

1 The problem of military and armed attacks on refugee camps and settlements has been kept under close review for the last six years by the Executive Committee of the High Commissioner's Programme. Since the submission of Ambassador Felix Schnyder's report to the Executive Committee in 1983,^[1] member States have sought to reach consensus on conclusions which could be adopted by the Executive Committee on this matter.

2 At the thirty-seventh session of the Executive Committee several delegations pointed out that the purpose of drawing up such conclusions should be "to condemn and prohibit military and armed attacks on refugee camps and settlements, to restrain attacking countries and to protect and provide support to those countries where the attacked refugee camps and settlements are situated and the innocent civilian refugees are located. In their view, any action taken by the Executive Committee in this regard should exclude the possibility of providing excuses to attacking countries."^[2]

3 Several other delegations called for strong international action to prevent military and armed attacks on refugee camps and settlements, but at the same time underlined the need "to ensure that such camps and settlements would never be used for military purposes and that their civilian and humanitarian character would always be maintained. They also felt that any set of conclusions should reflect both these concerns, namely respect for the right of refugees to live in peace and equal respect by refugees of their obligations towards peace.

4 As no consensus emerged on this issue, the Executive Committee at its thirty-seventh session "stressed the urgency and importance of the question of military and armed attacks on refugee camps and settlements being kept under constant review by the Executive Committee with a view to reaching agreement on a set of principles or conclusions in order to reinforce the international protection of refugees.^[3] Moreover, the Executive Committee "requested the Chairman and the High Commissioner to continue consultations on this matter, review developments and submit detailed reports in accordance with their respective mandates on the various aspects of the subject to the Executive Committee at its thirty-eighth session.^[4]

5 The question has accordingly been included on the agenda for the twelfth meeting of the Sub-Committee of the Whole on International Protection for consideration by States in preparation for the thirty-eighth session of the Executive Committee. Since the last session of the Executive Committee, the High Commissioner has consulted on this subject with the governments of several States, both directly in capitals and through Permanent Missions to the United Nations Office at Geneva. He has also, together with the Chairman of the Executive Committee, extended his full support to the informal consultations that have been taking place with States. They will report on the outcome of these consultations directly to the twelfth meeting of the Sub-Committee of the Whole on International Protection.

6 The question of military and armed attacks on refugee camps and settlements has also been considered in other international fora since the last session of the Executive Committee. The General Assembly, in adopting resolution 41/124 of 4 December 1986 on the Report of the United Nations High Commissioner for Refugees expressed its particular concern that in various regions the safety and welfare of refugees and asylum-seekers continue to be seriously jeopardized and moreover, it "condemn(ed) all violations of the rights and safety of refugees and asylum-seekers, in particular those perpetrated by military or armed attacks against refugee camps and settlements and other forms of brutality"^[5]

7 The High Commissioner remains deeply concerned about the continuing occurrence of military and armed attacks on refugee camps and settlements. Such attacks give rise to intolerable suffering of innocent refugees. Since the thirty-seventh session of the Executive Committee such attacks have continued to take place on several continents. As a result, large numbers of refugees have lost their lives and many others have been injured. In some instances refugees have also been abducted. Some attacks were launched from within the territory of the country of asylum; others were launched from the territory of another State.

8 It is obvious that one of the consequences of such attacks is the undermining of the preparedness of States to grant asylum to refugees. This new threat to the institution of asylum is a cause of increasing concern, given the fact that asylum is a fundamental component of the system for providing international protection to refugees.

9 Generally speaking, the accurate and detailed reporting on military and armed attacks on refugee camps and settlements presents certain difficulties. Sometimes, it is relatively easy for the Office to obtain detailed and specific information on attacks which have occurred, since it has direct and unhindered access to the camps and settlements in question. In other situations, however, it has been difficult to obtain such data, where for example, limited UNHCR field staff are unable to be present at all times in all the refugee camps in a particular country. In at least one country, there are more than 100 such camps. On occasion, UNHCR cannot be present in the camps or settlements because the deteriorating security situation may have led the national authorities or the Secretary-General of the United Nations to order the evacuation of all United Nations staff from the affected area.

10 In light of the gravity of the continuing occurrence of military and armed attacks on refugee camps and settlements, the High Commissioner believes it is timely and appropriate to attempt to clarify certain complex issues regarding this serious problem and will be submitting, in due course, a comprehensive paper relating to the solution of this problem.

^[1] EC/SCP/26

[2] See Official Records of the General Assembly, Forty-first Session, Supplement No. 12A (A/41/12/Add.1), paras 43 - 46, for a more complete report of the debate in the Executive Committee.

[3] Ibid, para. 129 (a)

[4] Ibid, para. 129 (b)

[5] General Assembly Resolution on the Report of the United Nations High Commissioner for Refugees (A/RES/41/124) of 4 December 1986.

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