis was placed on identifying circumstances under which such forces would be deployed and with what mandate and capacity.

Participants agreed that while the internal security of a refugee camp remains a function for the police, international military forces *could* under certain conditions use their resources to assist in the protection of the external security of a camp. In this context, participants suggested that in order for international military forces to be deployed to refugee camp situations, they would need a clear and enforceable mandate, a clearly defined concept of operations and rules of engagement. This may be arranged as part of UN authorized peace support operation implemented by the UN, a regional organization or coalition of the willing. It may also be negotiated bilaterally between a country hosting a refugee population and a troop contributing

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[1] Department of Foreign Affairs and International Trade, "Workshop on the Potential Role of International Police in Refugee Camp Security", report from the workshop of the same name hosted at the Government Conference Centre, March 22-23, 2000. See also http://www.dfait-maeci.gc.ca/foreignp/human-rights/

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country, or between the host country and another appropriate organization, such as the UN High Commissioner for Refugees or the Department of Peacekeeping Operations. It was recalled that deployment of military forces tends to be guided by political interests (strategic interest, media pressure, or pre-existing presence of international military forces) and availability of human and financial resources. The latter includes operational considerations such as the size of the force to be deployed, and the training and equipment required.

Once a mandate is secured, participants agreed that there were a range of tasks which international military forces could usefully undertake in support of refugee camp security. Noting these roles would depend on location and scenario, tasks proposed included monitoring, surveillance, intelligence gathering and reconnaissance; liaison with national military forces, training and capacity building; and assessment, analysis and advice for humanitarian organizations; separation, disarmament and demobilization of combatants; capture/escort of war criminals; stabilization (border and arms control) and perimeter security. These activities should reinforce or enhance the host country's capacity to provide for the security of refugee population on their territory.

Participants concluded that there was an important role military forces could undertake to address particular aspects of refugee camp security, although the use of such forces (including host country militaries) would likely be an exceptional measure, of fixed duration. Moreover, it was emphasized that where such deployments occur, operations should be civilian led or to support civilian efforts and aim to create a secure environment. These deployments should focus on the value-added of the military - physical security - as it was suggested that other organizations or institutions, including police or private security firms, may be better placed to fulfil some (or all) of these roles. In this context, participants noted the need to improve collaboration among international police and military forces, and underscored the value of holistic and integrated approaches to camp security, involving a multi-disciplinary group of actors.

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PRINCIPAL CONCLUSIONS AND RECOMMENDATIONS

- The deployment of military forces in refugee camp environments should be in support of humanitarian objectives and should be aimed at creating a secure environment for refugees and humanitarian personnel. Emphasis would be placed on supporting the efforts of the host nation to carry out its responsibilities.

- The deployment of military forces is subject to political and military considerations, and must be accompanied by the necessary political and diplomatic efforts aimed at addressing the root causes of displacement. The nature of deployments will depend on many factors, including the geography, capacity of host governments, and types of threats present.

- A clear distinction between the roles of international military forces and police must be established. A distinction with the work of humanitarian organizations must also be made, particularly where militaries are first on the ground.

- Military actors should focus on addressing external security threats to refugee camp environments, and can carry out a range of tasks in this respect including: monitoring, surveillance, intelligence gathering and reconnaissance; liaison with national military forces, training and capacity building; and assessment, analysis and advice for humanitarian organizations; separation, disarmament and demobilization of combatants; capture/escort of war criminals; stabilization (border and arms control) and perimeter security.

- International doctrine is required with respect to the deployment of military forces into insecure refugee camp environments (see below DPKO). The need for practical role playing or exercising to validate some of the strategies identified was highlighted.

- A better understanding of how to separate combatants and armed elements from refugee populations is urgently required, particularly in the context of mass movements. This is a role which could be played by national and/or international military forces. This includes, inter alia, an elaboration of relevant international principles and the development of doctrine or standard operating procedures, the clarification of appropriate mandates and rules of engagement. It should be recognized that separation, internment and exclusion are multi-stage processes - military roles may be related to disarmament and collection of weapons prior to separation; creation of a secure environment for separation to take place.

- Approaches to camp security should be comprehensive and holistic. Stakeholders that may be involved in refugee camp security, including international military and police, international organizations and NGOs must understand the capabilities and limits of one another, and receive adequate training for dealing with such circumstances.

- Interested governments should look at means of improving their ability to deploy quickly to such environments. Attention should initially be focussed on small scale, specialized deployments. Consideration could also be given to the deployment of unarmed military observers to act as liaison officers with local militaries and humanitarian agencies. The use of military police could also be considered depending on the circumstances.

- Interested governments should identify and provide a list of military personnel prepared to undertake the role of "Humanitarian Security Officers" (HSOs) as proposed by UNHCR at its Executive Committee in June 2000[2]. Acting as part of a security assessment team, these HSOs would provide important counsel to the UNHCR on the nature and the sources of threats to refugees and their settlements and on possible appropriate responses.

- Collaboration and dialogue on the issue of camp security must be facilitated on an urgent basis between UNHCR and DPKO, and other relevant actors, including troop contributing countries, military alliances, other UN agencies and non-governmental organizations.

- UNHCR and DPKO should also consider the development of a checklist which can help actors on the ground better understand what threats may exist, and what capacity exists to address such threats.

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[2] "The Security, Civilian and Humanitarian Character of Refugee Camps and Settlements: Operationalizing the 'Ladder of Options'", UNHCR Conference Room Paper E/50/SC/INF.4 (June 27, 2000).

I. Introduction:

International concern regarding insecurity in refugee camps has heightened during the past decade. Events in the Great Lakes of Africa in the mid-1990s and more recently in Macedonia, West Timor, Guinea, and Tanzania have underscored the challenges which can be associated with maintaining the civilian and humanitarian character of refugee camps and settlements, particularly, but not exclusively, when armed elements and combatants move alongside refugees. Failure to effectively address such circumstances can have important implications for regional stability, and for the safety and security of civilians in and around those environments, including humanitarian workers assisting them.

Following therefore on experiences in the field and discussions in the UN Security Council and General Assembly over the past several years, as well as in the UN Special Committee on Peacekeeping and the Executive Committee of the UN High Commissioner for Refugees, attention has recently been focussed on identifying practical strategies for addressing serious insecurity in refugee camp environments. In this context, and as a follow-up to a March 2000 seminar on the "Potential Role of International Police in Refugee Camp Security" hosted by Canada, a seminar was co-organized by Canada and the United Kingdom from July 10-12, 2001 to clarify the role military forces might likewise have in dealing with serious insecurity in and around refugee camp environments. Recognizing some strides had been made on these issues of late, emphasis was placed on further elaborating on doctrine and seeking to clarify and build consensus among military actors and the humanitarian community on what appropriate roles regional or international military forces might assume.

Participants included representatives from troop contributing countries with military and police peacekeeping experience and national refugee camp protection responsibilities, the UN High Commissioner for Refugees (UNCHR), the UN Office for the Co-ordination of Humanitarian Affairs (OCHA), the World Food Programme (WFP), the Red Cross movement, and the international NGO community.

The following report summarizes the main areas of discussion and recommendations that emerged from the two-day meeting. It also identifies possible ways forward as expressed by the participants. The report is divided into the following sections:

- Background/Context
- Considerations around the deployment of military forces
- Possible roles for military actors
- Recommendations
- Next Steps

II. Background/Context[3]

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]

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[3]As 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.

[4]Numerous 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).

[5]These 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.

[6]UNHCR 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/texis/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

complex and unsafe environments, humanitarian actors, in conjunction with host countries, are left largely responsible for the management of insecure refugee camps. It is this situation which led the UNHCR to develop a "ladder of options" concept[7] in 1999 which proposes that consideration be given to the deployment of international military forces to insecure refugee camp environments. It was recognized that such a deployment would require strong political convergence among states and would likely only occur under exceptional circumstances. As yet, this proposal has not been followed-up, as many, particularly in the military field, remain concerned about the implications of such engagement.

