(ii) Decision on "Status and Treatment of Refugees and Displaced Persons"

Adopted on 4.2.1993

The Asian-African Legal Consultative Committee

Having considered the Secretariat briefs on Status and Treatment of Refugees: "AALCC's Model Legislation on Refugees: A Preliminary Study" contained in document No. AALCC/XXXII/Kampala/93/3 and also AALCC's study on Safety Zones contained in document No. AALCC/XXXII/Kampala/93/4:

1. **Takes** note of the Statement of the Representatives of the UNHCR and OAU;
2. **Urges** the Member States and UNHCR to guide and assist the Committee on the preparation of the model legislation and on whether or not the refugee definition should be expanded;
3. **Decides** to continue with the study of the model legislation in close co-operation with UNHCR and OAU which includes study of various legislations on refugees in the Asian-Africa region;
4. **Further** takes note with appreciation of the study entitled "Establishment of Safety Zones for the displaced persons in the country of origin" and the statements of the Representatives of the UNHCR and OAU on the subject;
5. **Decides** to study further the concept of Safety Zones and to analyse the role played by the United Nations in general and UNHCR in particular in the recent past in that context;

6. **Appeals** in the meantime to Member States to take all measures to remove from their countries the causes and conditions resulting in their nationals being forced to leave their countries and becoming refugees; and

7. **Directs** the Secretariat to include the item"Status and Treatment of Refugees and Displaced persons on the agenda of the Thirty-Third Session of the Committee.

(iii) Secretariat Studies:

A. AALCC's MODEL LEGISLATION ON REFUGEES: A PRELIMINARY STUDY

'Refugee Law" was recognised as an important branch of humanitarian and human rights law after the tragic events of World War II. This was manifested by the enactment of the 1951 Convention relating to the Status of Refugees. That Convention was originally intended to cater to the mass of the European refugees and their legal rights, and in that sense it could not be considered a universal instrument. Universality was however conferred to the Convention by the adoption of the 1967 Protocol which did away with the dateline and geographical limitations which were imposed by the 1951 Convention.

Today more than forty years have elapsed since the 1951 Convention was adopted. But hardly a week passes without news of some failure in the international community's efforts to help and protect refugees. Often there is news, of massacres in refugee camps; of failure to rescue those in distress on the high seas, of starvation, disease and death among the uprooted masses who could not get international aid in time; of the forced repatriation of asylum seekers, and of practices designed to deter refugees from seeking asylum.

As in many spheres of life, it is the failures which hit the headlines—successes are rarely heard of. For all its weaknesses, the international structure of refugee protection and assistance does save lives, and contributes in the best way it can to the maintenance of human dignity.

It is essential, therefore, to believe in the efficacy and worth of international action. But it is equally important to recognise the shortcomings

of the current structures and to suggest ways in which they might be strengthened and constantly adjusted to meet the needs of the uprooted.[1]

As mentioned above the legal and institutional framework of refugee protection was established, at the beginning, to deal with specific situations. After the First World War, international action was limited to specific minority groups such as the Assyrians and Armenians. After the Second World War, the United Nations Relief and Rehabilitation Agency (UNRRA), followed by International Refugee Organization (IRO) were set up to solve the problems of those displaced and uprooted by war. There was no comprehensive framework to help and protect all displaced people.

The 1951 UN Convention Relating to the Status of Refugees represented the first attempt by the World Community to establish a definition which was not limited to a specific group. New legal instruments, rules and regulations have since evolved at regional levels, including the OAU Convention of 1969 dealing with the problems of Africa, the 1984 Cartagena Declaration catering to Latin American problems, the 1966 Bangkok Principles propounded by the AALCC. In a pragmatic way, adjustments have been made in the law and practice governing the work of the UNHCR. But, there remain serious gaps in the overall framework. The 1951 Convention remains a vitally important international instrument "providing the foundation" for refugee protection around the world.

