

THE SECURITY, CIVILIAN AND HUMANITARIAN CHARACTER
OF REFUGEE CAMPS AND SETTLEMENTS:
OPERATIONALIZING THE "LADDER OF OPTIONS"

I. INTRODUCTION

1. The international community's current focus on the issue of security in refugee-populated areas can be ascribed to a number of related developments:

- The changing nature of conflict, with internal and regional wars generating cross-border movements of mixed groups, including military elements;
- A recognition that the militarization of refugee camps, armed attacks on such settlements and other forms of insecurity in refugee-populated areas are likely to undermine public and political support for the institution of asylum and the principles of refugee protection;
- The proven danger that the militarization of refugee-populated areas can create or aggravate tensions between States, thereby posing a threat to regional peace and security; and
- The prevalence of lawlessness in some refugee-populated areas, manifested in levels of crime, banditry and violence which pose a serious threat to the security of refugees, local populations and humanitarian personnel.

2. These problems, which have characterized recent refugee movements from Burundi, East Timor, Kosovo and Sierra Leone, require little explanation. Refugee camps (like other large, poor and densely-populated human settlements) have an inherent propensity to insecurity, especially when their inhabitants are deprived of educational, agricultural or income-generating opportunities and have little prospect of finding an early solution to their plight.¹

3. It should also be recalled that rebel movements, host countries and other States, both within and beyond the regions directly concerned, have often made use of refugee populations in the quest to attain their political and military objectives. It is the manipulation of refugee populations for geopolitical purposes that often presents the greatest threat to refugee security. In such circumstances, refugees may be held hostage by elements who are not bona fide refugees and they may also be denied access to the objective information required to make decisions about their future.

¹See, for example, J. Crisp, *A state of insecurity: the political economy of violence in refugee-populated areas of Kenya*, New Issues in Refugee Research, No. 16, UNHCR, Geneva, 1999.

4. International interest in the problem of refugee security has been demonstrated most clearly by the High Commissioner's January 1999 information note to the Standing Committee of the Executive Committee of the High Commissioner's Programme on the "ladder of options", by the Secretary-General's September 1999 report to the Security Council on the protection of civilians in armed conflict, and the subsequent adoption, in April 2000, of Security Council resolution 1296.² Paragraph 14 of this resolution is of particular importance, as it:

"Invites the Secretary-General to bring to its attention situations where refugees and internally displaced persons are vulnerable to the threat of harassment or where their camps are vulnerable to infiltration by armed elements and where such situations may constitute a threat to international peace and security, expresses, in this regard, its willingness to consider such situations and, where necessary, adopt appropriate steps to help create a secure environment for civilians endangered by conflicts, including by providing support to States concerned in this regard, and recalls, in this regard, its resolution 1208 (1998) of 19 November 1998."

II. THE ROLE OF UNHCR

5. It is a well established principle in international law that host States have primary responsibility for the physical protection of refugees and for maintaining the humanitarian and civilian character of their camps and settlements.

6. At the same time, and in accordance with the principles of solidarity, cooperation and burden-sharing, the need to support those host States which are unable to discharge these responsibilities effectively has been increasingly recognized by the international community. At a regional Meeting on Refugee Issues in the Great Lakes, convened jointly by UNHCR and the Organization of African Unity (OAU) in Uganda in 1998, it was recognized that host States might require extra resources to establish and maintain the rule of law in refugee populated areas. Security Council resolution 1208 (1998), urged UNHCR and other concerned actors to provide advice, training and technical assistance to host States to strengthen their capacity in this respect. More recently, the Executive Committee encouraged "States and UNHCR, in collaboration with each other and with other parties of the United Nations system, to continue their effort to enhance the security and civilian nature of refugee camps and settlements."³

7. Responding to these concerns, the High Commissioner introduced the "ladder of options" concept, as a means of analysing and addressing the different types and degrees of insecurity which typically arise in refugee-populated areas.⁴

8. At an operational level, UNHCR's efforts in this area have included, for example: the deployment of the *contingent Zairois pour la sécurité dans les camps* during the Rwandan refugee crisis; the dissemination of protection guidelines relating to refugee security in the Kosovo refugee emergency; the provision of material support and training to local security services in refugee-

²*The Security and Civilian and Humanitarian Character of Refugee Camps and Settlements*, EC/49/SC/INF.2 of 14 January 1999; *Report of the Secretary-General on the protection of Civilians in Armed Conflict*, 8 September 1999, S/1999/957; Security Council resolution S/RES/1296 (2000). These issues are also addressed in Security Council resolution S/RES/1208 (1998) and Security Council resolution S/RES/1265 (1999).