The seminar held at Eynsham Hall, near Oxford England, in July 2001 was an effort aimed at determining under what circumstances international military forces would be deployed to insecure refugee camp environments, and what mandate, training and capacity would be required to undertake such a task. To better analyse these questions, seminar participants were asked to focus on three scenarios, and to consider where the presence of international military forces might be usefully employed to assist humanitarian agencies and host states responsible for camp management. Each group included military officials from both host and troop contributing countries, and representatives from the diplomatic, police, UN and NGO communities.

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[7] "The Security, and Civilian and Humanitarian Character of Refugee Camps and Settlements", January 14, 1999 Report to the Executive Committee of the UN High Commissioner for Refugees.

III. Considerations around the deployment of military forces

Seminar participants spent a considerable amount of time considering the appropriateness of deploying international military actors to refugee camp environments. Initially, much of this discussion was tied to concerns about the use of military actors in humanitarian crises writ large. Participants noted that the use of international military forces in response to humanitarian situations is a relatively recent phenomenon, one that raises many concerns among all actors. Humanitarian agencies and NGOs in particular often regard such deployments with skepticism, perceiving such actions to stem from decisions made by political actors, largely in western countries, responding to the public and media's call to "do something" in response to a humanitarian crisis. However, such actors often fail to address the political or other root causes of the crisis. In addition, some participants noted that, more often than not, the tasks military forces undertake when engaged in a humanitarian crisis does not focus on their value added. For example, military tasks tend to focus on aid delivery as opposed to enhancing physical security and protecting civilian populations from violence. Participants recognized that the military are not the appropriate tool to address long-term humanitarian problems, not least because armed forces are not considered by the parties on the ground to be "neutral", thus potentially jeopardizing the refugees and humanitarian organizations they were hoping to assist. To ensure military and humanitarian goals are achieving the desired result of alleviating a humanitarian crisis, all actors must therefore agree to a well-defined and coherent policy on the effective and appropriate use of the military in support of humanitarian goals.

Some humanitarian agency participants noted the need to exercise caution in extending the use of the "humanitarian" label to cover a military mission with significant political ramifications. The lines distinguishing the military and humanitarian agencies can become blurred, exposing the humanitarian workers to very real physical danger. Seminar participants agreed that military missions, and the success or failure thereof, should be defined in terms of clearly understood military goals in a political context, rather than humanitarian objectives. In the case of ensuring security in refugee camps, this may be related to preventing direct external armed attacks, raids by rebel groups, or separating out combatants.

Upon reaching a common understanding of the capabilities and limitations of the organizations represented, seminar participants were better able to understand the problems and challenges faced by these actors. Participants concluded that in order to bridge the gap in operational cultures and perspectives, and in order to achieve a more integrated approach to camp security, better coordination and information sharing on both an inter-agency and a bilateral basis would be required. In this context, it was noted that coherent measures can only be effective if they are based on a common understanding of the context and problems which they intend to address, and of the mandates and roles of the various actors involved. Most participants observed that such measures would require an integrated, multi-disciplinary approach to refugee camp security at all levels.

Seminar participants observed the need to be more pro-active when addressing insecurity in refugee camps as a means of contributing to regional and international security. In this context, participants identified activities that international security

forces could undertake in support of such objectives. From a purely political perspective, it was acknowledged that any decision to deploy international military forces would depend a great deal on generating sufficient political will among troop contributing countries. While such activities would be primarily geared toward buttressing host capacities, concerns about state sovereignty may also need to be addressed.

From a military perspective, representatives stressed that the deployment of international military forces to insecure refugee camp environments would likely be an exceptional measure or a measure of last resort, and would need to focus on their value-added, as other organizations or institutions, such as the police or private security firms, may be better placed to fulfil some (or all) of these roles. At the same time, it was noted that in some instances, the presence on the ground of military forces could act as a deterrent, and may possibly increase the level of accountability of local forces and thereby enhance civilian protection. Seminar participants clearly distinguished between the types of threats encountered in and around refugee camp environments, emphasizing the value-added of the military would be on external threats to refugee camps, while police were better placed to deal with those threats experienced internally.

Ultimately, participants suggested that the operationalization of international military engagement to insecure camp environments will be tempered by certain key military principles, such as the need for a **clear and enforceable mandate**, as well as certain essential operational considerations, including the **size, training and equipment of the force** (or individuals) to be deployed, a defined **concept of operations** and **clear rules of engagement**. Deployment of military forces would be further guided by **political interests** (strategic interest, media

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pressure, or pre-existing presence of international military forces), and the **availability of human and financial resources**.

It was suggested that the deployment of international military forces could be arranged as part of UN authorized peace support operation implemented by the UN, a regional organization or coalition of the willing. It might also be a bilateral arrangement negotiated between a country hosting a refugee population and a troop contributing country, or between the host country and another appropriate organization, such as the UN High Commissioner for Refugees or the UN · Department of Peacekeeping Operations. In the latter case, secondment arrangements could be made. In all cases, standard legal and administrative arrangements, such as Rules of Engagement (ROE) and Status of Forces Agreement (SOFAs), would need to be negotiated. Examples of these exist (the UN already has and uses a model SOFA and ROE) but the models would need to be enlarged.

Indeed, while a deployment under the auspices of the UN is but one option noted by seminar participants, the role of DPKO in further operationalizing the strategy being proposed for both international military forces and civilian police was also highlighted as important. Seminar participants commented on the need to enhance the way DPKO operates and relates to other parts of the UN system in order to be an effective partner in dealing with highly insecure refugee situations. In this respect, seminar participants were interested in generating ideas about how DPKO and UNHCR could improve their liaison and cooperation in the field. Greater consideration could be given to how to marry policing and military principles with those of international refugee protection.

IV. Possible roles identified for International military forces

Bearing in mind the considerations elaborated on previously, seminar participants identified a number of areas where international military forces could play a role in enhancing security in refugee camp environments, including:

* **Intelligence gathering and analysis**: The military could play a role in providing intelligence for possible early planning and intervention by humanitarian actors, as well as providing reconnaissance on the range of external threats which may exist. Participants queried at what point the military should make such information available and to whom, given the array of information which is already available.

* **Monitoring and surveillance**: Linked with intelligence gathering, international military forces could be deployed to monitor the situation outside the camps and near border areas, dependent upon the types of threats which may be encountered - ie. incursions and attacks on camps by rebel groups or neighbouring countries.

* **Liaison with national military forces, training and capacity building**: Military observers are best placed to assess the abilities of local forces and establish military-to-military contacts. The provision of training can also be an important means of facilitating dialogue with local forces and promoting capacity building. It was suggested that building the capacity of host country military forces or gendarmerie can help to address insecurity in refugee

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camps, particularly where those actors are themselves charged with maintaining law and order. Security sector reform initiatives carried out in countries who are prone to receiving large scale population movements could be an important contribution to conflict prevention and regional stability.

- **Stabilization and perimeter security**: Through border checks and control, the military can help stabilize the infiltration of people or elements that contribute to insecurity in refugee camp environments. International military forces may be asked to assist host governments to carry out such tasks or may be authorized to do so by another authority such as the UN Security Council.

- **Assessment, analysis and advice for humanitarian organizations**: International military forces could usefully assess the situation around refugee camps and the capacities of local forces, and provide advice to humanitarian actors on how they might address gaps. The value of military experts on multi-disciplinary assessment teams was noted.

- **Logistical support**: The capacity of military forces to mobilize communications and logistics equipment within a short time can be a useful contribution to the efforts of those managing refugee camps. Likewise, military engineers, logisticians and planners may be usefully tapped depending on the environment.

