

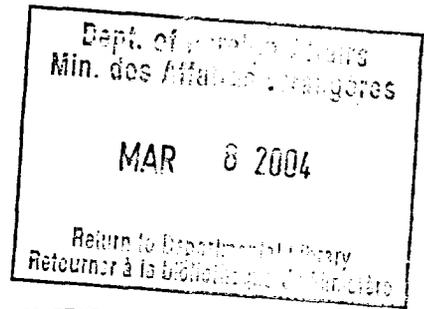
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BACKGROUND PAPERS:

WORKSHOP ON THE POTENTIAL ROLE OF  
INTERNATIONAL POLICE IN  
REFUGEE CAMP SECURITY

GOVERNMENT CONFERENCE CENTRE  
OTTAWA, CANADA  
MARCH 22-23, 2000



## BACKGROUND PAPERS:

# WORKSHOP ON THE POTENTIAL ROLE OF INTERNATIONAL POLICE IN REFUGEE CAMP SECURITY

GOVERNMENT CONFERENCE CENTRE  
OTTAWA, CANADA  
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### Documents included:

1. "Background Note", Department of Foreign Affairs and International Trade, Canada
2. "The Security and Civilian and Humanitarian Character of Refugee Camps and Settlements", Paper prepared by the UN High Commissioner for Refugees (UNHCR) in advance of the 14<sup>th</sup> Standing Committee Meeting (EC/49/SC/INF.2), 14 January, 1999
3. "Briefing paper on Refugee Protected Areas", Paper prepared by Karen Jacobson, Ph.D., for the Mellon-MIT, Georgetown and UNHCR sponsored workshop on Refugee Populated Areas, 29-30 October, 1999
4. United Nations Security Council Resolution 1208 of November 19, 1998 (S/RES/1208), adopted as part of the follow-up to the UN Secretary General's report on the "Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa"

6630/072

## PROVISIONAL AGENDA

### WORKSHOP ON THE POTENTIAL ROLE OF INTERNATIONAL POLICE IN REFUGEE CAMP SECURITY

*Ottawa, Canada, March 22-23, 2000*

#### MARCH 21:

18:00 RECEPTION

HOSTED: Mr. Paul Heinbecker, Assistant Deputy Minister - Global and Security Policy

LOCATION: LESTER B. PEARSON BUILDING, 9<sup>th</sup> Floor

#### MARCH 22: WORKSHOP

LOCATION: Government Conference Centre, 2 Rideau Street

8:30 Administration and morning coffee

0900-09:30 Welcome and Opening Remarks - Mr. Paul Heinbecker  
Remarks by the Chairman - Paul Meyer

0930-10:30 Overview Session - The international and legal context

- UNHCR - Mr. Eric Morris: Emphasis on ladder of options, role of host governments, UN agencies
- UN DPKO CIVPOL Unit - Mr. Mohammed Alhassan: Potential roles of police; legal and other constraints faced

10:30-10:50 Coffee break

10:50-11:30 Overview Session continued - Field-based experiences

- CARE Canada - Ms. Barbara Shenstone: NGO perspective
- UNHCR - Tanzania - Mr. Christoph Skerp : Police perspective

11:30-12:30 Plenary Discussion

12:30-13:30 LUNCH

13:30-16:30 Working Groups, First Scenarios (1-3)

- Refreshments available in corridor at 1500

16:30 Wrap-up and Admin for Day 2

MARCH 23:

- 08:45                    Coffee
- 0900-12:00            Working Groups, Second Scenarios (1-3)  
•           Refreshments available in corridor at 10:30
- 1200-13:30            LUNCH  
•           Speaker      [BGen Maisonneuve (tbc)]
- 1330-14:30            Working Group Reports  
•           Scenario 1 - Hunter McGill  
•           Scenario 2 - Patricia Fortier  
•           Scenario 3 - Peter Miller
- 1430-14:45            Refreshments
- 1445-16:30            Plenary Discussion (Chair: Mr. Paul Meyer)
- 1630                    Summary/Way Ahead - Led by Mr. Chris Coleman (DPKO)
- 17:00                    Concluding Remarks



**BACKGROUND NOTE: International Police and possible roles in Camp Security:**  
*Potential guidance based on past experience, existing legal frameworks  
and resources available to police*

Workshop on International Police and Refugee Camp Security, Ottawa, March 22-23, 2000

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**BACKGROUND:** The Security Council considers that in operations mandated by the Security Council or General Assembly, international police perform indispensable functions in monitoring and training national police forces and can play a major role through assistance to local police forces in restoring civil order, supporting the rule of law and fostering civil reconciliation. It sees an increasingly important role for civilian police, among others, in contributing to building confidence and security between parties and among local populations in order to prevent conflict, to contain conflict or to build peace in the aftermath of conflict.

International police have proven to be valued contributors to peace support operations, particularly in carrying out their two principal functions:

- overseeing the maintenance of public security by monitoring, mentoring and advising local police forces; and
- reforming police organizations, including necessary training.

Within this mandate, police have also played important roles in:

- ensuring neutral environments during post-conflict electoral campaigns;
- monitoring the disarmament and demobilization of police and security forces;
- carrying out human rights investigations linked to the conflict;
- overseeing the security and human rights of returned refugees and displaced persons;
- acting as a liaison between factions, NGOs, and UN agencies; and
- assisting with humanitarian activities.

**LEGAL FRAMEWORK:** Operating on the principle of consent of the host country, and under the guidelines provided by relevant Security Council and General Assembly mandates, international police have been instrumental in building the capacity of local police to uphold the rule of law. Normally, international police do not enforce national legislation, as this responsibility lies with the local police.

However, there are times when exceptions have been made and executive policing authority has been assumed because of a lack of local capacity to carry out such functions. To date, there have been only three such instances: Haiti, Kosovo and East Timor.

- **Haiti:** Police accompanied the Interim Public Security Force (interim police drawn mainly from former army members who had been vetted for human rights abuses and criminal activities) at the request of the Haitian government. Although the IPSF had primary responsibility for law enforcement, the international police were armed and had authority to conduct limited law and order functions under some circumstances.
- **Kosovo/East Timor:** In these instances, international police are working in a transitional authority under the Special Representative of the Secretary General (SRSG). The Security Council mandates establishing those missions give the international police responsibility for law enforcement and establishment of a new local police service.

Generally, police guidelines for the use of force (similar to military rules of engagement or ROEs) are based on local laws. This is appropriate since the main function of international police is to ensure that local police enforce the local laws. In situations where there is some local police capacity, functioning local judicial and penal authorities, and where the security situation is reasonably calm, there is time to establish such guidelines. However, some missions now require peacekeepers to move in immediately where conflict has led to the collapse of local institutions. In these cases, where the international police will be called upon to ensure public security, the UN is considering developing guidelines for the use of force for limited executive activities which are applicable to all missions with an executive policing mandate. If Haiti is used as a model, these guidelines would give international police the power to detain people committing serious criminal acts (e.g. homicide, aggravated assault, rape, robbery). Once local laws have been verified and an interim or new police service is in place, these powers would be ceded to the local police and the international police would return to their monitoring and mentoring role.

**RECENT APPROACHES TO CAMP SECURITY AND POTENTIAL ROLES FOR INTERNATIONAL POLICE:** The issue of insecurity in refugee camps and settlements has been of concern since the 1970s. However, events in the Great Lakes region of Africa in the mid-1990s precipitated renewed international concern and reinforced the urgency of identifying methods for addressing circumstances which may go beyond the capacities of international humanitarian organizations. Here, the presence of combatants among large numbers of refugees undermined the neutral and civilian nature of camps and increased tensions within host states and among regional actors.

In refugee camps, the primary responsibility for ensuring the physical security of refugees rests with the host government, in accordance with relevant international law and regional instruments. It has been recognized, however, that the UN High Commissioner for Refugees (UNHCR) and other UN system actors, other states, NGOs and the refugees themselves may also have a role to play in creating conditions which minimize the threats within refugee camps and settlements.

In response to the Secretary General's April 1998 Report on "the Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa" (S/1998/318), the Security Council passed a resolution on the "Security of Refugee camps" in November 1998 (S/RES/1208). This resolution noted that there are instances where host states may require assistance to ensure the security, civilian and humanitarian nature of refugee camps and settlements, including in the areas of:

- law enforcement; disarmament of armed elements; curtailment of the flow of arms; separation of refugees from persons who do not qualify for international protection (OP6)

Measures suggested to do this included:

- training; logistical and technical advice and assistance; financial support; enhancement of national law enforcement mechanisms; provision or supervision of security guards; and deployment, in accordance with the Charter, of international police and military forces (OP 7)

UNHCR (in cooperation with the Department of Peacekeeping Operations) contributed to the Council's discussions on this subject and has been examining the possible role of the international community, including peacekeeping troops and international police, in the separation of combatants within camps. From a policy perspective, these ideas have been advanced through the development of the "*ladder of options*" concept, in which the role of international police is considered within the "middle-range" of

options. Operationally, UNHCR has recently sought to improve the security of refugee populations in a number of instances by reinforcing the efforts of local authorities, for example in:

- Kenya and Tanzania:** through the provision of direct material support to local security services, and training from a police officer seconded to UNHCR from a third country;
- Macedonia:** through secondment of Swedish police officers to UNHCR to work in partnership with local police.

**OBJECTIVE OF THE WORKSHOP:** Despite these recent efforts, determining exactly what kind of involvement international police should have in these situations remains largely uncertain and raises a number of important questions. These include:

- **Mandate**
  - at whose request, under whose authority and for what purpose?
- What plan would be put in place to ensure police could carry out their duties in the face of cultural and linguistic barriers?
- If international police were given a law and order mandate
  - what laws would be enforced?
  - would they be armed?
  - would they be authorized to arrest combatants?
  - what guidelines for the use of force would be used?
  - what arrangements would be made so that international police could enforce local laws, if required (*e.g. special provisions in the penal code to allow foreign police to give evidence at trials, special provisions to give foreign police the power to arrest suspects and turn them over to local authorities, laws translated into the mission language?*)
  - how would a legal/judicial system be set up in the camps, if required?
  - where would suspects be incarcerated?
  - who would manage/monitor facilities, if they are not part of the local prison system?
  - what impact would an arrest have on the suspect's refugee status?
  - if disarming combatants, what would be done with weapons?
- How can refugee populations be involved in enhancing their own security (e.g. through neighborhood watch programs or anti-crime patrols)?
- How will the particular protection needs of women and children be integrated into approaches adopted?

The objective of the Ottawa workshop is to explore some of these questions, in order to begin to clarify the possible role for international police in enhancing refugee camp security. It is hoped that conclusions drawn from the workshop can contribute to the drafting of the civilian police guidelines currently being prepared by DPKO and to further policy development within UNHCR. It is understood as only a first step in what will need to be continued international engagement on this issue.