Features of Modern Refugee Law

The Convention's general practice can be summarised in these points:-

(i) It maintained a strategically conceived definitional focus on refugee law: the principle of comprehensive humanitarian or human rights-based protection for all refugees. Similarly situated persons so long as they were within national borders were rejected by a majority of states.

(ii) A universalist approach to refugee protection was originally defeated in favour of a Eurocentric legal mandate derived from a highly selective definition of international burden sharing. This was rectified by the 1967 Protocol.

(iii) States opted to take direct control of the process of refugee determination and have established an international legal framework that permits the screening of applicants for refugee protection on a variety of national interest grounds.

1. Refugees Dynamics of displacement: A report for the Independent Commission on International Humanitarian issues : p 43.

(iv) The cumulative effect of these trends has been the legitimisation of a political rationale for refugee law, the evolution of a two-tired protection scheme that shields western states from most Third World asylum seekers, and the transfer to States of the authority to administer refugee law in a manner consistent with their own national interests. In sum, the current framework of refugee law, even if it were to be fully and universally implemented, is largely inconsistent with the attainment of either humanitarian or human rights ideals on a universal scale.

The 1967 Protocol could be considered to have failed to review the substantive content of the "definitions". Specifically even after the "universalization" effected by the 1967 Protocol, only persons whose migration is prompted by a fear of persecution, in relation to civil and political rights come within the scope of the Convention protection. The Convention and Protocol and several domestic laws, designate as refugees only those "*who have fled*" from persecution and exclude fugitives from natural disasters and from civil and international war. This limitation on the designation of refugee owes its origin to the fact that the refugee was designated as a person who stands in need of international protection because he or she is deprived of that in his or her own country.

Such reasoning and definition may well be appropriate for the purpose of determining whether an individual should receive an international travel document and should be eligible for the diplomatic protection afforded by the UNHCR. The claim of a fugitive from persecution may, afterall, be no greater than that of a person displaced by an earthquake or a civil war. The question to be answered here is whether crossing the border is such a cardinal principle without which no matter how grave the fear or need, the refugee status could or could not be claimed.

Third World refugees remain *de facto* excluded under existing criteria since their flight is more often prompted by natural disaster, or broadly-based political and economic turmoil than by "persecution". In addition to political persecution and the ravages of war, the modern refugee flees the whole range of problems which accompany under-development in the post-colonial period, including civil strife, political instability, and harsh economic conditions as has been observed. "Though the post-world war refugee and the modern refugee are thus treated differently under international law, the actual position of both groups is the same. The argument continues, both groups should be accorded the same rights under international law".[2] The

2. Lentani, The definition of refugee in International Law; proposals for the future. Third World Law Journal p. 183-184, 1985.

adoption of the 1967 Protocol was therefore a victory gained at too much of a cost for the less developed world. While modern refugees from outside Europe were formally included within the international protection scheme, very few Third World refugees can in fact lay claim to the range of rights stipulated in the Convention and its Protocol.

It is because the definition in the Convention fails to reflect the full range of phenomena that give rise to involuntary migration, particularly in the Third World, that its application in practice as the threshold criterion for access to even minimal protection against *refoulement* works a pernicious injustice against many genuine refugees. Most Third World refugees find themselves turned away by developed states or offered something less than durable protection.[3]

The second dominant feature of modern refugee law is its establishment of a selective burden sharing. The deficiencies of the present arrangement may mean that "States of first asylum" will feel the full weight of the humanitarian obligations but yet not enjoy the support which, in their view, should properly be provided by other states.[4]

The third dominant feature of modern refugee law is its establishment of a protection system over which individual states, rather than an international authority have effective control. Four elements of domestic control over refugee protection may be identified:—

(i) The Convention leaves protection decisions to States. International law neither refers to the procedure that States are to employ in the making of determinations of refugee status nor establishes any form of direct international scrutiny of the procedures adopted.