- **Disarmament:** Ideally, disarmament and demobilization of ex-combatants should be undertaken before they are given refugee status or enter refugee

camps. This is a role which is best placed by national or international military forces outside a refugee camp (although police may have a role to play with respect to the presence of small arms and light weapons which may be smuggled into camp environments).

- **Separation and Exclusion**: It was argued that national and international military forces are best placed to separate and exclude armed people, militia, combatants or individuals that may have committed war crimes from the rest of the refugee population. It was noted that such actions should be undertaken as soon as possible when a refugee movement crosses the border to ensure civilian and humanitarian character of camps. The dearth of experience held by police on the subject of profiling was highlighted, thus necessitating better collaboration between police and military forces.

However, participants observed the absence of any agreed doctrine or procedure on how such separation would take place. Such standard operating procedures would include, inter alia, an elaboration of how to practically carry out the task, and identification of the resources required; clarity about what would be done with those separated out (ie. obligations related to internment) and how to ensure that international human rights would be respected. It was suggested that separation, internment and exclusion are multi-stage processes - military roles may be related to the physical disarmament and collection of weapons prior to separation; intelligence gathering for investigative processes; creation of a secure environment for separation to take place; and the capture and escort of war criminals. However, it was

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pointed out that if international military force were to undertake the task of separating and/or disarming combatants, robust rules of engagement would be required and roles and responsibilities among the various actors - including the host state - clearly articulated.

- **Relocation of Refugee Camps**: Relocation of refugee camps away from unstable border areas has long been understood as an effective measure to diminish threats to refugee camps and to enhance the security of refugees. The military could be called upon to assist in relocating camps away from border areas given their transport and logistical capacities.

Seminar participants emphasized the need for practical role playing or exercises in order to validate some of the ideas developed during the workshop. It was also suggested that troop contributors and the militaries of those either hosting or vulnerable to large scale refugee populations should review and update current doctrine and standard operating procedures in order to be better placed to address the range of challenges associated with insecurity in and around refugee camps environments. Certainly, any involvement of military forces in such activities would require that they be provided with an adequate mandate, specialized training (e.g. refugee law and gender issues), resources and technical support to carry out their work if deployed.

V. Next Steps

A number of issues where left outstanding at the seminar and merit pursuit. These can be broken down into areas for further operational and policy development:

Operations:

(A) Development of an international doctrine on the potential deployment of military forces into insecure refugee camp environments and identifying a trigger for such involvement. It was suggested that Security Council resolution 1296 (April 2000) provided one such trigger, but that others should be explored;

(B) Exploration of the relationship between international military actors and refugee hosting communities;

(C) Exploration of the value of developing bilateral programmes by international military forces to engage countries at likely to receive large scale refugee movements (in this respect a closer examination of the challenges faced by host states in carrying out their protection responsibilities with respect to camp security would be required);

(D) Identify opportunities to increase contacts between international military and civilian police, in particular to exchange lessons learned from international operations and clarify understanding of roles and responsibilities;

(E) Exploration of the potential role of the DPKO lessons learned unit incorporating and operationalizing into its training packages lessons learned in dealing with insecurity in refugee camp environments order to enhance the effectiveness of UN peacekeeping operations.

Policy:

(A) Examination of the role of private security companies in refugee camps, in particular, consideration of whether such companies would be capable of carrying out some of the roles identified for the military. Several participants questioned the accountability of such actors in camp environments, and this would need to be considered in any examination of their utility.

(B) The need to clarify the question of separation and exclusion - its operationalization, legal parameters; political implications and requirements; and an examination of what the experience has been thus far in places where separation was attempted - what lessons are evident.

(C) Further development of the "Humanitarian Security Advisors" concept, determination of whether it is viable and who will support it;

(D) Promote a doctrinal shift with respect to the willingness of militaries to discuss deployments to such unconventional operations

(E) Examination and elaboration of exit strategies for international military and police engagement and transition to longer-term planning and programming

(F) Update and make available a literature review on the camp security questions and reconcile the findings from different studies and lessons learned reports

VI. Recommendations:

The following is a synthesis of the recommendations made by seminar participants:

The role of military forces in refugee camp security:

- The deployment of military forces in refugee camp environments should be in support of humanitarian objectives and should be aimed at creating a secure environment for refugees and humanitarian personnel. Emphasis would be placed on supporting the efforts of the host nation to carry out its responsibilities.

- The deployment of military forces is subject to political and military considerations, and must be accompanied by the necessary political and diplomatic efforts aimed at addressing the root causes of displacement.

- The nature of deployments will depend on many factors, including the geography, capacity of host governments, and types of threats present.

- Once deployed, military actors should seek a positive engagement with the refugee and local population, so as not to be negatively perceived (ie. as an occupying force)

- A clear distinction between the roles of international military forces and police must be established. A distinction with the work of humanitarian organizations must also be made, particularly where militaries are first on the ground.

- Military actors should focus on addressing external security threats to refugee camp environments, and can carry out a range of tasks in this respect including: monitoring, surveillance, intelligence gathering and reconnaissance; liaison with national military forces, training and capacity building; and assessment, analysis and advice for humanitarian organizations; separation, disarmament and demobilization of combatants; capture/escort of war criminals; stabilization (border and arms control) and perimeter security.

- International doctrine is required with respect to the deployment of military forces into insecure refugee camp environments (see below DPKO). The need for practical role playing or exercising to validate some of the strategies identified was highlighted.

- A better understanding of how to separate combatants and armed elements from refugee populations is urgently required, particularly in the context of mass movements. This is a role which could be played by national and/or international military forces. This includes, inter alia, an elaboration of relevant international principles and the development of doctrine or standard operating procedures, the clarification of appropriate mandates and rules of engagement. It should be recognized that separation, internment and exclusion are multi-stage processes - military roles may be related to disarmament and collection of weapons prior to separation; creation of a secure environment for separation to take place.

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- Interested governments should look at means of improving their ability to deploy quickly to such environments. Attention should initially be focussed on small scale, specialized deployments. Consideration could also be given to the deployment of unarmed military observers to act as liaison officers with local militaries and humanitarian agencies. The use of military police could also be considered depending on the circumstances.

Responsibility and planning for refugee camp security:

- Host countries have primary responsibility for ensuring the security of refugees on their territory. Host state efforts may need to be supported by the international community.

- Approaches to camp security should be comprehensive and holistic. Stakeholders that may be involved in refugee camp security, including international military and police, international organizations and NGOs must understand the capabilities and limits of one another, and receive adequate training for dealing with such circumstances.

- The importance of good security planning which is regularly updated and involves all relevant actors, including the refugee population, is crucial.

- Where relevant, refugee crises must be addressed as part of a broader regional security dynamic, particularly where armed elements are intermixed within refugee populations.

- The international community must strive to be more consistent in mobilizing the necessary political and material resources to address security issues in refugee camps, and the root causes which sparked displacement in the first place. Therefore, while development of existing early-warning and rapid response mechanisms should continue, efforts should also be directed to the politics and mechanics of mobilizing political will and ensuring an effective response.

- UNHCR in cooperation with Governments should continue to develop the concept of multi-disciplinary needs and security assessment teams (or "Humanitarian Security Officers"), which can be made available to deploy in advance or as a lead element of a humanitarian operation to help determine local capacities, potential security requirements, and develop a security plan.

- The UN Standby Arrangements System should be revised to take into account possible requirements with respect to camp security and recruitment methods should likewise be reconsidered with an eye to such deployments. Regional organizations with similar arrangements could also consider such measures.

- The potential role of private militaries and security firms in dealing with refugee camp security is an area that requires further consideration and while an interesting possibility, does raise important questions about accountability.

