

**Non-Governmental Organisations' Submission to the Standing Committee of the  
Executive Committee of the United Nations High Commissioner's Programme  
18th Meeting, Geneva, 5-8 July, 2000**

Agenda Item 5 (i) Safety and Security of Staff (EC/50/SC/INF.3) (ii) The Security, Civilian and  
Humanitarian Character of Refugee Camps and Settlements : Operationalizing the Ladder of  
Options (EC/50/SC/INF.4)

*Statement on Behalf of NGOs by Deirdre Clancy, Lawyers Committee for Human Rights*

Mr Chairman, Distinguished Delegates,

(i) Safety and Security of Staff

NGOs fully endorse UNHCR's recognition in Inf. 3 that the issue of the safety and security of humanitarian staff is of crucial importance. The interdependence of needs and efforts of *all* humanitarian agencies in the field with respect to security, however, requires consultation and partnership between both UN and non-UN operational agencies. In this respect we are disappointed that there is no specific reference to the security of NGO partners in the conference room paper. We would encourage UNHCR to examine how its efforts on staff security might be integrated within a consultative process. In addition, an Inter Agency Standing Committee Working Group short-term Task Force, chaired by the World Food Program and including UNHCR, is currently looking at cooperation between UN and NGOs on security matters. Recommendations of this Task Force are expected to feed into the existing ACC process concerning security issues.

(ii) The Security, Civilian and Humanitarian Character of Refugee Camps and Settlements:  
Operationalizing the Ladder of Options

NGOs are acutely aware, as is so clearly set out in INF 4. that the task of ensuring the physical security of refugees in refugee camps and settlements in the context of mutli-faceted modern conflict is a daunting challenge. Events in the Great Lakes, Kosovo, West Africa and more recently in Timor have exposed the complex range of actors and political factors which may have to be considered in order to deliver a comprehensive protection package.

NGOs believe that there is an urgent need to articulate a clear legal framework for action to ensure security and maintain the civilian and humanitarian character of camps. As part of this framework, the development of innovative mechanisms which would assist UNHCR and States to effectively protect refugees *and* address concerns of host States and the international community surrounding security and stability, is also, of course, vital.

It is in this spirit that NGOs welcome Doc. INF.4 as a courageous attempt to identify and address in a systematic way a number of the operational elements which could form part of a multifaceted approach to the global challenge of safeguarding the civilian and humanitarian character of camps.

NGOs strongly echo UNHCR's statement that the security of refugee populations is primarily a matter for host states. Security activities must be pursued within the framework of national and international human rights, humanitarian and refugee law and standards, augmented, where required and authorised, by international community action. The existence of host State cooperation and 'buy in' is important to how international contribution to security is characterized and operates. We recognise, however, that in cases where host States are unable or unwilling to collaborate, there may be a necessity for the exercise of international collective responsibility.

We endorse the recognition that timely and pre-emptive intervention is required in order to safeguard the character of camps. The early disarmament of individuals crossing a border, the internment of active combatants, and an early protection presence in order to assess whether or not there may be excludable elements among the refugee population, are essential components of that action. The proposal to appoint Humanitarian Security Officers (HSOs) who will be available to rapidly "*advise the UNHCR team leader and concerned national and local officials of appropriate actions required to improve security*" is interesting and we look forward to examining it in further detail.

We welcome the emphasis on cooperation with host State authorities and capacity building contained in the HSO profiles. We recognise that it will be necessary to carefully define the mandate of these officers, and to clarify their relationship to seconding States, UNHCR (particularly with respect to its protection function), and other UN agencies. This may be particularly important where HSO roles move beyond assessment into performance of technical and/or operational tasks. How UNHCR's own activities, and its relationship with other actors (such as the military), might be perceived, requires cautious reflection.

It has been suggested in INF. 4 that refugee populations be encouraged "*to assume some responsibility for maintaining acceptable standards of order and justice in camps*". NGOs recognise that under the 1951 Refugee Convention a refugee has duties "*which require in particular that he/[she] conform to [...] laws and regulations as well as to measures taken for the maintenance of public order*"<sup>1</sup>. While acknowledging that consultation with the refugee community itself is vital to the success of a policing measure, NGOs would emphasise that participation requires delicate management. We signal the need for further study of this complex matter. Ultimately, of course, it is important that the protection responsibility is not unduly shifted onto the shoulders of refugee communities themselves.

INF. 4 focuses on the actors and personnel who may be called upon to assess and assist in a situation where the security of refugees is under threat. It does not directly address the content of the legal framework which will govern such activities. While recognising that delineation of such a framework is not the purpose of INF. 4, NGOs would like to emphasise that extrapolation of that framework, particularly with respect to the action of non-host State agents, requires urgent attention. Paragraph 18 of INF. 4, for example, refers, *inter alia*, to the identification of excludable elements which might, in certain circumstances, constitute a trigger for an approach by the Secretary General to the Security Council. How will the exclusion screening regime which feeds into such an assessment be implemented? Under what conditions and on the basis of what indicators? Further, as meeting of technical experts recently noted, "*no clear legal criteria seem*

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<sup>1</sup> Article 2, 1951 Refugee Convention

*to exist at present for identifying and separating combatants*”<sup>2</sup>. Similarly, what are the options for the shape which the “*appropriate measures*’ contemplated under Security Council Resolution 1296 might take?

An exploration needs to occur now – before the next crisis erupts - so that the options, the actors, and the guidelines for maintaining security have been thoroughly examined with a view to their practical implementation. It is crucial that principles for operations are agreed, in order to form the basis of the program of training and pre-emergency strategising under consideration.

We welcome the statement that security experts be trained in refugee and humanitarian law. In addition to refugee and humanitarian law, however, NGOs would urge that human rights law be placed at the centre of such a program. Both the legal framework developed for enhancing security (including the Humanitarian Security Assessment Checklist), and the training provided to operational personnel, must have human rights law at their heart. Human rights provisions must constitute the foundation for any legal assessment of the impact of security measures on the refugee and host populations.

NGOs are encouraged by the recognition in INF 4. that maintenance of security and physical protection of refugees is not just a concern of traditional ‘security’ agents. We welcome the acknowledgment that full enjoyment of economic and social rights of refugees, the location of camps, and measures to deal with gender based violence, are important components of the project to strengthen security. With respect to operationalising the ladder of options, NGO’s also welcome the approach that “*countering refugee security will require a combination of options and capabilities, undertaken on a simultaneous, rather than a sequential basis*” (paragraph 11).

Finally, in recognition of the fact that NGOs are often on the front line both in respect to securing refugee protection and gauging operational environment, we would request that NGOs be permitted to participate in the vital dialogue catalyzed by these proposals. We would also suggest that ICRC and the Office of the High Commissioner for Human Rights become partners in this discussion.

Thank you Mr Chairman.

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<sup>2</sup> Comprehensive Implementation Plan, Adopted by the Special OAU/UNHCR Meeting of Government and Non-Government Technical Experts on the 30<sup>th</sup> Anniversary of the 1969 OAU Refugee Convention, Paragraph 15