(ii) The refugee definition which international law requires States to respect is flexible enough to allow States to make protection decisions in a way that accords with their own national interests.

(iii) States are explicitly authorized to exclude refugees even from basic protection if they are adjudged undesirable or unworthy of assistance, and

(iv) The international refugee regime does not require States to afford asylum or durable protection to such refugees as the State chooses not to recognise. Rather, States are only obliged to avoid the return of a refugee to a state where his or her life or freedom would be threatened and to treat those refugees admitted to the state's territory in conformity with the international rights regime.[5]

3. U.S. Commission for Refugees p. 9-10.
4. Report for the independent Commission on International Humanitarian Issues 1986: Coles–Refugees.
5. Burke, who should be given asylum? p. 311, 325, 1984.

It is clear from above that, in short, international refugees law is effectively controlled by the authorities of the various participating national Governments. This control is achieved by a combination of minimal international over-sight of determination procedures, the establishment of refugee definition that is susceptible to interpretation in accordance with divergent national interests, the explicit authorization to states to turn away persons in fear of persecution insofar as their protection creates a risk for the receiving state, and the imposition of a minimalist duty to protect that requires no commitment to the provision of enduring asylum as the states sovereignty has to be the first.

A pertinent question which needs to be answered is, can international refugee law be made more relevant to meeting the needs of today's refugees?

Refugee law at present is a means of harmonzing the sovereign prerogative of states to control immigration with the reality of forced migrations of people at risk. It does not challenge the right of states to engage in behaviour which induces flight, nor, the power of states to decide whether to admit victims of displacement. Refugee law is less closely tied to human rights law than it is to general principles of public international law, which enable states—or at least those states which have dominant positions in the international system—to continue to pursue their own interests within a global context.[6]

Another feature of refugee law is that it is designed and administered by states. The availability and quality of protection vary as a function of the extent to which the admission of refugees is perceived to be in keeping with national interests. The nature of flows and conditions within countries of reception have changed over a period of time. Refugee law has evolved from a relatively open system strongly influenced by humanitarianism to a regime that now excludes the majority of the world's involuntary migrants.[7] Humane concern does figure, but modern apparatus of international refugee law is more closely tied to the safe-guarding of developed states than to the vindication of claims to protection. This shift can be explained by the incompatibility of the presumed solution to the needs of refugees—secure exile—with the acute preoccupation of states to avoid cultural, ethnic, political, or economic disharmony within their own borders. An alternative frame-work within which the needs of refugees might be addressed along humanitarian and/or human rights concerns may be found in the regional context.

The regional Convention of Africa and the Latin American Cartagena

6. Manual of International law No. 12, 1967.
7. Independent Commission on Internatinal Humanitarian Issues, Note 19.

Declaration demonstrate a comparable degree of generosity premised on mutuality of interest and cultural compatibility. The Organization of African Unity's Convention governing the Specific Aspects of Refugee Problems in Africa provides for a dramatic extension of the international legal definition of a refugee:

Article 1(2)".....every person who owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of the country of origin or nationality is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country".

The Convention also includes a specific obligation on the part of States to endeavour to "receive refugees and to secure the settlement of those refugees" Art. 11(1).

The Cartagena Declaration of 1984, adopted by the Organization of American States, also incorporates added grounds, and expands its definition of refugee, it reads:

> "The definition or concept of a refugee to be recommended for use in the region is one which, in addition to containing the elements of the 1951 Convention and the 1967 Protocol, includes among refugees persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order".

This definition also provides for a regional over-view of the refugee protection. The Declaration, in particular, stresses the importance of both UNHCR and Inter-American Commission on Human Rights involvement in the provision of protection to refugees.

Though the Bangkok Principles of 1966 formulated by the Asian-African Legal Consultative Committee, does not have a binding force on the countries, yet it has added "colour" as one of the reasons for persecution, and then principles of burden sharing form the corner stone for refugee protection in the Asian regions where refugee protection in practice is concerned.