- The value of inter-agency and bilateral information-sharing and coordination, and regular information meetings and cooperation/logistics meetings on location cannot be underestimated;

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UNHCR and DPKO:

- Collaboration and dialogue on the issue of camp security must be facilitated on an urgent basis between UNHCR and DPKO, and other relevant actors, including troop contributing countries, military alliances, other UN agencies and non-governmental organizations.

- Consideration should be given to the reciprocal secondment of officials between UNHCR and DPKO to facilitate this cooperation.

- UNHCR and DPKO should also consider the development of a checklist which can help actors on the ground better understand what threats may exist, and what capacity exists to address such threats.

- DPKO should work toward the development of relevant doctrine for the deployment of international military forces to address insecurity in refugee camps, in consultation with troop contributing and host countries.

**Key note address by Mr. Anne-Willem Bijleveld, UNHCR Director of the Bureau for Europe
Seminar on "The role of the military in refugee camp security – policy and practice"
10-12 July, Eynsham Hall, England**

Ladies and Gentlemen,

UNHCR is grateful to the governments of the United Kingdom and Canada for having convened this important and timely meeting and I am pleased and honoured for the opportunity to address this distinguished audience on the role of the military in refugee camp security. A similar workshop organised in March 2000, in Ottawa by the Canadian Department of Foreign Affairs and International Trade on the possible role of international police in refugee camp security was instrumental in the development of UNHCR policies in this regard and I certainly hope that this meeting will prove to be of equal importance.

Ladies and Gentlemen,

Allow me first to introduce to you the issue of a changing humanitarian operational environment. UNHCR's core mandate has not changed since 1950. The protection of refugees and the search for solutions to their problems have remained our central objectives. But the environment in which we work has changed significantly –particularly in the past decade. During the latter part of the 20th Century UN Agencies, Non Governmental Organisations, and other humanitarian actors relied on an often tacit and unspoken agreement between all groups involved in a conflict to respect their neutrality. Humanitarian actors would be "impartial" in the delivery of assistance and, were therefore perceived as "neutral". Parties would respect and consent to humanitarian action.

Ironically, this situation began to unravel just at the time the world began to look forward to what later proved to be a false dawn of hope. With the end of the Cold War, some statesmen predicted an era of sustained peace and economic prosperity. Instead, a series of long simmering ethnic, religious and other conflicts erupted, often within States rather than between States. Many of these were characterised by intense violence committed by regular armies, militias, warlords, guerrilla and bandit groups in which civilian populations were deliberately targeted, particularly in wars in Bosnia and Herzegovina, The Great Lakes region of Africa, Sierra Leone, Timor and Kosovo. Moreover, as a result of these conflicts, we have seen a growing number of persons becoming internally displaced. The refugee outflows have also become more complex with mixed groups, including armed elements crossing borders.

Forced displacement of the "opposing group" has very often become a major objective, rather than a consequence, of these conflicts. Displacement has also grown in scale. The number of people of concern to UNHCR today is 22 million, up from 15 million in 1990 and 5 million in 1980. It has also changed in scope, with virtually no region –Europe, Africa, Asia and Latin America –unaffected. Refugees and humanitarian workers often became deliberate targets for one side or another rather than occasional, accidental victims.

The manipulation of refugee populations

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 the quest to attain their political and military objectives. It is this manipulation for geopolitical purposes that often presents the greatest threat to refugee security. In such situations refugees may be held hostage by elements that are not bona fide refugees and they may also be denied access to the objective information required making decisions about their future.

The targeting and intimidation of humanitarian personnel

Parties to conflict more and more expect humanitarian organisations to care for the victims of war. At the same time, those parties have increasingly subjected humanitarian personnel to intimidation and violence with the tragic results that have been witnessed in locations such as Burundi, Indonesia, Guinea and, most recently in the Democratic Republic of Congo. The political, legal and security void that exists today, clearly aggravates risk to humanitarian personnel.

Security has reached the top of the agenda

In such a complex and increasingly difficult and dangerous environment for humanitarian action, the security of peoples, of refugee and IDP populated areas and humanitarian personnel, has come to the top of UNHCR's agenda.

The flight by civilian populations intermixed with military elements has led to a growing militarisation of refugee sites, with an increased presence of armed elements and weapons in camps. Such militarisation severely affects the neutrality of refugee camps such as we saw in the Great Lakes of Africa and in West Africa. This weakens the ability of host states to maintain law and order and it can provoke armed attacks on refugee sites by countries of origin and their allies, such as was the case in Kosovo and Albania. It poses a serious security threat, not only to refugees but to local communities, as well as to humanitarian personnel.

Security and the role of UNHCR

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. At the same time, however, it is also increasingly recognised by the international community that there is a need to support host states which are unable to discharge such responsibilities. In particular, States have called upon UNHCR to provide advice, training and technical assistance to host states. UNHCR's activities in this domain have covered a wide range of activities and actions adapted to situation specific circumstances.
Let me give you some examples:

- UNHCR supported the "Contingent Zairois pour la securite dans les camps" during the Rwandan refugee crisis
- During the Kosovo emergency UNHCR disseminated protection guidelines relating to refugee security

- Some three years ago, UNHCR established a 'security package' in refugee populated districts in western Tanzania under which UNHCR met the cost of posting police officers in and around refugee sites and provided these officers with special allowances, equipment, vehicles, fuel and accommodation

- This year, UNHCR transferred refugees away from the Guinean border to newly created camps inside the country and is planning to assist the Guinean Police and Gendarmerie with a similar 'security package' as applied in Tanzania

These examples show our commitment in addressing refugee security issues whenever we are in a position to do so. We have recognised for some time, however, that it is necessary for all those involved in refugee protection to address this issue in a more systematic and effective manner.

Emergency preparedness and response

UNHCR has learnt through previous experience that refugee security is extremely difficult to restore once it has been compromised and that preventive action, be it for the security of refugees or for our own staff, is crucial. Preventive action requires pro-active rather than re-active security management: you have to be prepared so that you can deploy rapidly and establish an early presence in refugee hosting areas. To be 'prepared', as you undoubtedly know, is not an easy task. There are resource constraints and UNHCR, as any other humanitarian organisation needs to balance the need for an 'emergency capacity' with funding realities that often relate more to the present than to the future. One way of achieving a minimum level of preparedness is through stand-by arrangements with donor governments.

The "ladder of options"

In order to achieve stronger managerial control, UNHCR has fused the emergency preparedness and response unit and the security unit in one combined service: the Emergency and Security Service. Within that service, emergency and security staff is trying to operationalise the 'ladder of options'.

The ladder of options is a concept that was first introduced by the High Commissioner in 1997 in an attempt to determine action in the increasingly hostile humanitarian environment, which I have just described.

The concept involves different types of measures (ranging from soft, to medium to hard), so that the international community can deal in a more systematic and effective manner with insecurity in refugee and returnee populated areas. It equally describes a series of possible responses to escalating threats to the civilian and humanitarian character of refugee camps and to the security of refugees and humanitarian personnel.

It should be stressed that the problem of security, as such, should be an issue for which a multiplicity of actors share responsibility: refugees themselves, local populations, countries of origin, host countries, donor states, regional organisations, UNHCR and its operational partners, as well as the political and military components of the United Nations System.

Options under the ladder include:

- Preventive and corrective measures;
- Building upon existing national law enforcement mechanisms;
- International support to national security forces;
- Deployment of international fact finding missions;
- Deployment of international observers;
- Deployment of international police forces;
- Deployment of regional military forces with or without UN endorsement;
- Deployment of international military forces under chapter VI or VII of the UN Charter.

Operationalising the ladder of options

In July 2000, UNHCR presented to its "Standing Committee" (a group of States that monitor the High Commissioner's policies and operations), a plan aimed at operationalising this concept.