**LESSONS FROM THE IRAQI GUARDS:** The office of the Iraq Programme has a special program to provide security in northern Iraq. Although it is not exactly comparable to refugee camp protection, it may provide insight into what might be possible in refugee camp security.

The Guards are authorized through a Memorandum of Understanding between the government of Iraq and the United Nations. Their main functions are to provide security and escort services for humanitarian goods and staff. This includes collecting security information, coordinating UN and NGO activities and travel routes so workers know who is where and whether it is safe to travel to particular areas. They also provide security briefings and guidelines to UN staff and supervise local guards.

There are two types of local guards: a) directly employed as security guards (e.g. checking vehicles and people entering UN areas); and b) more heavily-armed guards seconded to the UN Guard Contingent in Iraq (UNGCI). They provide security to UN premises and key staff. Security of the local population is provided by local police, who are not controlled or monitored by the UNGCI. The international Guards have sidearms provided by the Iraqi government. Their guidelines for the use of force are similar to those used by international police peacekeepers.

#### **RESOURCES OF USE TO INTERNATIONAL POLICE:**

- The UN Civilian Police Handbook explains the principal functions of international police in peace support operations (monitoring, training, negotiation and mediation).
- The UN High Commissioner for Human Rights has produced "International Human Rights Standards for Law Enforcement", a pocket book on human rights for the police, which includes a section on refugees.
- "United Nations Criminal Justice Standards for Peace-keeping Police" also includes a section on refugees.
- The "Peace-Keeping Training Curriculum of the UN Civilian Police Course" and the "Selection Standards and Training Guidelines for United Nations Civilian Police" have human rights training modules and the UN code of conduct.
- Although not a standard UN policing document, the ICRC has published "To Serve and Protect", which provides an international legal framework for policing, with emphasis on human rights and humanitarian law for various law enforcement situations, including chapters on the use of force and firearms.
- The draft "International Civilian Police Planning Guide" offers guidance on setting up a new police mission.



EXECUTIVE COMMITTEE OF THE  
HIGH COMMISSIONER'S PROGRAMME

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14 January 1999

STANDING COMMITTEE  
14th meeting

ENGLISH ONLY

## THE SECURITY, AND CIVILIAN AND HUMANITARIAN CHARACTER OF REFUGEE CAMPS AND SETTLEMENTS

### I. INTRODUCTION

1. This information note reviews recent developments and initiatives with regard to the promotion of the security, and civilian and humanitarian character of refugee camps and refugee populated areas. It examines options to address this objective that have been developed by UNHCR and elaborated upon in consultation with the United Nations Department of Peace-Keeping Operations (DPKO) and UNHCR. These have been discussed at the Security Council and in other fora as part of the follow-up to the Secretary-General's *Report on the Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa* (A/52/871-S/1998/318 of 13 April 1998), hereafter referred to as the Secretary-General's Report on Africa. The document also reviews some of the measures being pursued or envisaged by UNHCR in promoting improved security in refugee camps and refugee populated areas.

### II. THE NATURE OF THE PROBLEM

2. In many cases, insecurity affecting refugee camps and refugee populated areas results from a failure to strictly respect the civilian and humanitarian character of refugee operations. In the aftermath of the genocide in Rwanda, the presence among refugees of former combatants and persons involved in grave crimes against humanity has been a tragic illustration of the failure of States hosting refugees and of the international community to ensure the neutrality of camps. Insecurity can also arise as a result of several other factors, such as conflict amongst different groups within the refugee population, conflict between refugees and the local population, common crime and banditry, and, in certain cases, the deployment of undisciplined police and security forces. In many instances, camps are located too close to international borders.

3. These situations result in endangering the physical safety of refugees, whose lives and belongings are threatened, who could be the victims of external attacks against the camps and settlements they live in and who could fear either being prevented from repatriating voluntarily or, on the contrary, being forced into a hasty return to uncertain conditions. Women and children are often the targeted victims of banditry, while many men fear being forced to join fighting. Similarly, insecurity might affect the surrounding local population and exacerbate tensions between the refugees and the nationals of the host country. Finally, some situations are perceived as threats to the security of the country of origin or the whole region.

4. To effectively address the issue of ensuring the security, and civilian and humanitarian character of refugee camps and refugee populated areas, host Governments and the international community as a whole must ensure that a number of different security-related tasks are undertaken. These include the following:

- Maintaining law and order and creating a secure environment in refugee camps and refugee populated areas;
- Preventing refugees from engaging in subversive activities which could cause tensions between the host country and the country of origin;
- Disarming exiled groups who have access to weapons and curtailing any flow of arms into refugee populated areas;
- Separating bona fide refugees from those exiles who should be excluded from refugee status by virtue of their involvement in crimes against humanity, continued engagement in military activities or any other activity incompatible with refugee status under relevant conventions;
- Demobilizing exiled soldiers and other armed elements, and ensuring their effective reabsorption into civilian society.

### III. INTERNATIONAL EFFORTS TO ADDRESS THE PROBLEM

5. The problem of the security, and civilian and humanitarian character of refugee camps first came to the attention of the Executive Committee of the High Commissioner's Programme in 1979 in the context of armed attacks on refugee camps in Southern Africa. In 1981, at the request of the then High Commissioner, former High Commissioner Ambassador Felix Schnyder conducted a study on the subject. In 1983, in his report to the Sub-Committee of the Whole on International Protection, the High Commissioner stated that "[in] the case of military attacks on refugee camps and settlements the political and non-political - i.e. humanitarian - elements are always closely interrelated. It may not therefore be possible for the High Commissioner to undertake effective action - even to achieve his purely humanitarian objectives - otherwise than in close cooperation with the political organs of the United Nations, and in close consultation with the United Nations Secretary-General which should be established in every case."

6. In 1987, the Executive Committee at its thirty-eighth session in conclusion no. 48 (XXXVIII, A/AC.96/702, paragraph 206) urged UNHCR and other concerned organs of the United Nations to make every effort to promote conditions which would ensure the safety of refugees in camps and settlements. It also called on States of refuge to do "all within their capacity to ensure that the civilian and humanitarian character of such camps and settlements is maintained."

7. At a Regional Meeting on Refugee Issues in the Great Lakes, held in Kampala in May 1998 and convened jointly by UNHCR and the Organization of African Unity (OAU), it was recognized that host States might not always have the capacity to establish and maintain the rule of law in refugee populated areas. "In such situations," the report concluded, "UNHCR has a valuable role to play in mobilizing the international resources required to strengthen law-enforcement capacity." In their final statement, the co-chairpersons of the meeting elaborated on this theme, stating that "Humanitarian agencies alone cannot confront security problems in refugee camps," and that "There was broad agreement on the need, in extreme cases, for international intervention in refugee situations to ensure that the civilian character of camps is maintained."

8. In the Secretary-General's Report on Africa, the Secretary-General urged "the establishment of an international mechanism to assist host Governments in maintaining the security and neutrality of refugee camps and settlements." "Such a mechanism," he continued, "might encompass training, logistics, financial support, the provision of security personnel and the monitoring of national security arrangements." The issue was reviewed again at a ministerial level meeting of the Security Council on 24 September 1998 as part of a general review of the various recommendations emanating from the Secretary-General's Report on Africa. Subsequently, on 19 November 1998, the Security Council adopted a resolution (S/RES/1208) reaffirming the primary responsibility of host States in ensuring the security, and civilian and humanitarian character of refugee camps and settlements in accordance with international refugee, human rights and humanitarian law and calling for concerted international action to support States in discharging that responsibility.

### IV. REVIEWING OPTIONS

9. In a follow-up document to the Secretary-General's Report on Africa, submitted to the Security Council for discussion on 24 September 1998, the Secretary-General reviewed a number of options for ensuring that the security and neutrality of refugee camps and settlement are maintained (discussion of recommendation 9 in document A/52/871 - S/1998/318). These options were largely based on a "ladder of options" proposal submitted by the High Commissioner in July 1998 as part of consultations she held with the Under-Secretary-General for Peacekeeping Operations.

10. In a statement to the Security Council on 10 November 1998, the High Commissioner also reviewed the various options, referring to "soft", "medium" and "hard" options, which reflect the phasing of measures that can be undertaken under her humanitarian mandate, to a full international or multinational military operation under either Chapter VI or Chapter VII of the Charter of the United Nations. While recognizing that recourse to the "hard" options would and should remain the exception, the High Commissioner stressed the importance of developing mechanisms that are comprehensive and predictable. The section that follows reviews the various options examined during the process described above and outlines some possible directions for the future.

#### (a) The "soft" options: preventive measures and cooperation with national law-enforcement authorities

11. Preventive measures should be taken from the earliest phase of a refugee movement in order to ensure the security, and civilian and humanitarian character of any refugee camps that are established. Such measures should aim at ensuring that emergency response effectively promotes increased security. Refugee camps should be located at a reasonable distance from the border, in accordance with the 1969 OAU Refugee Convention and UNHCR's position, and should ideally not exceed 20,000 refugees as recommended by UNHCR's *Emergency Handbook* (discussion of Recommendation 22 in the follow-up document on the Secretary-General's Report on Africa). Refugee leaders and representatives should be elected among candidates that are committed to promoting the civilian and humanitarian character of their camp and should include a fair gender distribution. The

distribution of food and other relief items should be made directly to individuals or family heads by the United Nations agencies or non-governmental organizations (NGOs) and not through the intermediary of "leaders". Whenever possible, there should be a permanent presence of international humanitarian staff in or very near the camp. Particular attention will also need to be given to ensuring that the presence of refugees does not impact negatively on the economy of the region hosting them and on the welfare of nationals. UNHCR will incorporate more systematically these concerns into its internal procedures, training modules, standard instructions and guidelines for programming (including a budgetary provision for security in the new budget structure) and reporting on both protection and assistance as well as in its emergency preparedness and response systems.

12. Additional consideration must also be given to the ways in which the international community can assist host authorities to separate military and civilian elements who arrive during an influx. The international community should also be prepared to assist host countries in this regard through quartering, disarming and demobilizing military elements pending their return to their home country. UNHCR should encourage and assist host countries to carry out refugee status determination procedures and, as necessary, to apply the exclusion clauses of international and regional refugee instruments. The difficulties of individual status determination in situations of mass influx should, however, not be underestimated. On the other hand, it must be stressed that former combatants who renounce their military status and abide by their obligations as refugees should not be penalized. Mechanisms will need to be developed to register them appropriately and monitor their continued presence in camps, as well as their behaviour.