³*Report of the Fiftieth Session of the Executive Committee of the High Commissioner's Programme*, A/AC.96/928, para. 20(q).

⁴*The Security and Civilian and Humanitarian Character of Refugee Camps and Settlements*, see footnote 2.

populated areas of the United Republic of Tanzania, and the movement of refugees away from international borders in countries such as Guinea.

9. Particular attention has been paid to the physical protection of refugee women and children, and the problems of sexual and gender violence. In 1995, for example, UNHCR published a widely distributed set of guidelines for the prevention of and response to sexual violence against refugees. In the past two years, the Office has also established pilot programmes designed to prevent sexual and gender violence in five African countries, funded by the United Nations Foundation.⁵

10. While the initiatives described above provide an indication of the importance which UNHCR ascribes to the issue of security in refugee-populated areas, there is clearly scope for the Office -- and the international community as a whole -- to address this issue in a more systematic and effective manner.

III. OPERATIONALIZING THE LADDER OF OPTIONS

11. UNHCR is now prepared to introduce a number of measures to operationalize the ladder of options. It is extremely difficult to restore security to refugee-populated areas once their civilian and humanitarian character has been compromised or the rule of law has broken down. UNHCR therefore believes that the key to operationalizing the ladder of options, is to focus on preventive action. It is also clear that countering threats to refugee security will require a combination of options and capabilities, undertaken on a simultaneous, rather than a sequential, basis.

12. To ensure a response with a preventive effect requires rapid deployment and an early presence in refugee-hosting areas. Such a response also requires preparedness, which is in turn most effectively attained by means of dependable and predictable stand-by arrangements. In light of these considerations, UNHCR's new initiatives in the area of refugee security can be grouped into three categories.

13. First, UNHCR has decided to establish stand-by arrangements with, initially, a limited number of governments, for the provision of law and order and public security experts, who will be known as Humanitarian Security Officers (HSOs). The HSOs will be deployed as an integral component of UNHCR's Emergency Response Teams at the beginning of a refugee crisis and will work with concerned national and local public security institutions. These experts can also be used in on-going refugee situations and repatriation movements in which security is a concern. The primary responsibilities of the HSOs will be threefold: to assess the nature and sources of threats to the humanitarian and civilian character of refugee camps and settlements, as well as the threat of lawlessness; to assess the capacity and intent of local law enforcement services to provide security and, as required and appropriate, to identify ways of enhancing the capacity of such services; and to encourage refugee populations to assume some responsibility for maintaining acceptable standards of order and justice in camps in a manner that conforms to the principles of community policing. On the basis of the above, HSOs will advise the UNHCR team leader and concerned national and local officials of appropriate actions required to improve security.

⁵*Sexual violence against refugees: guidelines on prevention and response*, UNHCR, Geneva, 1995. For further details of UNHCR's activities in this area, see *Building partnerships through equality: UNHCR good practices on gender mainstreaming*, UNHCR Geneva, 2000, and the *Summary Update of Machel Study Follow Up Activities in 1998/99*, UNHCR, May 2000.