This paper, which the organisers of this seminar have shared with you, firstly, describes UNHCR's intention to establish stand-by arrangements with a number of States for the provision of law and order advisers as well as public security personnel who would advise UNHCR on the nature and the sources of threats to refugees and their settlements and on adequate responses. The results of our approaches to a limited number of governments so far are not very encouraging. It appears that States are rather reluctant to deploy their police or military staff to humanitarian operations they themselves do not control. States have also expressed problems of a more administrative nature.

Secondly, in the paper we refer to UN Security Council Resolution 1296 of April 2000, which tries to link-up between the humanitarian, political and military components of the UN System. In this important Resolution the Security Council:

"Invites the Secretary General to bring to its attention situations where refugees and internally displaced persons are vulnerable to the threat of harassment or where camps are vulnerable to infiltration by armed elements, and where such threats may constitute a threat to international peace and security (...)". In this Resolution, the Security Council also, "Expresses its willingness to consider such situations and, when necessary, adopt appropriate steps to help create a secure environment for civilians endangered by conflicts, including by providing support to States concerned (...)".

Immediately following the adoption of this Resolution, UNHCR and the UN Department of Peacekeeping Operations (DPKO) agreed on a procedure on the basis of which the High Commissioner could inform DPKO of situations as described in the Resolution. Unfortunately, the results so far have been disappointing. Whenever deployed in the field, peacekeeping operations are based on strictly formulated mandates which do not always allow peacekeeping staff to assess and report on refugee security issues. There appear also to be important resource problems which would prevent speedy DPKO deployment into refugee populated areas. However, some progress has been made in the sense that both organisations have now agreed to second staff to each other's emergency and planning units.

Given this state of affairs, you may wonder how UNHCR then actually responds to situations in which the lack of refugee security is a major factor in prohibiting the protection of and the assistance to refugees.

Refugee security, UNHCR practice

Outside the framework of major regional and international peacekeeping operations, UNHCR has often found itself alone grappling with the issue of security. A good example is the unfolding of the refugee tragedy in Zaire immediately following the violent death of the Rwandan President in 1994. A mixed group of approximately one million Rwandans, including an important number of armed elements fled into Zaire and settled in camps close to the Rwandan border. A few months into this crisis, humanitarian organisations alerted the international community that the civilian and humanitarian character of these camps was compromised and that the implementation of humanitarian programmes was becoming increasingly difficult.

The Secretary General then proposed the creation of an international peacekeeping force and approached 60 countries for assistance. Out of these 60 countries, only one country responded and the effort had to be abandoned. Later attempts to create a pool of police and military trainers for the Zairian army had to be abandoned for the same reason. Eventually, UNHCR had no choice but to respond positively to the Secretary-General's request to negotiate the creation of a special security contingent for the camps with the Zairian government.

Based on that experience, a similar approach was followed in the refugee camps in northern Kenya and in western Tanzania. More recently, UNHCR has proposed to assist the Guinean authorities in providing basic law and order in newly created refugee camps in the centre of the country.

In the absence of a co-ordinated humanitarian security management approach, shared by States and other actors, UNHCR is becoming increasingly involved with issues of a purely law and order and military nature. This is an involvement by default. UNHCR, however, as a humanitarian organisation and managed by civilians, lacks the necessary skills to manage refugee security all by itself.

This seminar is timely and my colleagues and I do hope that we will be able to engage in a constructive discussion on the role of the military in refugee camp security. We would, in particular, welcome a discussion on how the military and UNHCR staff could jointly manage refugee security situations by marrying policing and military principles with those of international refugee protection. Furthermore, we would invite an exchange of ideas on how DPKO and UNHCR could improve their liaison and co-operation in the field.

During the preparatory discussions with the Canadian and UK delegations we expressed our sincere hope that we would not only discuss 'principles' but concrete strategies and actions as well. We very much welcome your insight, thinking, suggestions and contributions on the increasingly important issue of 'refugee security'.

Thank you.

"The Role of the Military in Refugee Camp Security - Reflections from a human rights perspective" Key note address by Deirdre Clancy, International Refugee Programme Director, Lawyer's Committee for Human Rights for the "Seminar to Examine the Role of the Military in Refugee Camp Security" Enysham Hall, Oxford, 10 –12 July.

Introduction

The Lawyers Committee for Human Rights is a human rights advocacy organization and our International Refugee Program reflects that. We do not have a permanent presence in the field but keep connected to the operational issues around refugee protection through the work of our local NGO partners (particularly in Africa). Our engagement in this workshop is driven by our desire to find new ways to make human rights protection practical and effective for refugees.

I have been to introduce the international law framework within which decisions surrounding refugee security can be assessed from the point of view of refugee rights.

In today's short presentation there is insufficient time to attempt to present a comprehensive overview. What I will try to do, therefore, is to highlight a number of legal issues which might be of particular relevance when discussing the potential role of military elements in this field.

In doing so I will be drawing primarily on the work we at the Lawyers Committee have undertaken over the last few years on the question of exclusion from refugee status and protection of refugees in situations of armed conflict.

Safeguarding the Rights of Refugees under the Exclusion Clauses

In 1995 the Lawyers Committee published a report on refugee protection in Africa. Among our conclusions was that the international community had been totally unprepared during the Great Lakes crisis - either to deal with those who had committed serious crime and provoked the flight of others from their own countries, or to assist in providing effective security in the countries to which the refugees fled. The result of this failure of was widespread violence and exploitation in the camps, fear and instability in the host countries, and dangerous comprise of the humanitarian mission.

A mechanism did already exist within refugee law, however, which could have provided a foundation for effective action in identifying and removing the perpetrators of the genocide from the general population. This was the refugee law concept of exclusion.

The concept of exclusion is set out in the exclusion clauses of the 1951 Refugee Convention and the OAU Refugee Convention. Further to these provisions individuals who have committed serious international crimes (such as genocide and war crimes) are excluded from the mantle of protection. Although such individuals may meet the objective requirements for refugee status (a fear of return to persecution for a stipulated reason), they are considered to be "undeserving" because of their past behaviour.

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 was 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 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

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 refuge 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?

I would suggest a number of starting points.

As a general rule, security measures which involve the minimum of coercion, and thus the minimum restriction of refugee human rights, should always be the first to be considered. Military rules of assessment and engagement, in addition to training and accountability structures, tend to harbor different implications for the human rights of refugees. Secondly, it is important to bear in mind that the mere presence of, or engagement with, the military will directly diminish the civilian nature of a refugee settlement – a crucial principle of refugee protection. It is clear also that depending on whether national or multilateral military forces are involved, very different mandates and styles of action will have be taken into consideration.

A quick survey of the literature shows that there appears to be (*rare!*) NGO consensus about where involvement of the military is seen as appropriate and effective: (a) bringing war criminals to justice and (b) separating combatants from refugees. The ability of the military to contribute to the process of bringing war criminals to justice under international humanitarian law has been broadly welcomed even by humanitarian NGOs.

It is interesting also that in discussions of scenarios that might trigger action (although not necessarily direct military intervention) by the Security Council under SC Res 1296 a similar approach has been indicated by UNHCR. UNHCR has identified two such situations: those in which a bona fide refugee population is at risk of falling under the control of elements who are suspected of genocide, crimes against humanity or serious violations of international law – (excludable elements) - and those in which refugee populated areas have become militarized (separation of combatants)

Separation

It is with this latter issue – separation – that the role of the military is most often associated. There is much confusion, however, about exactly what kind of activities are envisaged by the notion of 'separation'.

In his recent report on 'The Protection of Civilians in Armed Conflict' the SG declared that, *"failure to separate armed elements from civilians has led to devastating situations in and around camps". "[T]he movement of people ....alongside armed elements [can] undermine the security of entire sub regions or regions, and thereby internationalize an initially local conflict" (paragraph 28).*

Preservation of the civilian and humanitarian character of refugee camps and settlements is a vital prerequisite, not only for providing refugee protection and enhancing the security of host states, but also for safeguarding the institution of asylum itself. A refugee protection policy will be hard pressed to garner support in a host State if it is not viewed as being a neutral and humanitarian act. This is especially so where a host population fears a re-enactment of the violence which caused the refugees to flee.