13. When the resources of host States are overwhelmed by security problems in refugee populated areas, a strategy of cooperation with national law enforcement authorities may be required. These programmes put the emphasis on the primary responsibility of host States to ensure the security and civilian and humanitarian character of refugee camps and settlements, while recognizing that the presence of refugees places an important and unexpected burden on limited national resources. Such special efforts, however, should remain an exception and be implemented only after a careful assessment of the situation.

14. Cooperation programmes with national police forces are already in place in Kenya and the United Republic of Tanzania. UNHCR provides material support for the deployment of some 130 police officers in camps in Kenya and 278 in those of the United Republic of Tanzania for the purpose of ensuring law and order and, in the case of the United Republic of Tanzania, to also monitor activities which would be contrary to the obligations of the refugees under the 1969 OAU Refugee Convention. A similar formula was tested in 1995 and 1996 in the camps then located in the Kivu area of the Democratic Republic of the Congo. All of these experiences have stressed the importance of successfully developing targeted training for the cooperating national force and to exercise, with the full consent of the authorities, a monitoring role of the basic policing and humanitarian standards being enforced. In the Democratic Republic of the Congo, the management of this liaison function was ensured by an international "Liaison Group", composed of up to 35 army and police officers, made available by or through a number of Governments. UNHCR is in the process of examining various past and current experiences, with a view to developing a model for the management of this necessary interface or liaison function between UNHCR and the national force which has been deployed under a programme of cooperation for security.

(b) The "medium" options: deployment of civilian or police monitors

15. A number of intermediate options have been examined during UNHCR/DPKO discussions and multilateral discussions among Member States which led to the adoption of the Security Council resolution S/RES/1208. These have included various measures, such as the utilization of private security firms, the direct hiring of security personnel and the deployment of civilian or police monitors. These measures go beyond the strict competence of humanitarian organizations such as UNHCR, but fall short of deploying an external military force.

16. UNHCR has expressed its reservations regarding the deployment of private security firms or the hiring of armed security personnel in a humanitarian operation, on the grounds of principle, accountability and the financial cost. Such arrangements also detract from the host States' responsibility to ensure the security, and civilian and humanitarian character of refugee camps and refugee populated areas.

17. To deploy multi-national civilian observers in a refugee situation would be a novel and potentially useful proposition. International observers could be invited, with the consent of the host State, to conduct monitoring missions when there are reasons to suspect the presence of arms and armed elements in refugee camps. The purpose of these monitoring missions would be to assess and report on the security situation to the Secretary-General and, through him, to the Security Council. The type of international observers and their terms of reference would depend on the nature of the security needs in a refugee populated area. The information collected by international observers would lend objectivity and credibility to the on-going or subsequent efforts of the international community to mobilize the necessary support to restore the security and civilian and humanitarian character of refugee camps and settlements.

18. The current Kosovo Verification Mission (KVM) in Federal Republic of Yugoslavia also offers a model for the deployment of civilian observers and will need to be continually assessed. The Organization for Security and Cooperation in Europe (OSCE) is tasked to provide a mission of some 2,000 multi-national civilian monitors to verify the security situation and compliance by all parties with Security Council resolution S/RES/1199 of 23 September 1998. This resolution requires the withdrawal of security forces to pre-conflict levels and the

cantonment of heavy weapons in the Federal Republic of Yugoslavia province of Kosovo. The KVM is designed to create the political and security environment conducive to the safe and dignified return of populations displaced by the earlier events in 1998.

19. The deployment of an international police force has also been envisaged as an option to manage refugee situations presenting exceptional security problems. These could be deployed by the United Nations or by regional organizations and could be authorized and mandated by the Security Council, and comprised of police units contributed by Member States.

(c) The "hard" options: military deployment

20. The deployment of a United Nations Peacekeeping Operation or that of a multinational or regional force under Chapter VI of the United Nations Charter, and even more so under its Chapter VII, requires strong political convergence between States and, in particular, members of the Security Council. In most cases, such a deployment has been envisaged to address situations that went much beyond the issue of refugees or population displacement, although such displacement has often been an important factor contributing to the decision. While recognizing that the deployment of external military forces will remain exceptional, there is a need to ensure that forces are equipped and trained to address refugee and related issues when such objectives form part of the force's agreed mission. With that notion in mind, the Security Council in S/RES/1208 supported the inclusion in the United Nations Stand-by Arrangements of military and police units and personnel trained for humanitarian operations in order to provide advice, supervision, training and technical or other assistance for the maintenance of the security, and civilian and humanitarian character of refugee camps and settlements. In this regard, DPKO is preparing a Note Verbale to Member States seeking support as a follow-up to the Security Council resolution. UNHCR is in contact with DPKO to assist in defining the profile of such specialized units.

V. LOOKING AHEAD

(a) Assessment of needs

21. Not all refugee situations present exceptional elements which negatively affect the security of refugees and the civilian and humanitarian character of refugee camps and refugee populated areas. It is therefore necessary to develop mechanisms to assess situations that are both flexible and rigorous, ensuring that when situations become politically complex, there can be recourse to independent expertise. UNHCR intends to include the consideration of the security environment as one of the standard functions of its emergency assessment teams for all new situations. This could be done by using the specialized officers currently available through the Field Staff Safety Section at Headquarters and in the field or by drawing from a roster of experts that could be established as part of UNHCR's own emergency response mechanisms.

22. There are situations, however, where the complexity of the political, military and security aspects will require the intervention of external expertise. UNHCR would then take the initiative to propose to the Secretary-General the creation of an independent assessment team. The composition of such a team, its terms of reference and its reporting lines should be decided by the Secretary-General.

(b) Training

23. Among the measures noted by the Security Council in S/RES/1208 to support to the efforts of States in promoting security, and the civilian and humanitarian character of refugee camps and settlements, training and the provision of technical advice figured prominently. UNHCR already participates in a number of training programmes and exercises involving police or military forces. In January 1995, UNHCR produced two training modules which are being used extensively. The first, a *UNHCR Handbook for the Military on Humanitarian Operations*, was created specifically for the use of armed forces who may find themselves working with or alongside UNHCR. The second handbook, entitled *Working with the Military*, aims at assisting UNHCR staff members and associated personnel in achieving a better understanding of the relationship with the military.

24. The number of invitations received by UNHCR to participate in training programmes and military exercises has been growing steadily over the last few years, reflecting the growing interest in operations related to humanitarian situations by national armed forces and regional organizations. This has placed a heavy burden on the Office's limited training staff and on the resources of certain operations which are often solicited. UNHCR is in the process of re-defining responsibilities for matters related to security and liaison with military forces and law-enforcement authorities within the new structure at Headquarters. In parallel, discussions are being held with a number of regional organizations and training institutes with a view to better plan and prioritize UNHCR's involvement in such training and exercises. The possibility of a more coordinated approach and pooling of material and training resources between United Nations humanitarian agencies should also be explored.



# **Briefing Paper on Threats in Refugee Populated Areas**

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**Paper prepared for a workshop on  
on Physical Security and Protection of Refugee Populated Areas**  
sponsored by the Mellon-MIT Programme on NGOs and Forced Migration, Georgetown  
Institute for the Study of International Migration, and UNHCR Policy Research Unit  
29-30 October 1999

Draft: not for quotation or citation

## A. Introduction

This Briefing Paper is intended to serve as the basis for a broader discussion of the central and motivating question of the workshop on "Security in Refugee Populated Areas", to be held Friday, October 29 to Saturday, October 30, 1999 at the Center for International Studies, Massachusetts Institute of Technology, which is: why do security problems arise in refugee populated areas (RPAs)?

RPAs refers to areas, usually border regions, that have experienced the brunt of an influx of refugees, where refugees are initially settled, and where most of them continue to live. Although refugees distribute themselves throughout the host country, by migrating into towns and other parts of the country, in very few countries do refugees have total freedom of movement. Refugees are usually confined to a zone designated by authorities, and usually referred to by name, such as 'Ngara', 'Goma', 'NWFP', 'the Burmese border' and so forth. For convenience, this paper will refer to refugees, connoting those who have crossed a border, but we include returnees since we are interested in what happens to refugees when they go back. (Much of the paper is also applicable to internally displaced people.) "RPA" thus refers either to a refugee or returnee populated area.

By security problems we mean threats to physical safety stemming both from military attacks and the breakdown of humanitarian-based law and order.<sup>1</sup> Physical safety and security implies conditions that allows people to live without fear of physical harm, i.e., the absence of threats to life and limb, including verbal threats and intimidation, and the psychological trauma that comes from observing at close hand violence done to others, and from living in conditions of fear. RPAs are afflicted with security problems, having increasingly become zones of military activity, violence and crime. Refugee camps in particular are often places of outright danger, both for refugees and relief workers, and, by virtue of their destabilizing effect, for those living around them. In many cases, security problems have been compounded by the response of governments, which has often been to close borders to refugees and to impose other restrictions on them. In some cases, these responses have aggravated security problems, for example, concentrating large numbers of refugees in camps can lead to increased security problems. Camps and refugees are widely used and targeted in the conduct of war and conflict.<sup>2</sup> In the post-Cold War context, host governments' view of refugee camps, including their willingness to prevent or allow militarization of camps, is motivated by regional and border politics. This was graphically illustrated during the Great Lakes refugee crisis from 1994-1997,<sup>3</sup> but the situation also occurs elsewhere, for example in southern Sudan, along the Thai-Burmese border, and along the Tanzanian-Burundian border, to name only a few cases. Now, as ever, refugees and camps are part of the political strategies of host and sending governments, as well as those actors supporting these governments behind the scenes. When refugees repatriate, they often do so in conditions of unresolved conflict and insecurity.

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<sup>1</sup> In a refugee context, 'to protect' implies either to provide physical shelter, or to use legal authority to secure the rights and freedom of those at risk. For discussion of the definitions of security, see Goodwin Gill 1996; Kourula 1997: 14-15.

<sup>2</sup> "...in many instances, large-scale movements of people - whether from, to or within their country of origin - have been deliberately provoked or engineered by the parties to armed conflicts, with the specific intention of furthering their political and military interests." UNHCR/OAU 1998. Regional Meeting on Refugee Issues in the Great Lakes. Kampala, 8-9 May 1998. Paper 1, Regional Protection and Security in the Great Lakes Region, p.2.

<sup>3</sup> Boutroue, Joel. 1998. *Missed Opportunities: The Role Of The International Community In The Return Of The Rwandan Refugees From Eastern Zaire*. Center for International Studies, M.I.T. Cambridge, Massachusetts.

The forthcoming workshop will explore the nature of security problems in RPAs, by focusing on the wider political, socioeconomic and organizational context in which these problems occur. This paper explains why we consider this focus to be an important task, and outlines a preliminary framework for thinking about the political context of security problems. It also sets out a typology of security threats and summarizes different kinds of explanations (and proposed solutions) for these threats. The paper is not a comprehensive survey of the research literature, but seeks to raise questions and provoke discussion, point out gaps in the research, and provide a framework for the case studies.<sup>4</sup> It is thus a working document and we welcome comments and insights. The Briefing Paper will be accompanied by a separate annotated Bibliography.