These regional accords reflect norms that are profoundly a part of the social tradition of these regions. The traditional openness of African borders, the Islamic duty of hospitality and the long standing Latin American practice of granting asylum, all provide the cultural basis for a *shared commitment* to the protection of involuntary migrants.

The nature of refugee movements has changed dramatically since the

drafting of the 1951 Refugee Convention. The forty second session of the Excom[8] in 1991 gave 7 categories of persons who were in search of asylum and refuge, they are:

1) persons covered by the 1951 Convention;
2) persons covered by the OAU Convention/Cartagena Declaration;
3) others forced to leave or prevented from returning because of man-made disasters;
4) persons forced to leave or prevented from returning because of natural or ecological disasters or extreme poverty;
5) persons who apply to be treated as 1) or when applicable 2), but are found not to be in these categories;
6) internally displaced persons; and
7) stateless persons.

Before the outbreak of ethnic violence in Yugoslavia only a small minority of today's refugees have fled from developed states, most modern involuntary migrations are from Africa, Asia, and Latin America. A tiny minority of these refugees have been able to leave their region of origin in order to seek protection in the more economically and politically stable developed countries. These states of destination have, however, proved less than welcoming for these asylum seekers. Formally they are committed to the sheltering of all refugees. But on the other hand these very countries are busily building upon the *Convention's* guarantee of *domestic procedural control* in order to impose stricter visa formalities, "direct flight" rules, screening mechanisms, and unfair determination systems intended to scare refugees from the third world.

The invocation of procedural authority to scare refugees is directly linked to the lack of congruity between the social context of refugeehood today and the historical tenets upon which protection was based. Today admission of refugees is seen as being divergent from political and social characteristics as presenting threats to their own domestic policies,[9] and can see no offsetting benefits that would justify a relaxation of immigation standards.

Another significant area which the 1951 Convention and the regional Conventions leave out is specific protection of refugee women and children. These "social high risk groups" are often unable to claim a status for themselves unless they have a male member at the helm of affairs. Any

8. Doc. No. Executive Commission EC/SCP/64 dt. 12 August 1991.
9. "Neo-Nazi resurgence" Hindustan Times, 1 Sep. 1992.

new legislation should undertake specifically to look after the rights of these groups, rights which they should get in their own capacity.

There is no quick or easy way out of this dilemma. The current legal framework, elaborated in a specific socio-political climate to deal mainly with the refugee situation in post-war Europe, is inadequate to meet contemporary needs. At the same time it would be undesirable if attempts at adjusting the established definition were to result in the erosion of what has been so painstakingly built at an international level and strengthened through regional conventions and practices. Given the present political climate and the reluctance of states to deal with complex issues which have long-term implications, it is not surprising that attempts to change, replace or update the present legislations have failed. This should not, however, provide an excuse for inaction or for thwarting a process of natural evolution. Concepts and institutions which do not evolve with the times tend to wither away gradually.

There are two ways of approaching the problem. On humanitarian grounds there is a strong case to be made for a broader approach, inspired by regional initiatives[10] to expand the refugee definition. But such an initiative would meet with considerable opposition, first from many states which have no desire to widen their obligations towards displaced people; second from some human rights organizations which fear a watering down of established classic concepts such as "refugee' and "asylum", believing that genuine refugees might suffer as a result.[11]

It would seem that although the present position concerning the definition of the term 'refugee' is analytically untidy as it tends to leave out many who are in a refugee like crisis, specially "internally displaced people", in practice flexibility and pragmatism have been exercised to alleviate the suffering of the uprooted. These benefits might be lost in any attempt to define more accurately those who are entitled to refuge or permanent asylum. However, if the current definition of refugee is maintained, the receiving countries must accept the responsibility of developing more constructive national refugee policies and legislation both at home and abroad.

Within developed states additional resources should be made available to government departments dealing with asylum applications. Governments should take rigorous steps to ensure that decisions on refugee status remain within their humanitarian context.