In fact as indicated in the framework discussed above, Sates and the international community have an obligation to ensure that a distinction is made between refugees, armed elements and others not in need of international protection. Physical separation is one way to maintain that distinction.

During our study, however, we found that effecting separation raises complex questions regarding (a) the applicable legal framework and (b) how to operationalize that framework in difficult situations on the ground.

Separation is not a legal concept; it connotes a set of acts and processes which have as their object the identification, removal and maintenance of selected individuals apart from the general population of refugees. The legal implications of such activities depend on a variety of acts, including:

The procedure which is taken to identify and separate
The voluntariness or otherwise of the separation
The nature of the confining regime subsequently imposed on those separated

Generally when separation is discussed focus is on the separation of 'armed elements' - most particularly where military involvement in a separation operation is being contemplated. It is of course the type of separation most immediately identifiable as required by international law.

But various separation/confinement measures have also been proposed in relation to other groups where military involvement in the separation operation may also be implicated eg. the separation of refugee political activists or 'intimidators' (in Tanzania in 1996 Mwisa camp in Kagera was set up, for example, with the express purpose of housing alleged intimidators further to Article III of the 1969 OAU Convention) the separation of those awaiting screening for exclusion from protection the separation of ex-combatants who have laid down their arms and been declared refugees (In Zambia – I understand that it is planed to separate ex-Congolegse/ Rwandan soldiers into a camp for ex combatants at Ukwimo even if they are granted asylum) the separation of voluntary separatees – In Ndota camp in Tanzania for example, armed and self proclaimed combatants actually sought separation. In Guinea, we found that separation primarily operated as a protection measure for Sierra Lenoneans suspected of being rebels by compatriots the separation of those who have been excluded from refugee protection

Refugee law, humanitarian law, human rights law (derogation clauses) and the law of armed conflict may permit a strictly circumscribed 'separation' of some of such categories of individuals. But this framework has not been yet clearly elaborated. The Secretary General has in particular called for work to be done on articulating the perimeters for action.

But it is not only from a legal perspective that the object and scope of any proposals to separate require the most careful scrutiny. It is worth recalling that separation activities can often lead to the stigmatizing of those separated, placing them at greater risk of target. Separation can also reinforce command structures, complicate repatriation efforts and be accompanied by extensive restriction of basic rights.

During our study we found that there was a particular need for guidelines to be drawn up to govern:
- the legal basis for lawful 'separation' activities
- the folder of rights enjoyed by the various categories of separated persons
- the procedural safeguards attaching to each type of separation exercise
- identification of the actors responsible for carrying out and monitoring such activities, and
- the conditions for termination of the state of separation (tied clearly to the particular purpose for which the separation was effected)

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- 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"* [2]. 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.

I would like to end by raising a final area where the role of the military might be also appropriately considered – that of information sharing and intelligence. The availability of solid intelligence is crucial to the task of preserving the civilian and humanitarian character of refugee camps and operations. I know that during the March 2000 workshop information sharing was acknowledged as vital. I have already adverted to such activities during this presentation with respect to making an assessment to carry out particular types of separation operations.

The military may also be helpful in assessing whether or not application of the exclusion clauses needs to be raised during refugee status determination procedures. This may be particularly vital where the presence of excludable elements has the potential to create serious refugee security problems (not always the case) – as was the case in Goma. In this regard, what might the implications be for how information is then shared between military, UNHCR and NGO actors? Does the evolution of international criminal law, especially the International Criminal Court process harbor any additional implications for how such information must be dealt with in the future?

I look forward to a provocative and interesting discussion.

"The Role of the Military in Providing Security and Protection to Refugees - Some Humanitarian NGO Views" Key note address by Ed Schenkenberg van Mierop, Coordinator of the International Council of Voluntary Agencies (ICVA), for the "Seminar to Examine the Role of the Military in Refugee Camp Security" Enysham Hall, Oxford, 10 –12 July.

"But the most serious shortcoming of military involvement in relief operations of the last decade does not concern what they do, but what they not do. Protection from violence is the most vital need of refugee and displaced populations today, and is a task that humanitarian organisations are unable to assume. Yet most military forces have been deployed with a 'humanitarian' mandate aimed at protecting or providing relief. This gives governments an image of 'doing something' to appease public outcry, while avoiding engagement in potentially dangerous or protracted conflicts." MSF Research Director Fiona Terry in *The Lancet* Vol. 357, Number 9266 (5 May 2001), pp. 1431-1432.

It should be made clear from the outset that there is no consensus among NGOs on what role the military should play in humanitarian action. At the same time, however, there is not much evidence of humanitarian NGOs' thinking on the role of the military in providing security and protection to refugees. The present conceptualisation of the relationship between humanitarian organisations and military actors has an almost exclusive focus on a division of labour in the delivery of aid, based on the experiences in the large-scale emergencies of the last decade, i.e. the former Yugoslavia, Central Africa, and Kosovo.

Humanitarian NGOs and humanitarian principles

In explaining the views of NGOs on the role of the military in humanitarian action, a closer look should be taken at the community of humanitarian NGOs. The world of NGOs is often viewed with suspicion and as complex, given the different acronyms, their logos and emblems visibly displayed on their four-wheel drives and tents, and, most importantly, their various missions and programmes. The performance of NGOs is said to be mixed: many are characterized as do-gooders who are driven more by their ideals than they are professionals at work.

A closer look at this complex community, however, shows that many NGOs have established credible reputations, based on years of experience, while having different working methods and representing different groups in society. In differentiating among NGOs, one can discern NGOs that work through and with local partners or those that are directly operational themselves. Another division would be along the specific areas of expertise, for example, healthcare, water and sanitation, education and distribution of food. Yet another division between NGOs is based on their specific target populations, including refugees and internally displaced persons, children or elderly.

In providing humanitarian assistance, NGOs are expected to share the same fundamental humanitarian principles and values. In the early '90s, the Red Cross and NGOs sat together and

defined a Code of Conduct.[1] Driven by the then increasing number and variety of actors in humanitarian aid, they elaborated 10 key principles, which should guide every actor in humanitarian aid. The principles provide an essential framework to help them in negotiating access to all victims of natural and man-made disasters.

Independence is set out in the Code through the principle that "humanitarian agencies shall endeavour not to act as instruments of government foreign policy." In doing so, a clear distinction is made between humanitarian agencies and the military, as the latter is inherently a political instrument.

The point that different actors may have a different understanding of certain principles is underlined by the UN report on the reform of peacekeeping, known as the Brahimi report.[2] For example, this report introduces a concept of impartiality, which differs greatly from that used by the humanitarian community:

> Impartiality for United Nations operations must therefore mean adherence to the principles of the Charter: where one party to a peace agreement clearly and incontrovertibly is violating its terms, continued equal treatment of all parties by the United Nations can in the best case result in ineffectiveness and in the worst may amount to complicity with evil.

Impartiality as it is understood by humanitarian organisations, according to the Red Cross and NGO Code of Conduct, is something different and is based on a stated obligation to deliver aid on the basis of need, "regardless of race, creed or nationality of the recipients and without adverse distinction of any kind." The Code goes further, to say that human suffering must be alleviated whenever it is found and priorities for that alleviation should be calculated on the basis of need.