### *1. Why this workshop? A window of opportunity*

The need for a deeper understanding of why security problems arise in RPAs is important both for policy and political reasons. Since the 1980s, a number of workshops and conferences have addressed the problem of protection and security for refugees,<sup>5</sup> but after the Great Lakes refugee crisis of 1994-96, these problems became heightened priorities both for host states and for the international relief community. The UN and especially UNHCR, have sought to address security problems directly. Security in refugee populated areas was a major theme in the UN Secretary-General's May 1998 report on the causes of conflict and promotion of peace and sustainable development in Africa. It was also a predominant topic of discussion at the June 1998 ministerial meeting on refugee issues in the Great Lakes region, convened by UNHCR and the OAU. The High Commissioner<sup>6</sup> and the Director of the Division of Protection<sup>7</sup> have made emphatic statements to various UN bodies, including the Security Council, and to host states, about the need for 'mechanisms' to improve the physical protection and security of refugees and camp populations. In July 1998, the High Commissioner proposed a "ladder of options", which set out a variety of options depending on the security problems and needs of the refugee hosting area.<sup>8</sup>

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<sup>4</sup> Many points in this paper came from discussion with colleagues, especially those on the Planning Committee for this Workshop: Jeff Crisp, Susan Forbes Martin and Sharon Russell.

<sup>5</sup> See Bibliography for a selection of these conferences.

<sup>6</sup> See for example the following statements by the High Commissioner, Mrs Sadako Ogata: Statement at the Open Debate on the Secretary-General's Report on the Situation in Africa (New York, 24 April 1998); "Humanitarian Action in Conflict Situations" (Panel discussion organized by Institute of Policy Studies, Singapore Red Cross Society and Society of International Law, Raffles Hotel, Singapore, 9 January 1998); Statement to the Foreign Policy Society, Copenhagen, 20 October 1997; Opening Statement to the 48th Session of the Executive Committee of the High Commissioner's Programme, 13 October 1997.

<sup>7</sup> McNamara, Dennis. 1998. "The Future of Protection and the Responsibility of the State. Statement to the 48th Session of the UNHCR Executive Committee." *International Journal of Refugee Law* Vol. 10 No.1/2 pp. 230-235.

<sup>8</sup> In a statement to the Security Council on 10 November 1998, the High Commissioner reviewed the various options that reflect the phasing of measures that can be undertaken under her humanitarian mandate. "Soft" options include preventive measures and cooperation with national law-enforcement authorities; "medium" options refer to the deployment of international civilian or police monitors, and the "hard" option refers to military deployment – either a UN Peacekeeping Operation or a multinational force under Chapter VI or VII of the UN Charter. For more discussion of these options, see EC/49/SC/INF.2 14 January 1999. See also the report on Protection for Humanitarian Assistance to Refugees and Others in Conflict Situations (22 Sept 1998), which has recommendations promoting accession to international law instruments, mechanisms to ensure compliance with international law, disseminating and advocating

This discussion within the UN system culminated in November 1998 with a Security Council Resolution.<sup>9</sup> Soon after, the UN Department of Peace Keeping Operations (DPKO) was assigned the lead role in following up on Recommendation 9 of this Resolution, which urges the establishment of an international mechanism to assist host governments in maintaining the security and neutrality of refugee camps and settlements. UNHCR was assigned the lead role in following up on Recommendations 21 and 22, which urge that efforts be made to ensure that all refugees and internally displaced persons are adequately protected and provided for, and that refugees be settled at a reasonable distance from any border and in camps of limited size, respectively.

Currently, there is much debate about how the security and physical protection of refugees and those associated with them can be improved. A window of opportunity is open now, with some interest from the international community, both the UN and the US and other western donors, to promote positive changes. However, policy making and a focus on solutions should be accompanied by an understanding of the larger political, social and legal context in which security and protection problems arise. Before making policy, we should have some understanding of, and answers to the following kinds of questions:

- why do particular kinds of security threats arise in different situations, and, why do certain kinds of responses to these threats occur and not others?
- what are the interests, commitments and obligations (including historical ones) of the main actors involved in RPAs?
- what is (or could be) the impact of aid programs and other kinds of international interventions on the political economy and security of an RPA?
- do refugee camps and other forms of assistance aggravate security problems, and how?

Our task in this workshop is to explore both the nature of security threats to refugees and refugee-affected areas, and the political and historical context in which these threats occur.

## ***2. Why explore the political context of the RPA?***

Understanding the political context of a RPA is important for a number of reasons. First, key aspects of the host government's implementation of policy towards refugees, particularly those that affect the refugees' security (such as the location of camps, the freedom of movement of refugees and other rights, and the use of security forces in RPAs, either against or to protect refugees) are likely to reflect the host government's political, economic and security concerns. As pointed out by Guy Goodwin Gill:

The political aspects of today's refugee problems signal, in particular, the policy dimensions, and the choices that must be made by governments and international organizations. Those choices include whether to abide by international obligations; whether to follow established principles, or to respond *ad hoc* to situations; whether to promote the development of new international instruments or agencies; whether to refine national responses to refugee flows, by changing laws

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humanitarian principles, support for host states, measures to improve security and access, safety of humanitarian personnel, etc.

<sup>9</sup> Following a general review of the various recommendations emanating from the Secretary-General's Report on "The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa" (13 April 1998), the Security Council adopted a resolution (S/RES/1208) on 19 November 1998, reaffirming the primary responsibility of host States in ensuring the security and civilian character of refugee camps, and calling for international action to support States in discharging that responsibility.

and procedures or introducing obstacles to arrival; whether to go beyond the precedents; whether to support international humanitarian relief; whether to promote solutions, and which ones; whether to try to deal with causes.<sup>10</sup>

Second, a deeper political understanding will benefit many of the actors involved in trying to redress the security problems of refugees and others living in RPAs. Knowledge of the political agendas and backgrounds of the actors responsible for security threats is surely a first step in working towards solutions. For example, in the northwestern Ugandan RPA bordered by Sudan and the Democratic Republic of Congo (DRC), refugees and others face attacks by a variety of rebel groups (the Lord's Resistance Army, West Nile Bank Front, Uganda National Rescue Force, etc). Yet relatively little is known about these groups, in terms of their origins, agendas, supporters, and how they fit into the broader security and political context of the destabilized region.<sup>11</sup> This kind of knowledge is surely an important part of addressing the security problems.

Third, in the case of NGOs, a critique often levelled against them is that they become politicized, despite the time-honored principle of political neutrality, as observed by the International Committee of the Red Cross. Some NGOs have countered that certain conflicts in Africa require political involvement by NGOs. Whatever the truth of the matter, increased political awareness of the context in which they are working will enable NGOs (and UNHCR) to make more informed decisions about how to proceed, and will make them less likely to be unwittingly politicized.

A deeper understanding of the politics of RPAs is warranted both for policy and political reasons, but the subject has been relatively understudied. Most research and writing on the subject has focused either on the legal and institutional responses to protection problems, mainly from the perspectives of UNHCR or the ICRC,<sup>12</sup> or has explored potential solutions to protection problems: 'safe areas', temporary protection, etc.<sup>13</sup> There is no dearth of literature on the politics of conflict and complex emergencies,

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<sup>10</sup> Guy S. Goodwin-Gill, "Refugee Identity and Protection's Fading Prospect," (Revised, expanded and updated version of a paper presented at the Conference on 'Refugee Rights and Realities', University of Nottingham, 30 November 1996).

<sup>11</sup> See Lina Payne, *Rebuilding Communities in a Refugee Settlement: A Casebook from Uganda*. (Oxfam U.K. 1998) for a discussion of the Oxfam-funded Ikafe refugee settlement in northern Uganda.

<sup>12</sup> See for example, Krill, F., "ICRC action in aid of refugees", in *Refugees and conflict situations*, Meurant, J. (ed.), Geneva : ICRC, 1988. p. 328-350; Othman-Chande, M., "International law and armed attacks in refugee camps," *Nordic Journal of International Law*, v. 59(2/3) 1990. pp. 153-177; Mtango, E.-E., "Military and armed attacks on refugee camps", In *Refugees and international Relations*, Loescher, G. & Monahan, L. (eds.) Oxford University Press, 1989. pp. 87-121; Maluwa, T. "The Concept of asylum and the protection of refugees in Botswana: Some legal and political aspects," *International Journal of Refugee Law*, v. 2(4), 1990. pp. 587-610.

<sup>13</sup> Franco, L., "An examination of safety zones for internally displaced persons as a contribution toward prevention and solution of refugee problems," in N. Al-Naumi and R. Meese (eds), *International Legal Issues Arising under the United Nations Decade of International Law*, Martinus Nijhoff, The Hague, 1995; Frelick, B., "Unsafe havens: reassessing security in refugee crises," *Harvard International Review*, Spring 1997; Frelick, B., 'Safe haven: safe from whom?', *World Refugee Survey 1995*, US Committee for Refugees, Washington DC, 1995; Ginifer, Jeremy. 1998. "Protecting Displaced Persons Through Disarmament," *Survival*, 40(2) Summer, pp. 161-76; Jaeger, G., 'The recent concept and policy of preventive protection', *Refugee Participation Network*, no 14, 1993; Landgren, K., "Safety zones and international protection: a dark grey area," *International Journal of Refugee Law*, vol. 7, no. 3, 1995; Clarence, W., "Open relief centres: a pragmatic approach to emergency relief and monitoring during conflict in a country of origin," *International Journal of Refugee Law*, vol. 3, no. 2, 1991.

however. For example, the work of Gerard Prunier presents an excellent political analysis of the Great Lakes crisis,<sup>14</sup> as does recent writing on the Balkan conflicts. This literature will be helpful in formulating an approach to studying the politics of RPAs, which we begin to do in the next section.

## **B. A Framework for Exploring the Political and Security Context of RPAs**

This section outlines a framework for approaching a contextual understanding of security problems in RPAs. This framework is based on two sets of variables, the second nested within the first. The first set comprises 'background' variables characterizing the RPA, which occur independently of the refugee flows, but subsequently affect and are affected by them. Four types of variables are identified:

- 1) The domestic economic and political base;
- 2) Regional geopolitics and national security concerns;
- 3) Relief operations, and relations (past and present) between the host government and UNHCR and other relief organizations;
- 4) The interests of and roles played by donors, regional powers, and international organizations in the region.

The second set of variables refers to the particular economic, sociopolitical and security changes that occur in the RPA as a direct result of the refugee influx.