14. UNHCR has prepared a specific framework agreement based on existing agreements for the provision of technical personnel in emergencies, in which it is foreseen that contributing governments will make a limited number of HSOs available to the organization on a stand-by basis. The proposed deployment timeframe is 72 hours after notification by UNHCR.
15. Four different skills profiles have been developed for HSOs:
- Police HSOs, who would liaise on law and order issues and who would assess the capabilities of the local police and the refugee population for community policing;
 - Public security HSOs, who would liaise with the military forces of the host country when such forces have been tasked with the provision of physical refugee security;
 - Humanitarian security and investigation specialists, who would provide expertise on criminal investigations and procedures, in liaison with local judicial authorities; and
 - Humanitarian security and vulnerable populations specialists, who would provide expertise on special programmes relating to, for example, the prevention of sexual, gender-based and domestic violence, and the protection of refugee children under 18 from military recruitment.
16. Work is well under way on the design of a training programme for the HSOs. In brief, it envisages a foundation phase in the form of a course, followed by an integration phase at UNHCR Headquarters, and a field familiarization phase in an active refugee operation. The training programme will provide HSOs with the necessary background knowledge of UNHCR, refugee law and humanitarian principles, competencies and skills to allow them to function as full-fledged members of UNHCR's Emergency Response Teams.
17. To assist HSOs with the implementation of their above-mentioned primary responsibilities, UNHCR is developing a Humanitarian Security Assessment checklist. This document will identify different types of threats as well as the targets and sources of such threats. In addition, it will indicate the required response to any given threat and specify what combination of capabilities will produce the desired response. On the basis of these inputs, threat/response matrices will be developed for various situations.
18. Second, UNHCR has held discussions with the United Nations Department of Peacekeeping Operations (DPKO) in light of the concern expressed in the Secretary-General's Report on the Protection of Civilians in Armed Conflict over threats to the humanitarian and civilian character of camps and of Security Council resolution 1296 inviting the Secretary-General to bring to the Council's attention situations where such threats may constitute a threat to international peace and security. In UNHCR's view, two scenarios should be given special attention in this regard: those in which refugee-populated areas have become militarized, with the risk that they will become either the source or object of military attacks; and those in which a bona fide refugee population is at risk of falling under the control of elements who are suspected of genocide, crimes against humanity or serious violations of international humanitarian law.
19. DPKO has endorsed the stand-by arrangement that UNHCR has developed for the provision by governments of humanitarian security experts. In addition, DPKO has indicated that it stands ready to give immediate attention to appeals by the High Commissioner when either of the two scenarios mentioned in paragraph 18 above may pose a threat to international peace and security. Within the

limits of available staff and resources, DPKO has informed the High Commissioner that it is prepared to dispatch an assessment team to evaluate the threat involved and to consider appropriate responses. The deployment of any assessment mission and the further dissemination of its findings would be the decision of the Secretary-General. These missions would be undertaken with prior consultations with the States concerned, and in cooperation with other elements of the United Nations system -- in particular, with the Department of Political Affairs, in view of its responsibilities for early warning and preventive action. UNHCR and DPKO share the belief that such assessment missions could help to clarify the situation on the ground and could serve as a useful diagnostic tool.

20. Third, UNHCR has decided to implement a number of organizational changes, with the intention of reinforcing its emergency preparedness and response capacity, including its ability to assess and address the problem of insecurity in refugee-populated areas. In brief, the current Emergency Preparedness and Response Section (EPRS) will be converted into the Emergency Response Service (ERS) headed by a senior official at the D1 level. The ERS will assume overall responsibility for activities related to security in refugee-populated areas, both in emergencies and in ongoing refugee situations. Two professional staff members in ERS will be dedicated to the security function.

21. In recent years, the degree of interaction between UNHCR and the military (United Nations peacekeeping troops, regional or national forces) has increased, particularly in the context of emergency operations with certain implications for refugee security. This trend seems likely to continue in the future. Similarly, the demand for UNHCR to participate in civil/military conferences and training exercises has risen sharply, particularly in the aftermath of the Kosovo crisis. In order to ensure effective coordination at the headquarters level with the military institutions concerned, another professional staff member will be appointed to the ERS to act as a focal point for relations with the military. In addition, the ERS will act as UNHCR's Headquarters focal point for issues relating to anti-personnel mines.

IV. CONCLUSION

22. The additional measures outlined above, most notably the development of stand-by arrangements for the deployment of HSOs, the understanding reached with DPKO with regard to the introduction of new response mechanisms and the efforts to enhance UNHCR's emergency response capacity, should provide UNHCR with some potentially valuable instruments in its efforts to maintain the security, as well as the humanitarian and civilian character, of refugee-populated areas.

23. As earlier papers to the Standing Committee have pointed out, the "ladder of options" concept is relevant to security problems in countries of origin as well as countries of asylum. Indeed, some of the most difficult security challenges confronting UNHCR in recent years have arisen in the context of repatriation movements to places which continue to experience high levels of tension: Bosnia and Herzegovina, East Timor, Kosovo, Liberia and countries of the Great Lakes region of Africa, for example. It is envisaged that the new security measures outlined in this paper may also be invoked in such situations, so as to promote the sustainability of reintegration and reconciliation.

24. At the same time, it must be emphasized that UNHCR cannot achieve these objectives alone, and that the Office's efforts in this area can very easily be undermined by inappropriate behaviour on the part of States and non-state actors. In this respect, it is imperative that the international community respect Security Council resolution 1296, which underlines "the need for all parties concerned to comply with the provisions of international law, in particular international humanitarian, human rights and refugee law".