Whereas the UN may be required to oppose a party that is seen to be in breach of the Charter by the Security Council, this is not the case for the humanitarian agencies. The confusion around the term impartiality may have concrete effects on the security of humanitarian workers as they may be seen as enemies by parties to the conflict.[3]

Different Views on the Role of the Military in Humanitarian Action

There is no general consensus in the humanitarian NGO community as to the role of the military in humanitarian aid. Broadly speaking, the views range from those organisations, that take a principled or restrictive point of view when it comes to military involvement, to those that are more pragmatic and accept support from the military. The first group generally consists of a number of larger humanitarian organisations, which have less of a capacity problem in big emergencies, compared to the second group of smaller NGOs, which view the military capacity as welcome since its helps them to start up and sustain their operations.

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[1] Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief, 1994. The full text can be found at <www.ifrc.org/publicat/conduct>
[2] Report of the Panel on United Nations Peace Operations (A/55/305-S/2000/809), 21 August 2001.
[3] Steering Committee for Humanitarian Response, Some NGO Views on the Humanitarian Implications of Implementing the Brahimi Report, paper submitted to the Inter-Agency Standing Committee, 4 December 2000.

However, it must be added that the focus of the military involved in disaster relief has been on the delivery of aid and the implementation of services in the technical areas of health, water and sanitation, distribution and shelter. As a result, the debate between humanitarian organisations and military actors has almost exclusively revolved around questions concerning coordination and a division of labour in delivering relief items.

In this debate, the military have often justified their involvement by pointing to the lack of capacity of traditional humanitarian actors. Whereas this lack of capacity may exist in large-scale, sudden emergencies involving large population flows, it must be stressed that the large majority of the humanitarian needs around the globe are found in politically unstable or insecure areas. These needs are not the direct result of a technical capacity problem of the humanitarian agencies but are due to the lack of continued access for humanitarian aid, which is far too often a political problem. In many of those situations, the military will be unable to solve this problem. In fact, it is very likely that there will be no military in those situations because of the lack of political will to get involved. It is, therefore, only in exceptional situations that the traditional humanitarian organisations are faced with a capacity problem.[4]

Many humanitarian organisations have pointed out that military involvement in humanitarian aid has blurred humanitarian principles, such as neutrality, impartiality and independence. Similarly, humanitarian organisations have accused the military of lack of expertise and reducing humanitarian action to a merely technical act. Both types of actors have not hesitated to stereotype each other, in particular in relation to their different cultures, motivations, working methods, and management.

While it may be too early to speak of an emerging consensus in this debate, a reflection of several years of debate within the humanitarian NGO community offers the following points:

- the number of situations, not including natural disasters, in which military forces will be able to perform humanitarian tasks is extremely limited;
- the military forces that will carry out these tasks must be under civilian coordination, in order to ensure that they act in support of the humanitarian organisation(s);
- military involvement will have an added-value if they concentrate on tasks that normally cannot be carried out by humanitarian organisations, including air-movement control at airports, heavy logistics, road repair, and de-mining.

A more meaningful role for the military

Fostering security in refugee areas is a complex, political issue given the relation to state sovereignty, the questions of mandate and use of force, and the security factor. However, if the military wants to have a more meaningful role in humanitarian action, so that effective use is made of the complementarity of mandates, it should undertake tasks that only the military can perform. To refer to Fiona Terry, it should provide protection from violence to refugee and displaced populations, as this is a task that humanitarian organisations are unable to assume.

From the humanitarian perspective, several conditions should apply if military forces become

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[4] The '90s saw three situations, not being natural disasters, where aid agencies did not have sufficient capacity and the military was able, both practically and politically, to provide support: Northern Iraq in April 1991, Eastern Zaire in July 1994, and Kosovo in April 1999.

involved in providing protection for refugees and displaced persons. A recent joint exercise between the military and NGOs in the UK shows that both type of actors use different frameworks for analysis. While NGOs have a bottom-up approach and start from the purpose of responding to the needs of the civilian population, military forces start from the end-state, i.e. a stable and secure situation, and work backwards. Such difference in thinking can have huge implications in planning and implementing operations in refugee areas.

Another essential element is the military forces' understanding of protection and security. A military understanding of these concepts focuses on the security and protection of the troops. When this way of thinking is applied to humanitarian operations, it is believed that humanitarian staff want the military to protect their operations and convoys. However, many aid workers would find that their security derives from the quality of protection and security provided to the refugees. As such they want to see the military provide protection and security for the refugees and civilian population, rather than having military escorts.

The troops that become involved or provide military support for activities such as the movement of camps further away from international borders, separation of armed elements and refugees, disarmament and arrest and detention of alleged war criminals, should make sure that they operate within the parameters set by international law, in particular refugee law and human rights law. If the contribution of the military forces aims to protect the refugees, the need to respect the rights of refugees in these operations is a minimum condition. One potential problem of the presence of military forces in refugee areas is in fact the risk of violating the civilian character of camps and settlements.[5]

The role of the military should go further than maintaining public order. The mandate of the Zairian *Contingent pour la Sécurité des Camps*, which was eventually deployed as a last resort measure following months of fruitless negotiations by the UN Secretary-General on the deployment of a UN peacekeeping force in the Rwandan refugee camps in Eastern Zaire in 1994, did not include any activities in the direction of separation, disarmament, or arrest and detention. The camps in Goma, therefore, remained the time bomb for regional security until their dismantling by the Kabilla forces at the end of 1996.

Conclusion

Several recent initiatives have been taken to further crystallize the interface between military forces and humanitarian organisations through the development of guidelines or codes of conduct.[6] However, as has been argued, the focus of the conceptualisation of the relationship so far has been on the delivery of aid. A shift of the debate from the military's role in the delivery of aid to their contribution in providing security and protection to refugees, internally displaced persons and the civilian population at large is urgently needed. It is hoped that this seminar will mark an important first step in shifting the debate.

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[5] The international community has repeatedly stressed the need to maintain the civilian character of refugee camps and settlements, See, for example, Executive Committee of the UN High Commissioner's Programme, Conclusion # 48 (1987).

[6] For example, the effort to develop "Guidelines on the Use of Military and Civil Defence Assets in Disaster Relief – also known as the Oslo Guidelines," led by UN OCHA Military and Civil Defence Unit (

SEMINAR AT EYNHAM HALL – 10-12 JULY 2001
CONTACT LIST

Name	Country / Organisation	Appointment	Address	Telephone EMail
Anthony Anderson	Pearson Peacekeeping Centre, Canada	Faculty	61 Rideau Terrace Ottawa ONTARIO K1M 2A2 Canada	(613)-744-6825 anthony.anderson@sympatico.ca
Lieutenant Colonel Nick Anthony	UK MOD	Commanding Officer 539 Assault Group Royal Marines	RM Turnchapel Barton Road Turnchapel PLYMOUTH UK	+44-(0)1752-504001 nick@anthony.org.uk
Colonel Krisdha Areerajjakul	Thailand Directorate of Civil Affairs, Army HQ	Staff Officer	1178/293 Soi Saenanikom 1 Phaholythin Road Chatuchak BANGKOK Thailand 10900	66(2)-561-4344 Mob:- 66(1)-811-6129 akrisd@yahoo.com
Pierre Barampeda	Action Aid (UK) Action Aid (Burundi)	Emergencies Unit Fellow	Hamlyn House LONDON N19 5PG UK	+44-(0)207-561-7561 pierreb@actionaid.org.uk
Anne-Willem Bijleveld	UNHCR	Director Europe	C/O UNHCR HQ GENÈVE Switzerland	+44-(0)22-739-8241 bijlevea@unhcr.ch
Stephanie Blair	Canada /	MSc Student	Pound Cottage	+44-(0)1823-481329