### **I. The Political and Historical Background**

The following are some of the main political and economic variables and relationships that structure a RPA prior to the influx. In any particular case, some variables will take precedence over others, but all should be explored for the insights they offer for the understanding of the overall context of security problems. These background conditions are likely to affect both the overall safety of the region, and the kinds of policies host governments are likely to implement that in turn affect safety.

#### **1) *The domestic economic and political base.***

- *The economic development and physical infrastructure of the RPA relative to the rest of the host country (and perhaps also to the sending country).*

The economic interests of the host government and other actors such as multinational corporations, including development plans and programs, can affect refugee policies and the security of refugees. A case in point is the Thai-Burmese border. The Thai government, influenced and lobbied by Thai companies with natural gas pipeline and logging interests in the region, wants to maintain congenial relations with the Burmese regime in order to pursue its economic interests. These interests potentially influence the Thai government's policy decisions about refugees, and in turn the security of the RPA itself.

- *Relations between refugees and host population, and the history of refugee movements in both directions across the border.*

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<sup>14</sup> For a summary of his book, *The Rwanda Crisis: History of a Genocide* (New York, Columbia Univ. Press, 1997), see G. Prunier, "The Great Lakes Crisis," *Current History*, Vol. 96(610) May 1997.

The local receiving community's response to refugees can affect security conditions, and this response is influenced by ethnic, religious and cultural differences and similarities. The prior experience of the receiving community as refugees themselves is an important factor in these relations. Many host communities have been refugees in earlier years, and the empathy (or antipathy) this experience engenders is important. The presence of older refugee settlements and refugee populations (of the same or different origin as the current influx) can influence outcomes, as these can provide assistance or create problems for 'new' refugees.

- *The political power of local authorities in the RPA, relations between them and the central government, and the influence, political status and penetration of the central government into the region.*

The central government's response and its implementation of refugee policies will be influenced by the power of local authorities such as political leaders or the military, and whether they agree with the central government. Refugee issues can be and have been used by the central government's political rivals to undermine support or to challenge the government directly. The 'penetration' of the central government into the RPA connotes the reach of the government, its ability to shape and control outcomes there, and its legitimacy in the eyes of the local population. Where RPAs are at great distance from the capital, and where physical infrastructure mitigates against communication with the region, the penetration of the central government is often considerably diminished, and in some cases, like eastern Zaire, the central government may well have relinquished all but nominal control, leaving local authorities with the power to control refugee outcomes.

## 2) *Regional geopolitics and national security concerns.*

- *Instability and national security concerns in the border region.*

Where the RPA has been historically subject to instability or conflict (including insurgencies and ethnic tensions), and whether there is a host government security presence in the RPA (government troops, police) are issues likely to affect the host government's approach to refugees. Many RPAs are also regions of longstanding political instability, sometimes because they abut contested borders, e.g., the Burundian-Tanzanian border, sometimes because their distance from the capital has reduced the central government's penetration and facilitated the rise of rebel forces e.g., the Sudanese-Ugandan border. In almost all cases, the conflict in the country of origin giving rise to the refugee outflow also results in the presence of military forces near the border, and this prompts the host government to post its own security forces there.

- *The political relationship between the host government and sending country government, and the political orientation of the host government towards the refugees.*

Where the host government is sympathetic towards the refugees and opposed to the sending government, it is more likely to act in the refugees' interests. However, such considerations are likely to be modified by national security or geopolitical concerns. One illustration is the recent influx of Burundian refugees into Tanzania (1993-present). Although the Tanzanian government was favorably inclined politically towards the refugees and opposed to the Tutsi government in Burundi, the Tanzanian government was also very concerned about the destabilizing effect of the influx on the region created by the spillover of the Burundian conflict into Tanzania. These security concerns motivated the Tanzanian government to restrict the movement of Burundian refugees, and even to close the border at times. Political considerations and security problems will differ for different caseloads. For example, the Tanzanian

government's response to Burundian and Rwandan refugees differed in part because of its security concerns and geopolitical considerations with respect to Burundi and Rwanda.

Can security concerns be overridden by other interests? In some cases, even where host countries have been subject to significant security threats as a result of hosting refugees, they have continued to do so, for example, as did Uganda for the Banyarwanda refugees during the 1980s,<sup>15</sup> and the frontline states for the South African ANC during the 1970s and 1980s.<sup>16</sup> One reason why host states take such risks is because of their political interests in or sympathies towards the refugees. This sometimes means that the host government will require certain commitments from the refugees, such as that they belong to particular political movements. In the 1980s, Pakistani refugee policy required that Aghan refugees belong to an Aghan resistance political party,<sup>17</sup> and Tanzania required that South African refugees belong to the ANC. Such political biases can result in problems for refugees who choose not to belong to these parties or are ousted from them.

When host governments are not sympathetic towards refugees, and are positively inclined toward the sending government, refugees' security can be more directly jeopardized. For example, in the early 1980s, the Honduran government sympathized with the Salvadoran government and was politically antagonistic towards and suspicious of the Salvadoran refugees, who were housed in a large camp, Colomoncagua, near the border of El Salvador. The main security problem there was from Honduran military forces, who conducted brutal raids on the camp in search of suspected guerrillas. The Honduran Government also tried to relocate the refugees at Colomoncagua, consisting largely of women, children and old people, at a greater distance from the border. They were suspected of being families and supporters of guerrillas who would visit them from across the border in El Salvador. These refugees were strongly opposed to relocation.<sup>18</sup>

### **3) *Relief operations, and relations (past and present) between the host government and UNHCR and other relief organizations.***

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<sup>15</sup> Watson, C. "Exile from Rwanda: Background to an Invasion." Washington (DC) : US Committee for Refugees, 1991/02

<sup>16</sup> The problem of asylum and host government policy towards refugees in the context of security threats from the sending country was illustrated in southern African during the early 1980s, when the front-line states (Botswana, Zambia, Mozambique, Tanzania and others) struggled to strike a satisfactory balance between their wish and international obligation to grant asylum to the South African refugees and the resulting security threats from the South African armed forces. Pretoria's regional policy sought to proscribe the right of the front-line states to grant asylum by pressuring them through military or commando raids on targets in Gaborone and other localities. The raids were principally aimed at members of the South African refugee community, but they included other local and foreign victims. The period of 'Pax Pretoriana' and the Nkomati Accord between South Africa and Mozambique witnessed the development of the so-called doctrine of caveat refugee (let the refugee beware). Maluwa, T. "The Concept of asylum and the protection of refugees in Botswana: Some legal and political aspects," *International Journal of Refugee Law*, v. 2(4). 1990. pp. 587-610.

<sup>17</sup> "By all parties to the conflict : Violations of the laws of war in Afghanistan," Helsinki Watch Committee (United States); Asia Watch Committee. - New York, NY, 1988/03.

<sup>18</sup> See Canadian Church Task Force on Salvadorian and Indigenous Nicaraguan Refugees in Honduras, August 29th to September 5th 1985: Report / Inter-Church Committee on Human Rights in Latin America. - Toronto (Canada): Inter-Church Committee on Refugees, 1985. The task force agreed with the refugees, as it found the proposed new site far inadequate in living facilities and considered that there was no hard evidence that these people were guerrillas.

- *the impact of relief and peacekeeping operations on the RPA*

Relief and peacekeeping operations either in the RPA or in regions nearby, can create and aggravate security problems in RPAs by changing the economic relations and security context. The deployment of international forces in Somalia in Operation Restore Hope (subsequently UNOSOM) may have had the effect of driving armed Somalians into the border areas of northeastern Kenya, where they are referred to as 'bandits'. The economic and social impacts of prior or longstanding relief (and development?) programs on RPAs, should also be noted. These programs could have created particular expectations or resentment among local populations and refugees.

- *The relationship between the host government (both at the national and local level) and various aid agencies, particularly UNHCR.*

Whether a host government has a longstanding, cooperative relationship with UNHCR and the NGOs is a factor likely to affect policy decisions about refugee security. The experiences of the host government, UNHCR and NGOs with refugee influxes in a particular RPA can also affect subsequent responses. All actors are capable of feeling lingering guilt or regret or embarrassment over how certain events were handled. For example, some observers thought the Tanzanian government regretted its handling of the Ngara repatriation in 1996. The desire to avoid future problems can be a motivator of government and other agencies, including NGOs and UNHCR.

#### *4) The interests of and roles played by donors, regional powers, and international organizations in the region.*

The Realpolitik concerns of external political actors like key donors, ex-colonial powers, the United States, the EU, and regional organizations, like the OAU must inform any political analysis. These concerns include strategic interests, historical commitments, competition for influence, and reluctance to interfere in the affairs of a member state. For example, an understanding of the Rwanda crisis and the consequences for refugee flows in the Great Lakes region could not be properly understood without addressing the interests of and role played by France in Zaire and Rwanda.

## **II. RPAs as Special Arenas**

When a refugee influx occurs, the RPA, already characterized by the four sets of variables just discussed, becomes a special arena of action and change that can lead to security problems. The following intersecting categories of change can be identified in a RPA:

### *1) Settlement patterns*

How refugees settle (or are settled) is important for understanding the security and socioeconomic context in which threats occur. The first and most common form of settlement is often referred to as 'spontaneous settlement', which occurs when refugees find accommodation and assistance within the local community. Families take refugees in, or provide them with some form of housing or land. Soon after an influx, relief agencies and the host government make their appearance, policy decisions about the refugees are made, and in many cases some or all the refugees are moved (or efforts are made to move them) into more organized settlements, such as camps or agricultural settlements.

In most cases, not all refugees enter camps or other kinds of organized settlements, even where governments are determined they should do so. Exact figures are impossible to come by, but estimates

of the proportions of refugees living outside camps range as high as sixty percent in some host areas. Although local authorities and the host government often try to control where refugees live, it is more apt to think about settlement as a fluid process, in which refugees move into and out of organized settlements, their movements influenced by their own decisions and coping strategies, by local socioeconomic conditions and by local authorities. Refugees leave the camps to find work, to trade, to explore repatriation options, to join the rebels, to visit the city. They return to the camps during the hungry season, or when there are security threats outside. Within one extended refugee family, the workers might live in the local community where they can farm or find income, and the dependents (elderly, mothers and children) might live in the camp where they can be taken care of.

Refugees are thus never fully separated from the local community. In most RPAs, there is a history of migration and mingling between the refugees and their hosts. For example, in northwestern Tanzania, the town of Kigoma and the Lake Tanganyika shore have long been target areas of migration for Congolese on the other side of the lake. Refugees and locals mix together for purposes of trade, marriage, entertainment, seasonal work. Local people use refugee settlements for the health facilities and markets. This commingling of refugees with local communities means that what affects the camps will have consequences for the communities surrounding them.