The more prosperous states have a decisive role to play in supporting

10. 1969 OAU Convention, 1984 Cartagena Declaration, and 1966 Bangkok Principles
11. Journal of Refugees: Dynamics of displacement p. 46.

those developing countries which admit large numbers of distressed people, many of whom would probably not formally qualify for refugee status. The principle of international solidarity should be expressed, not only through financial and material assistance, but also through economic and foreign policies which are designed to prevent and resolve the situations which provoke large refugee movements.

The onerous task of preparation of the 'model legislation' to be undertaken by the AALCC no doubt is tough, but once it is complete, countries would positively think of incorporating the principles into their own national legislations, whereby on one hand they would be helping "refugees' and at the same time sharing this phenomena not as "burden" but in a spirit of universal brotherhood and international solidarity. Another important factor is to see how to strengthen the hands of UNHCR further to facilitate its task of resolving refugee crisis without harming the sovereignty of any country.

The proposed draft structure of the AALCC Model Legislation on Refugees

At present there is an eminent need for enactment of Domestic Legislation on refugees. This is so because the refugee population has grown to an alarming figure of 18 million, of which, majority is unfortunately found in the Asian and African region. Since the adoption of the 1951 Convention the international attitude has radically changed, the existing refugee law is unable to cater successfully to all the new situations and changes. There is an urgent need for International Legal instruments such as the 1951 Convention to the implemented at "National levels" and further, be supplemented and enforced through "National legislations".

The following principles are the proposed main headings of the draft model legislation. This is in fact the initial framework, which if approved by the Committee will be further elaborated, after a study of all existing international regional and national legislations on "refugees" and present a comprehensive piece of legislation which would immensely benefit states desirous of enacting appropriate "national legislation" on refugees keeping their individual and particular needs in mind.

The draft structure of the Model legislation:

1. Preamble;
2. Decision should be made on the "Definition of "refugee" should it be maintained as it is in the 1951 Convention and the 1967 Protocol or

should it be enlarged in accordance with the foregoing discussion? It is proposed that the definition should at least reflect the enlarged definitions provided for in the 1969 OAU Convention, 1984 Cartagena Declaration and 1966 Bangkok principles, which would facilitate states to adopt it to their particular requirements;

3. Procedure for "refugee" status determination;
4. Principle of family unity and dependency status;
5. It is proposed to incorporate the following basic principles of refugee law:
   (i) State Sovereignty;
   (ii) Non-refoulement;
   (iii) Non-discrimination;
   (iv) Standards of treatment;
6. Administrative measures;
7. Rights of refugees;
8. Duties of refugees,
9. Assistance to refugees;
10. Burden sharing;
11. International monetary assistance to the country of origin while taking back its citizens;
12. Punishment for violation of local laws;
13. Association;
14. Exclusion clauses;
15. Miscellaneous clauses.

B. ESTABLISHMENT OF "SAFETY ZONES" FOR THE DISPLACED PERSONS IN THE COUNTRY OF ORIGIN

1. Background

The topic "The possible Establishment of Safety Zones" for displaced persons in their country of origin" was taken up for the first time in 1985 at the suggestion of the delegate from Thailand, who felt that this would lessen the burden imposed upon the international community under the broader principle of "Burden Sharing." It was discussed at the Twenty-sixth (Bangkok) and Twenty-seventh (Singapore) Sessions of the Committee. At the Twenty-eighth Session held in Nairobi the Secretariat presented 13 principles[1] which provided a framework for the establishment of Safety Zones. It was however decided in 1989 in view of the strong reservation of the representative of UNHCR that the issue did not need further elaboration keeping in view of its political nature. The item was therefore deferred to a later date.

The delegate of Thailand during the Thirtieth Session referred to the earlier proposal made by his Government on the question of establishment of Safety Zones for the displaced persons in the country of origin and suggested that bearing in mind the current events i.e. the Gulf War the topic on Safety Zones should be put on the agenda of the next session of the Committee for further study.