Name	Country / Organisation	Appointment	Address	Telephone EMail
Stephanie Blair	Canada/ Cranfield University	Msc Student	Pound Cottage Hatch Beauchamp TAUNTON Somerset TA3 6TJ, UK	44 (0) 1823-481329 Mob:-+44-(0)7713-884040 steph_blair@hotmail.com
Christophe Boutonnier	UN World Food Programme	Great Lakes Regional Security Officer	PO Box 7159 KAMPALA Uganda	256-75741050 christophe.boutonnier@wfp.org
Koenraad van Brabant	Humanitarian Accountability Project	Co-Director	c/o Centre John Knox 27 Chemin des Prets de-Cregny 1218 Grand Saconnex GENÈVE Switzerland	+41-(0)22-747-00-88 Mob:-+41-(0)79-308-9824 koenraadvan@hotmail.com
Duncan Bullivant	International Security Management Group	Director	11 Lovat Lane LONDON EC3R 8DT UK	+44-(0)207-283-1885 dbullivant@ismg.co.uk
Deirdre Clancy	Lawyers Committee for Human Rights	Director International Refugee Programme	333, 7th Avenue 13th Floor NEW YORK NY 10001 USA	+1-212-845-5250 clancyd@lchr.org

Name	Country / Organisation	Appointment	Address	Telephone EMail
Colonel Gaston Côté	Canada / DND	Director Peacekeeping Policy	NDHQ 101 Colonel By OTTAWA K1A 0K2 Canada	(613)-992-1872 G.Cote@issc.debbs.ndhq.dnd.ca
Major David Couzens	UK MOD JDCC	Information Operations Staff Officer	JDCC MOD Shrivenham SWINDON SN6 8RF UK	+44-(0)1793-787245 couzens@jdcc.mod.uk
Jeff Crisp	UNHCR	Head Evaluation and Policy Analysis	C/O UNHCR HQ GENÈVE Switzerland	+41-(0)22-739-8810 crisp@unhcr.ch
Lieutenant Colonel Peter Eadie	UK MOD JDCC	Air Manoeuvre Staff Officer	JDCC MOD Shrivenham SWINDON SN6 8RF UK	+44-(0)1793-787256 eadie@jdcc.mod.uk
Victoria Eastty	UK / Cranfield University	MSc Student	18 Stallpits Lane Shrivenham SWINDON Wilthsire SN6 8BG UK	+44-(0)7980-658291 vixeastty@hotmail.com

Name	Country / Organisation	Appointment	Address	Telephone EMail
Emanuela Gillard	International Committee of the Red Cross	Legal Advisor	19 Avenue de la Paix 1202 GENÈVE Switzerland	+41-(0)22-730-2829 egillard@icrc.org
Elissa Golberg	Canada / DFAIT	Policy Advisor Humanitarian Affairs	125 Sussex Drive Ottawa ONTARIO K1A 0GZ Canada	(613) 996-3908 elissa.golberg@dfait-maeci.gc.ca
Clare Harkin	UK DfID	Civil/Military Advisor	94 Victoria Street LONDON SW1V 5JL	+44-(0)207-917-0814 c-harkin@dfid.gov.uk
Inspector Vic Josey	Canada / DFAIT	Civilian Policing	125 Sussex Drive Ottawa ONTARIO K1A 0GZ Canada	(613) 993-3795 vic.Josey@dfait-maeci.gc.ca
Vanessa Kent	Canada / DFAIT	Peacekeeping Desk Officer	125 Sussex Drive Ottawa ONTARIO K1A 0GZ Canada	(613)-996-0407 vanessa.kent@dfait-maeci.gc.ca
Janet Lim	UNHCR	Director Emergency and Security Service	C/O UNHCR HQ GENÈVE Switzerland	+41-(0)22-739-8462 lim@unhcr.ch

Name	Country / Organisation	Appointment	Address	Telephone EMail
Lieutenant Colonel Ben Lovelock	UK MOD JDCC	Peace Support Operations Staff Officer	JDCC MOD Shrivenham SWINDON Wiltshire SN6 8RF UK	+44-(0)1793-787223 lovelock@jdcc.mod.uk
Sergeant Gary Lutwick	Canada RCMP Peacekeeping		1200 Vanier Parkway OTTAWA K1A 0R2 Canada	(613)-993-1419 gary.lutwick@rcmp-grc.gc.ca
Major David Marshall	Canada National Defence Headquarters	Humanitarian Assistance Desk Officer	National Defence HQ 101 Colonel By Drive Ottawa ONTARIO K1A 0K2 Canada	(613) 996-9945 djmarhall@canada.com
Lieutenenat Colonel Paul Mella	Tanzania Defence HQ	Senior Staff Officer	PO Box 9203 DAR ES SALAAM Tanzania	255-222-153971 Mob:-07442-90348 mosmella@hotmail.com
Jacob Mphepo	Zambian Ministry of Home Affairs	Commissioner for Refugees	PO Box 50997 LUSAKA Zambia	260-1-255637 260-1-255473 260-1-255474 jmphep@zamnet.zm
Leslie Norton	Canadian International Development Agency	Senior Programme Manager, International Humanitarian Assistance Division	200 Promenade du Portage Hull QUÉBEC Canada	(819)-997-1646 leslie_norton@acdi-cida.gc.ca

Name	Country / Organisation	Appointment	Address	Telephone EMail
Thomas Nyambane	Kenya / Cranfield University	MSc Student	Cranfield Disaster Management Centre Shrivenham SWINDON Wiltshire SN6 8LA UK	+44-(0)1793-544-0473 ojagara@yahoo.co.uk
Major Joe Pollock	Canada	UK exchange officer	8 Robertson Road Catterick Garrison North Yorkshire DL9 4JQ UK	+44-(0)1749-835695 so2g3trgitc@govnet.uk
Brigadier General Mohammed Qudah	Jordan	Military Attaché, London	16 Upper Philmore Gardens LONDON	+44-(0)207-937-9611 Mob:-07771-788537
Dessislava Roussanova	International Alert (UK)	Policy and Advocacy Officer	1 Glyn Street LONDON SE1 5HT UK	+44-(0)207-793-8383 droussanova@international-alert.org
Ed Schenkenburg van Mierop	International Council of Voluntary Agencies	Co-ordinator	48 Chemin de Grand-Montfleury 1290 VERSOIX Switzerland	+41-(0)22-950-9600 ed.schenkenberg@icva.ch

Name	Country / Organisation	Appointment	Address	Telephone EMail
Lieutenant Colonel Darren Stewart	UK Permanent Joint Headquarters	Legal Advisor	Northwood Headquarters Sandy lane NORTHWOOD Middlesex UK	+44-(0)1923-838033 dm_stewart@hotmail.com
Hansjoerg Strohmeyer	UN OCHA	Policy Advisor	One UN Plaza Room DCI – 1388 NEW YORK NY 10017 USA	+1-212-963-9035 Fax:-963-1040 strohmeyerh@un.org
Supt Leif Svensk	Swedish National Criminal Investigation Department	Detective Super-intendent	PO Box 12256 10626 STOCKHOLM Sweden	+46-(0)8401-3892
Robbie Thomson	International Federation of Red Cross Societies	Refugee Advisor	PO Box 372 CH 1208 GENÈVE Switzerland	+41-(0)22-730-4401 thomson@ifrc.org
Philip Upson	UK DfID	Programme Manager Emergency Response Team	52 Grosvenor Gardens LONDON SW1W 0AX	+44-(0)207-630-3774 pupson@ert.gtnet.gov.uk

Name	Country / Organisation	Appointment	Address	Telephone EMail
Colonel Fiona Walthall	UK MOD JDCC	Assistant Director Peace Support Operations	JDCC MOD Shrivenham SWINDON SN6 8RF UK	+44-(0)1793-787215 walthall@jdcc.mod.uk
Peter Wijninga	UNHCR	First Officer HQ	C/O UNHCR HQ GENÈVE Switzerland	+41-(0)22-739-8882 wijninga@unhcr.ch
Brigadier General Muhammad Zaki	Pakistan Army	Director Military Intelligence	General Headquarters RAWALPINDI Pakistan	0092-51-32632