## 2) *Economic changes*

Refugees bring resources with them (labor, goods, even new technologies) and they impose economic burdens on their hosts. When international assistance programs appear, even more significant economic changes are wrought in the region. Entire new economies can manifest themselves. Infrastructural changes occur, as roads and bridges are upgraded to truck in supplies, camps are constructed with new market opportunities, and changes occur in the prices of local goods. The recent literature on war economies<sup>19</sup> can be expanded to address what we might call 'refugee economies'; currently relatively little research has been done on this subject.<sup>20</sup>

The presence of refugees, or refugee camps, can disrupt economic activities of interest to particular actors in the region, which can then lead to security problems for refugees. For example, in recent years, parts of the Thai-Burmese border area have become of great economic interest to the Burmese and Thai governments as a result of the logging concessions in the region and the gas pipeline currently under construction there. The Mon refugee camps in the south were considered by the Burmese and Thai governments as a hindrance and disruptive to the economic viability of the area. As a consequence, the Mon leadership was put under tremendous pressure to sign a ceasefire agreement and to relocate the refugees to designated sites across the border in Burma. This relocation was completed between October 1995 and April 1996 in the absence of any political settlement and without any international agreement providing for voluntary return, monitoring, or relief and reintegration assistance. At the same time, new Mon refugees were still arriving in Thailand, fleeing human rights abuses in Burma.<sup>21</sup>

## 3) *Sociopolitical changes*

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<sup>19</sup> See for example, a forthcoming ICRC publication entitled 'War, Money and Survival'.

<sup>20</sup> See Mark Cutts, "The Economics of Survival in Refugee Camps," UNHCR Policy Research Unit, 3 August, 1999.

<sup>21</sup> McCann, J. "Use of UNHCR guidelines for the protection of refugees from Burma: a more practical collaboration with NGOs needed," *Refugee Participation Network* 22, October 1996.

An influx of refugees potentially engenders changes in demographic and ethnic balances that can lead to political problems and governmental concerns. Government policies and assistance programs can change local resource access, as when land is allocated for camps, or new facilities (schools, clinics, water points) are constructed. Perceptions by the local population that refugees are receiving unfair advantages, either from government policy or from international aid programs, can lead to resentment of refugees and conflict. The presence of refugees can lead to new population movements, as local people are displaced, or as newcomers move into an area to take advantage of political or economic changes. Infrastructural changes like new roads can enable the infiltration and the spread of organized crime, drug smuggling, or illegal logging.

*The next section of this paper presents a typology of security threats in RPAs and some of the standard explanations for them, along with prevailing ideas about solutions to these problems. The material is culled from the research literature and from discussion and email exchanges with colleagues in academia, the UN and NGOs. This paper contends that most of these explanations and solutions lack an adequate political contextual analysis. The framework set out above seeks to guide such an analysis.*

### **C. Types of Security Problems: Military and Non-Military Threats**

Almost all RPAs are close to regions of conflict, and many refugees and camps have been caught in cross-fire or minefields. This paper focuses on direct attacks and immediate security problems that arise mostly in camps, but outside them as well.<sup>22</sup> Two main types of threats can be identified (see Table 1 for cases). The first type, military threats, occurs when camps or refugees are directly attacked by being shelled or subjected to raids by rebel forces or regular (government) forces of the host or sending state. When camps are attacked, it is not only camp populations and relief workers who are at risk, but also surrounding communities of local people and self-settled refugees who also suffer the effects of roving gangs of armed units.

The second type, non-military threats, refers to the violence, crime and intimidation that occurs in the RPA, usually in camps, resulting from the absence or breakdown of law and order, or sometimes simply as a result of poor planning or policy. Both in and outside of camps, refugees are subject to intimidation, violence and harassment from a variety of groups and individuals. Refugee leaders who acquire control of relief distribution can abuse or intimidate other refugees in the process of distributing assistance. In the Hong Kong camps, leaders whose responsibility it was to give passes to refugees needing to leave the camp, would demand bribes or sexual favors before issuing the passes. Violence and intimidation in camps are also used for political purposes: to pressure refugees to leave the camps, or to enter them; to repatriate, or not to repatriate. The latter was widely believed to be the case in the Goma camps, where camp leaders intimidated and threatened refugees who sought to return to Rwanda.

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<sup>22</sup> For discussion of these kinds of threats, see K. Jacobsen, "Refugees as Security Threats in Sub-Saharan Africa" in M. Weiner (ed.), *International Migration and Security*, (Boulder, Colorado: Westview Press. 1993); E-E. Mtango, "Military and armed attacks on refugee camps," in G. Loescher and L. Monahan (eds.), *Refugees and International Relations*. (New York: Oxford University Press. 1989); B. Posen, "Military responses to refugee disasters," *International Security*, 21(1), 1996; W. Stanley, "Blessing or Menace? The Security Implications of Central American Migration," in Weiner op.cit.; UNHCR, "Military or Armed Attacks on Refugee Camps and Settlements," EXCOM Conclusions- No. 48 (XXXVII) 1989; M. Weiner, *The Global Migration Crisis: Challenges to States and Human Rights*. (HarperCollins, 1995).

In camps where petty and organized crime flourishes, camps can become zones of drug smuggling, human trafficking, illegal logging, and gun running. As in any high crime area, the non-criminal population is subject to more generalized violence, which leaches out into the surrounding community. In most camp situations crimes go unpunished because there is no adequate force to back up what rule of law does exist. Perpetrators are able to elude justice by hiding amongst the refugee population, or camps fall under the control of political or military elements, and civilian authority and sources of law and order are undermined. Refugees are then more likely to be deprived of their rights, and subject to violence and intimidation.

Finally, clashes between refugees and locals constitute a widespread security problem that usually occurs outside the camps, and sometimes in situations of self-settlement. This often arises when there is resentment by locals towards refugees for perceived wrongdoings, such as theft or immoral acts, or for inequities resulting from refugees' access to relief resources, or because refugees are blamed for other problems (including security ones) in the RPA and locals want to pressure refugees to leave.

**Table 1**  
**Types of Threats and Likely Causes**

Type of Threat to Refugee Site/Camp	Likely Causes	Examples/Case Studies
<b>I. Direct Armed Attacks</b>		
a) bombing or shelling of camps	to force or prevent repatriation; presence of combatants or "subversives" among refugees (militarization)	militarized Goma camps shelled by RPF; Thai-Cambodian border: UNBRO-assisted camps had to be moved frequently because of shelling; Zambia (late 1970s): Rhodesian Air Force bombed refugee camps, northern Iraq: Turkish air force bombed Kurdish camps
b) raids by rebel groups	to obtain resources or hostages; forced conscription; recrimination	northwest Uganda-Sudan RPA; northeast Kenya: Somali bandits prey on RPA
c) 'hot pursuit' by regular security forces	presence of combatants or "subversives" among refugees (militarization and/or "hot pursuit");	Tanzania-Burundi border: incursions by Burundian forces in search of combatants; Thai-Burmese border: cross-border raids on camps by Myanmar forces or allied ethnic Karen; Guinea-Liberian border: Vahun camp looted by Liberian? soldiers; Honduras-El Salvador border: Honduran soldiers raided camp looking for subversives; Mozambican and Tanzanian camps for ANC raided by S.African army in 1970s
<b>II. Non-Military Threats</b>		
a) violent crime or conflict between refugees or between refugees and locals	poor organization or management of camps; ineffective policing by host authorities; dissatisfaction or resentment by refugees and/or locals about camp policies or conditions;	nw Kenya, Kakuma camp subject to ethnic clashes and demonstrations by refugees; nw Tanzania (Burundian refugees)
b) abuse or intimidation by camp authorities or refugee leaders	to prevent or encourage repatriation; as a means of maintaining power in the camp and control over resources	Goma camps (east. Zaire) Ngara camps (Tanzania) Kosovo Albanian camps in Albania; Hong Kong camps

**D. Explanations for Threats, and Solutions.**

**1) Militarization of camps and absence of neutrality of humanitarian operations**

The most widely accepted explanation for attacks is the militarization of camps, when large numbers of combatants are present in and often in control of refugee camps. Under such circumstances, there is an increased likelihood of attack by antagonistic forces, either in the country of origin or in the host country, because camps are perceived to be giving assistance and protection to their enemies.

The solution to the problem of militarization is widely seen to lie in the screening of refugees so as to exclude combatants, the elimination of weapons, and the maintenance of camp neutrality, all of which will ensure the civilian and humanitarian character of refugee operations and camps. As a corollary, it is

frequently argued that if the civilian nature of camps cannot be maintained, or when attacks on personnel occur, then humanitarian assistance must be withdrawn. According to the *World Refugee Survey* (1998, p. 17):

Demilitarization of refugee camps is the absolute *sine qua non* for real asylum. The international community cannot tolerate arms or armies in refugee camps. Armed or criminal elements cannot be allowed to control the distribution of relief supplies. Refugee camps cannot be situated virtually astride the borders of countries from which the refugees originated. The civilian nature of all refugee camps must be restored, and they must be positioned at a proper distance from borders, with physical protection from coercion and legal/political protection from abuse by governments or others.

Although the demilitarization of camps seems to be an obvious solution, a number of problems arise. First, demilitarization is a difficult process -- and it is not part of the mandate of either UNHCR or any relief agencies. Although initial screening and disarming of incoming refugees sometimes is carried out at border crossing points by host authorities, it is not always effective, and not all refugees come through border crossings. Border officials are overwhelmed by numbers, inadequately trained, or otherwise unwilling or unable to accomplish this task, and many arms or combatants "get through" and mix with bona fide refugees. Unless entering combatants are willing to yield their arms, it is almost impossible for unarmed border officials or UNHCR Protection Officers to disarm combatants. Where armed combatants are mixed in with existing refugee camp populations, screening and separating them is notoriously difficult. 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.

Without adequate military backup, it is difficult to ensure that the civilian nature of a refugee camp is sustained, and that weapons are eliminated from and kept out of camps. Even if actual combatants are excluded from camps (as is required by UNHCR mandate), it is difficult to enforce such exclusion for any length of time. Combatants are easily able to shed their weapons and uniforms in order to enter the camps. In most camp situations, non-combatants and combatants are related to each other (non-combatants are wives, children, parents of combatants). Under these circumstances, it is difficult to determine when a camp should be defined as militarized. Related to this problem of "mixed populations", are situations in which criminals are interspersed among the refugees and similarly difficult to identify and extract.

A second problem is -- Where do the combatants go? When regular camps are emptied of armed combatants, they often establish shadow camps nearby.<sup>23</sup> Shadow camps are security threats on their own, but their proximity to official, non-armed refugee camps make the latter very vulnerable to attack. In a related problem, official camp hospitals often become the facilities that treat war wounded. Even though the combatants may be unarmed when they enter the hospital, the camps are seen as aiding the resistance by serving the medical needs of militarized forces.