At the Thirty-second Session in Kampala in February 1993, the delegate of the UNHCR took more positive attitude on the question. The resolution was adopted which called for closer interaction among AALCC, UNHCR and OAU in undertaking joint studies and in exchanging information on the

1. Doc. No. AALCC/XXVIII/89/3.

subject. The UNHCR/OAU working group has been reactivated by including the AALCC. A tripartite meeting was held in June 1993 in Genva by the participation of the Secretary-General of the AALCC.

II. Introduction

No one knows exactly how many people throughout the world have been uprooted and displaced within their own country. It is estimated that the number of refugees is 19 millions and that of internally displaced persons is more than 20 millions. The reasons for displacement could be civil war, ethnic strife, natural disasters such as famine, drought, floods, earthquakes etc. or massive violation of human rights. Whatever the reasons for displacement, there is no special international organization to protect and assist such people. There is very little international law to protect them or regulate their treatment. As a result, many live in conditions of extreme poverty and insecurity.

Many of the people who are uprooted from their homes are apt not to cross national borders to become recognised refugees but rather remain within their own country. Some have no other option; they live in locations far away from the nearest border, nor are unable to reach a country that will offer asylum. Others make a conscious decision to remain in their own country, because they can find temporary refuge with friends or relations, or because they wish to return to their homes as soon as the cause of their plight has ceased.

There are millions of displaced people in Central America, Angola, Thai/Kampuchean border, Sri Lanka Tamils, Mozambique, Afghanistan. The most recent ones are to be found in Iraq (the Kurds), former Yugoslavia and some members of the NIS which have been savaged by the ethnic wars. Also Somalis who have been uprooted due to civil war and the worst drought of the century have drawn active UN interventions.

III. Need for safety zones

It is extremely difficult for the international community to guarantee the safety and well-being of displaced persons who leave their country of origin and become refugees. Armed attacks on refugee camps, the abduction of politically active exiles and assaults on uprooted people making their way to a country of asylum are growing in frequency and scale. The plight of internally displaced people is often much worse than that of refugees. Refugees can be granted asylum. They can be protected and assisted by UNHCR and other international aid organizations. They can normally be assured that they will not be returned to their own country involuntarily and that efforts will be made by the international community to find a lasting solution to their problems.

Unfortunately none of these conditions holds true for the displaced. They remain under the jurisdiction of their own government, which in many cases has been responsible for uprooting them. If that government continues to persecute or harass them, the only kind of protection they can seek is that offered by voluntary agencies or international organizations. But such bodies are obliged to work within the conditions set by the government. The international community is founded on the principle of *state sovereignty* and governments can almost act as they please within their own borders. (Their excesses may, regrettably, be condoned and even somewhat encouraged by their more powerful allies.)[2] With the growing emphasis on the respect for human rights, it is questionable whether the international community should condone callous or massive repression by any state of its nationals shielding behind its sovereignty. This is particularly so when such repression is likely to have international ramification through mass exodus of refugees and the concomitant burden on neighbouring States.

New initiatives to assist the displaced need to be taken urgently. Programmes designed to resettle displaced people in their own communities may play a vital role in reconciliation and re-establishment of peace in the country. As governments adopt more restrictive attitudes towards refugees, and as refugee settlements acquire an unanticipated permanence, work with the displaced is becoming more important, and the need is increasing for establishing safety zones for the displaced.

IV. What measures need to be taken?

Violations of human rights cannot be regarded as falling solely within the domestic jurisdiction of a state. The UN Charter and Universal Declaration of Human Rights have confirmed the legitimacy of the international communities concern for the protection of fundamental rights and freedoms. This concern is not limited to refugees alone but extends equally to internally displaced persons within their own country. Efforts to improve the situation of the displaced persons must therefore be made even if that may lead to some adjustment to the concept of national sovereignty so as to conform to contemporary humanitarian needs to effectively protect the rights guaranteed to individuals under international human rights

2. Amnesty International Report, 1992.

conventions. One such means might be found in the establishment of Safety Zones.