The argument for withdrawal of relief agencies, particularly UNHCR, in circumstances of camp militarization was made repeatedly in the case of eastern Zaire, where it was noted that "the militarisation

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<sup>23</sup> On the Thai-Cambodian border, each of the resistance forces established small camps near the large official camps. Women would be brought from the official camps to the shadow camps; sometimes the women went willingly to visit their husbands, but sometimes they went against their will to "service" the combatants.

of the settlements and their use as bases for cross-border raids took them outside the (protected) category of 'refugee camps' and removed any lawful justification for UNHCR's continued presence." (Goodwin Gill 1996).<sup>24</sup> An example of where UNHCR did withdraw is the Atrush refugee camp in northern Iraq, where in 1997, UNHCR terminated its assistance and withdrew after it stated that the humanitarian and nonpolitical nature of the camp had been compromised.<sup>25</sup>

It is difficult to discern a pattern in the response of relief agencies when it comes to withdrawal: much depends on the politics of the situation as well as the likelihood of things improving. UNHCR withdrew from Atroush camp, but they did not withdraw from the Goma camps in eastern Zaire. In May 1993, Medecins sans Frontieres (Belgium) withdrew most of its women workers from camps in northeastern Kenya after reports of a high incidence of assaults on refugees and aid workers. In northern Uganda in 1996, Oxfam, the largest NGO operating there, withdrew its staff after a series of assaults including abductions and robbery. In eastern Zaire, however, MSF withdrew, as did other NGOs, but Oxfam remained.<sup>26</sup>

There are several problems related to withdrawal from militarized camps. As with trying to screen out combatants, there are problems of degree. When should agencies withdraw? UNHCR has supposedly clear guidelines relating to this exercise, but even then it is difficult to determine the right time. Another problem is that if agencies do withdraw, the 'protection by presence' they afford disappears, and refugees are left even more vulnerable and without basic assistance. This was the case in the refugee settlements in northern Uganda, when Oxfam and other agency staff withdrew in 1996.

## 2) *Location of Camps.*

A second explanation for military attacks on camps and other refugee settlements is that they are either too close to the border with the sending country, or located in conflict zones, and thus more likely to be

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<sup>24</sup> Speaking of the situation in eastern Zaire in 1994, when the camps became militarized and were no longer able to protect the refugees, Guy Goodwin Gill says,

In such situations, a deeper knowledge of law, principle and history will ensure that policies at least have a rational basis other than a general feeling that someone has to do something about all that's wrong in the world. UNHCR's mandate is not to provide food and relief to the needy, but to provide protection. In the face of the international community's unwillingness to take the necessary supportive steps, UNHCR's inability to fulfil its primary responsibility to provide international protection to refugees ... ought to have prompted a decision to withdraw. Such decisions are not to be taken lightly, of course, and they are not made any easier by the continuous inflow of substantial funds for operations in less than ideal conditions; but there are, after all, other agencies capable of meeting human and material needs, and able to do so in complex situations without putting mandate responsibility and constituents at risk.

Guy S. Goodwin-Gill, "Refugee Identity and Protection's Fading Prospect," (Revised, expanded and updated version of a paper presented at the Conference on 'Refugee Rights and Realities', University of Nottingham, 30 November 1996)

<sup>25</sup> As described by Roger Winter (WRS 1998): "Hunger strikes and protests ensued. UNHCR offered to assist individual refugees who left the camp, and more than half the camp population did relocate farther away from the Turkish border. Some NGOs protested. USCR did not. Not all people who flee are refugees. Not all people who flee are deserving of international protection. To protect the real refugees, we need to expose and separate the combatants (and criminals) who hide among them. ... these situations call for "tough love" from the humanitarians, for holding fast and not allowing our good intentions to be manipulated."

<sup>26</sup> The decision by NGOs to withdraw from insecure situations has intriguing research possibilities. More case material and analysis could point to patterns and would yield important findings.

attacked or caught in cross-fire, or otherwise involved in physically insecure environments, such as landmine fields. Aside from the immediate physical danger in which this places refugees, if camps are close to the border, refugee combatants are more easily able to mobilize and conduct guerilla forays across the border. It is argued that camps and settlements must be located (and if necessary relocated) more than 50km from the border, or away from conflict zones.

There are several problems with this line of argument. First, it is not always the case that camps close to the border are insecure. In Malawi, for example, the Mozambican camps were right on the border, but never suffered direct attack. Location itself is not the cause of insecurity (but clearly does aggravate it). Second, it is not always possible to locate camps in a deliberate way; refugees often spontaneously set up their own camps close to the border in order to facilitate return or monitor the situation in their home region, and then it is difficult to relocate them.<sup>27</sup> Relocation is difficult and expensive, and refugees are often reluctant to be relocated. This was clearly manifest in the case of Guinea in 1998, when Sierra Leonean refugees crossed the border and settled in areas that were very difficult to access. Efforts by UNHCR to relocate the refugees were fruitless, and the situation was resolved only when the refugees themselves chose to relocate because food was not reaching them. Third, host governments may also prefer to have camps close to border if this facilitates return, reduces the chances of refugees becoming integrated into the local community, and reduces national security problems.

Poor camp location can aggravate insecurity, but it does not fully explain security problems. The Malawian case is of interest because it raises the question of why these camps were relatively safe from attack, and illustrates the importance of understanding the wider political and security context.

### 3) *Camps as the source of security problems*

Camps themselves can be sources of instability and insecurity for the RPA.<sup>28</sup> Camps are largely undefended repositories of resources, including food, vehicles and relief supplies, as well as people, who can be forcibly recruited for military or sex or labor purposes, or taken hostage as a way to get international media publicity. Camps can become integrated into the local political (war) economy and viewed as a war resource. Governments involved in internal or regional conflicts have also deliberately targeted or used refugees and camps as part of a military strategy to weaken and demoralize opponents, to promote ethnic cleansing, or to encourage or discourage repatriation. This occurred most recently in Kosovo, where Serbian president Milosevic pursued such tactics,<sup>29</sup> but also occurs in Sudan and elsewhere, as part of a larger pattern of conflict in which civilians are targeted for military purposes.

The culture of camps, particularly in the emergency phase, contributes to problems of law and order. The anomic, alienated environment of camps coupled with the absence or breakdown of the rule of law in the camps, often creates a climate of violence and intimidation. In the emergency phase, camp populations consist of uprooted, often traumatized or destabilized people. Many refugees are rural people with little education, who have lost their ties to families and villages and who find themselves cast adrift in an alien,

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<sup>27</sup> See Jeff Crisp and Karen Jacobsen. 1998. "Refugee camps reconsidered," *Forced Migration Review*, forthcoming.

<sup>28</sup> This approach encompasses the broader critique of camps in general, which argues that camps are themselves inherently problematic and cannot be rendered safe or free of human rights abuse (see recent debate on camps in *Forced Migration Review*, Vols. 1 and 2 1998-9)

<sup>29</sup> W. Hayden, "The Conflict in Kosovo and Forced Migration: The Strategic Use of Displacement and the Obstacles to International Protection," *Journal of Humanitarian Assistance*. <http://www-jha.sps.cam.ac.uk/b/b396.htm> posted on 20 December 1998.

unstructured shantytown-like culture. These are ingredients for increased crime and violence, or increased likelihood of recruitment into militias or organized crime. The presence of weapons (even when hidden) increases the combustibility of the situation in and around the camps, as does the problem of bored and frustrated young men in camps, who are candidates for involvement in crime or recruitment to militias.

In such a context, it is very important to have a system of law and order in the camp that is perceived as legitimate, and where there is redress for transgressions. However, any camp system of law and order will need to be backed up by a physical security force, and the problem is, where will such a force come from? The problem of international intervention of this kind is discussed in more detail in Appendix A.

#### *4) Problems created by humanitarian assistance programs and/or host government policies.*

A current critique in the humanitarian literature concerns the effect of humanitarian assistance on the security and the political economy of RPAs.<sup>30</sup> Relief programs have sometimes exacerbated conflict and insecurity rather than contributed to peace. The most direct negative impact occurs when warring forces gain control of supplies intended for civilians, either through imposing levies or through theft. More indirectly, when international NGOs meet the needs of civilian populations, the government and rebels are freed to use their resources for war-making.

Any analysis of insecurity must explore the system of relief distribution within the camps. Control over the distribution of assistance is a means to acquire power. Food and other aid items are an important "currency" of camp life, and those who gain control over distribution seek to maintain it at all costs and with violence if necessary. Aid agencies often find it most efficient, particularly at the height of an emergency, to distribute aid through the military or political organizations associated with the refugees. These organizations have the hierarchy and supply lines to get the aid out quickly. Once this hierarchy is entrenched it is difficult to re-organize, as those who are given control do whatever they can to maintain it.

The roles played by host government authorities (such as camp guards or undisciplined police and security forces) and IGO and NGO personnel in this power matrix are important variables in explaining the security climate in camps.

Incomplete or inappropriate assistance programs in camps can also create security problems. For example, not providing fuelwood to refugees in camps means the women must travel some distance to find wood in the bush and are thus at the risk of rape or other attack. In some cases, programs that provide assistance for refugees but neglect poor local populations create resentment and further trouble down the road. Some NGOs maintain that humanitarian assistance should be provided only when local populations and factions agree to conditions that will ensure the most effective use of relief supplies.

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<sup>30</sup> See for example, African Rights, 1994. *Humanitarianism Unbound? Current Dilemmas Facing Multi-mandate Relief Operations in Political Emergencies*, Discussion Paper no 5, London; J. Macrae and A. Zwi, *War and Hunger: Rethinking International Responses to Complex Emergencies* (London: Zed Books, 1994); L. Minear, "Partnerships in the protection of refugees and other people at risk: emerging issues and work in progress." UNHCR/CDR, *New Issues In Refugee Research Working Paper No. 13*, July 1999; D. R. Smock, "Humanitarian Assistance and Conflict in Africa" <http://www-jha.sps.cam.ac.uk/a/a016.htm> reposted on 4 July 1997; T. G. Weiss & C. Collins, *Humanitarian Challenges and Intervention: World Politics and the Dilemmas of Help* (Boulder, CO: Westview Press, 1996).

NGOs have pointed out the complicated and sometimes compromising context in which their organizations must operate.<sup>31</sup> NGOs function as implementing agents for donor governments and the United Nations. These donors are often not well informed about field conditions, and impose unrealistic restrictions and inappropriate mandates on NGOs with whom they contract. Moreover, emergency situations usually do not permit time for the requisite planning to avoid all negative consequences.

#### E. Conclusions: Framing Questions for the Workshop

The kinds of explanations and variables set out above reflect much of the current literature that seeks to analyze refugee-related security problems. There is a strong 'solution bias', but little real analysis of the political and economic factors driving the problems.

The following questions can be distilled from this discussion paper, and are some of the ones that should structure both the case studies and the workshop:

- What are the main security threats confronting the people living in RPAs, and how are these threats special to RPAs?
- What kind of empirical information is important in understanding security problems in RPAs?
- How should we separate the security of refugees from the security threats refugees pose to host countries?
- What is the role of humanitarian relief and international intervention in security problems in RPA?
- How does the political and historical context of the RPA (as outlined in the framework above) contribute towards or mitigate against security problems?
- How does knowledge of the political context contribute towards uncovering solutions to security problems?

Some related issues not addressed in this paper, but of possible interest to the workshop are:

- the need to make a distinction between security for refugees and security for relief agency personnel. We might question whether this is a necessary and significant distinction, and whether making such a distinction would lead us in different directions, or whether it is possible to address physical protection problems more generally as a set of problems that affects everyone caught up in the RPA.
- Discussion of security problems is often blurred by the use of the expression 'security threats' to refer to national security threats, i.e., threats to the security of the host country (or the host government) from refugees.<sup>32</sup> The safety of refugees and the ways in which refugees pose security threats to host states, are two issues that are often conflated.<sup>33</sup> Should these issues be

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<sup>31</sup> This section is taken from the Military and Humanitarianism Address to the 'Aspects of Peacekeeping' Conference by David R Smock, which can be found at the JHA website: "Humanitarian Assistance and Conflict in Africa", <http://www-jha.sps.cam.ac.uk/a/a016.htm> reposted on 4 July 1997.

<sup>32</sup> P. Kourula, *Broadening the Edges: Refugee Definition and International Protection Revisited*. (Boston: Martinus Nijhoff Publishers, 1997). pp.8-9, 14-15.

<sup>33</sup> See for example, the Secretary-General's Report on Africa (April 1998), para. 53: "the safety of refugees has increasingly become a matter of international concern, as has the security of States hosting large refugee populations..." *Refugee Studies Quarterly*, 17(2) 1998, p. 77.

conflated, and if not, how should we separate and address them? Clearly, perceived national security threats can lead to security problems for refugees if the host government responds in such a way as to endanger refugees, by forcing them into camps or even repatriating them. But these two problems appear to lead in different directions; discussion is warranted.

Finally, a last question of interest is whether security problems have increased since the end of the Cold War. The security problems associated with refugees are not new and were recognized long before the Great Lakes crisis. As Table 2 shows, refugee camps have a long tradition of been militarized or used by 'refugee warriors', and have been subject to all manner of attack. According to Roger Winter,

The mixing of civilians and combatants in "refugee camps" was almost the (unacknowledged) rule during the Cold War: Cambodian camps in Thailand, Afghan camps in Pakistan, Nicaraguan camps in Honduras, Sudanese camps in Ethiopia, and Eritrean camps in Sudan. Countries of first asylum and distant superpowers alike manipulated the refugees and the international humanitarian community to suit their ends.<sup>34</sup>

There have been some changes since the end of the Cold War. In most cases, superpower involvement has been reduced, and camp militarization has become less acceptable to the West. How different are these situations from those occurring in the 1970s and 80s, and if they are different, what has changed? One thing that has changed is the increased attention in international circles that is now being paid to security problems associated with refugees.

Has there has been a real increase in security problems in RPAs, or is the recent interest in security just a matter of perception and political convenience? In order to make any sort of empirical assessment we need data. But there are few data on security incidents and nothing that has been systematically explored.<sup>35</sup> Two problems are associated with data collection. The first is conceptual: how do we measure security threats? Can threats be quantified, in terms of deaths or injuries? What about more insidious problems like psychological trauma, or fearfulness that leads to restrictions on freedom of movement? Second, even if these conceptual problems could be resolved, there is still the problem of gathering data in refugee situations -- the lack of trained personnel, inconsistency, biased reporting, and so forth. At present, we do not know what proportion of RPAs experience security threats and how significant these are, nor how these threats have changed over the years. For the purposes of this workshop, we have tried to assemble some rough counts of threatened RPAs, as set out in Table X. (Security threats by region and period).

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<sup>34</sup> 'The Year in Review', in *World Refugee Survey*, 1998. Washington D.C. US Committee on Refugees. p. 17.

<sup>35</sup> K. Van Brabant, "Greater security: developments in aid agency policy and practice," *Relief and Rehabilitation Network*,





**United  
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S/RES/1208 (1998)

19 November 1998

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## RESOLUTION 1208 (1998)

Adopted by the Security Council at its 3945th meeting,  
on 19 November 1998

The Security Council,

Reaffirming its resolution 1170 (1998) of 28 May 1998,

Reaffirming also the statements of its President of 19 June 1997 (S/PRST/1997/34), 16 September 1998 (S/PRST/1998/28) and 29 September 1998 (S/PRST/1998/30),

Emphasizing that the provision of security to refugees and the maintenance of the civilian and humanitarian character of refugee camps and settlements is an integral part of the national, regional and international response to refugee situations and can contribute to the maintenance of international peace and security,

Having considered the report of the Secretary-General of 13 April 1998 on the "Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa", which was submitted to the General Assembly (A/52/871) and to the Security Council (S/1998/318) in accordance with the statement of its President of 25 September 1997 (S/PRST/1997/46),

Taking note of the report of the Secretary-General of 22 September 1998 on the "Protection for Humanitarian Assistance to Refugees and Others in Conflict Situations" (S/1998/883),

Recognizing the extensive experience of African States in hosting refugees and in dealing with the effects of refugee camps and settlements,

Affirming the civilian and humanitarian character of refugee camps and settlements, and in this regard underlining the unacceptability of using refugees and other persons in refugee camps and settlements to achieve military purposes in the country of asylum or in the country of origin,

Noting the diverse causes of insecurity of refugee camps and settlements in Africa, including, inter alia, the presence of armed or military elements and other persons who do not qualify for international protection afforded refugees or otherwise do not require international protection, differences within the refugee population, conflicts between refugees and the local population, common crime and banditry and the flow of arms,

Recognizing the need to take steps to assist African States to improve the security of refugees and to maintain the civilian and humanitarian character of refugee camps and settlements in accordance with international refugee, human rights and humanitarian law,

Stressing the particular security needs of women, children and the elderly, who are the most vulnerable groups in refugee camps and settlements,

Recalling resolutions 52/103 and 52/132 of the General Assembly regarding, respectively, the Office of the United Nations High Commissioner for Refugees (UNHCR) and human rights and mass exoduses,

1. Reaffirms the importance of the principles relating to the status of refugees and the common standards for their treatment contained in the United Nations Convention relating to the Status of Refugees of 28 July 1951, as modified by the Protocol relating to the Status of Refugees of 31 January 1967;

2. Underlines the particular relevance of the provisions contained in the Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa of 10 September 1969;

3. Affirms the primary responsibility of States hosting refugees to ensure the security and civilian and humanitarian character of refugee camps and settlements in accordance with international refugee, human rights and humanitarian law;

4. Calls upon African States further to develop institutions and procedures to implement the provisions of international law relating to the status and treatment of refugees and the provisions of the OAU Convention, especially those relating to the location of refugees at a reasonable distance from the frontier of their country of origin and the separation of refugees from other persons who do not qualify for international protection afforded refugees or otherwise do not require international protection, and in this regard urges African States to seek international assistance, as appropriate;

5. Recognizes the primary responsibility of the UNHCR, with the assistance of other relevant international bodies and organizations, to support African States in their actions directed towards the full respect and implementation of the provisions of international law relating to the status and treatment of refugees, and requests the UNHCR, as needed, to keep in close touch with the Secretary-General, the OAU, subregional organizations and the States concerned in this regard;

6. Notes that a range of measures by the international community are needed to share the burden borne by African States hosting refugees and to support their efforts to ensure the security and civilian and humanitarian character of refugee camps and settlements, including in the areas of law enforcement, disarmament of armed elements, curtailment of the flow of arms in refugee camps and settlements, separation of refugees from other persons who do not qualify for international protection afforded refugees or otherwise do not require international protection, and demobilization and reintegration of former combatants;

7. Notes also that the range of measures referred to in paragraph 6 above could include training, logistical and technical advice and assistance, financial support, the enhancement of national law enforcement mechanisms, the provision or supervision of security guards and the deployment in accordance with the Charter of the United Nations of international police and military forces;

8. Requests the Secretary-General to respond, as appropriate, to requests from African States, the OAU and subregional organizations for advice and technical assistance in the implementation of international refugee, human rights and humanitarian law relevant to the present resolution, including through appropriate training programmes and seminars;

9. Urges the UNHCR, other relevant United Nations bodies and organizations, Member States, the OAU and subregional organizations to initiate coordinated programmes to provide advice, training and technical or other assistance, as appropriate, to African States which host refugee populations, with a

view to strengthening their capacity to implement the obligations referred to in paragraph 4 above, and encourages relevant non-governmental organizations to participate in such coordinated programmes when appropriate;

10. Encourages the Secretary-General and Member States involved in efforts to enhance Africa's peacekeeping capacity to continue to ensure that training gives due emphasis to international refugee, human rights and humanitarian law and in particular to the security of refugees and the maintenance of the civilian and humanitarian character of refugee camps and settlements;

\* 11. Expresses its support for the inclusion in the United Nations Stand-by Arrangements of military and police units and personnel trained for humanitarian operations, as well as related equipment, which relevant United Nations bodies and organizations could draw on in providing advice, supervision, training and technical or other assistance related to the maintenance of the security and civilian and humanitarian character of refugee camps and settlements, in coordination as appropriate with the African States hosting refugees;

12. Requests the Secretary-General to consider the establishment of a new category within the United Nations Trust Fund for Improving Preparedness for Conflict Prevention and Peacekeeping in Africa to support, as needed, and in addition to existing sources of funding, the provision of advice, supervision, training and technical or other assistance related to the maintenance of the security and civilian and humanitarian character of refugee camps and settlements, including those activities referred to in paragraph 11 above, and urges Member States to contribute to this Fund;

13. Requests the Secretary-General to continue his consultations with Member States, regional and subregional organizations and other relevant international bodies and organizations and to keep it informed about developments in Africa related to the security and civilian and humanitarian character of refugee camps and settlements which affect the maintenance of international peace and security in the region, and to recommend concrete measures, such as those mentioned in paragraph 7 above, as needed, in this regard;

14. Expresses its readiness to consider the recommendations referred to in paragraph 13 above in accordance with its responsibilities under the Charter of the United Nations;

15. Requests all Member States, relevant international bodies and organizations and all regional and subregional organizations to consider, as appropriate, the application of the measures contained in this resolution to regions other than Africa;

16. Decides to remain seized of the matter.

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