V. Freedom of movement and the right to seek asylum:

Once they have been uprooted, displaced people are liable to physical assault and deprivation. They are also likely to have new restrictions imposed upon their freedom of movement. In a number of cases, displaced people have been prevented from moving out of a general area where they have been uprooted or to which they have fled. Condition in the camps is horrendous, facilities are lacking the residents have to strive hard to secure food and fuel. Often there is not enough water. Sometimes a dusk to dawn curfew is imposed. There are frequent cases of women being raped while men are attacked and abducted. Meanwhile their homes are looted and ransacked by the army and police.[3]

Displaced people are confronted with the opposite situation faced by refugees. Once uprooted they are liable to be sent back home against their will and without adequate preparation. In this respect the right to freedom of movement as enshrined in the Universal Declaration of Human Rights (Article 13) is infringed. But Safety Zone seen as a means of temporary refuge, providing security and safety to the displaced, and organising orderly movement for people desirous to leave the country, should not become a restriction on the right to freedom of movement, but rather a regulatory measure which prevents further persecution.

VI. The Status of Safety Zone

A Safety Zone which is established within the country of origin and with the consent of the state of origin, could be similar to a "neutralized zone" or a "demilitarized zone" as envisaged in *Article 15* of the Geneva Convention (1949) and expanded by *Article 60* of its Protocol I.[4] The establishment of a Safety Zone during armed conflict could provide a parallel to the "Safety Zones" as envisaged by the Asian-African Legal Consultative Committee. During the Twenty-eighth Session (Nairobi 1989)[5] the AALCC presented 13 principles which provided a guideline to form a framework for the establishment of Safety Zone in the country of origin. For ready reference the principles are as follows:-

(i) The Safety Zone shall be established with the consent of the state of origin, through a resolution or recommendation of the United Nations;

(ii) The Safety Zone should be akin to a demilitarized zone or a neutral zone immune from hostile activities and a specified geographical area could be demarcated as such by a government notification;

(iii) The Zone should be under international supervision, control and management to provide among others international protection to the persons residing therein;

(iv) The United Nations may designate and authorise an international organization or agency for administration and supervision of the Safety Zone;

(v) The state of origin and the neighbouring state which might receive the mass exodus could also be associated with the designated international organization or agencies in the supervision of the Safety Zone;

(vi) The designated international organization or agency shall be responsible for co-ordination and supervision of supply and distribution of food and other essential items and ensure facilities like drinking water, civic amenities and medical care. The cost of operations can be met through voluntary contributions by states, governmental and non-governmental humanitarian organizations;

(vii) The armed forces of the state of origin should withdraw from the Safety Zone and the status of the zone shall be respected by civilian as well as military machinery of the State of origin;

(viii) The authority in control of the Safety Zone shall provide international assistance/protection to the individuals therein seeking asylum;

(ix) The United Nations may provide a multinational security force for the purpose of maintaining law and order within the Safety Zone.

(x) Persons seeking asylum in the Safety Zone shall be disarmed and will not be permitted to participate in any military activity or guerilla warfare against any state. Similarly asylum seekers shall not be a military target for any state.

(xi) The individuals residing in the Safety Zone shall be provided with the facility to seek and enjoy asylum in an other country;

(xii) if normalization is restored in the state of origin and the international organization or agency in charge of the Safety Zone is satisfied that the conditions are favourable and conducive to return, the persons residing in such zones shall be provided with all facilities to return to their permanent place of residence.

(xiii) The Safety Zone thus established shall be of temporary nature.

3. Amnesty International Report, 1992.
4. For detailed provisions refer to Doc. AALCC/XXXI/92/Islamabad/8.
5. Doc. No. AALCC/XXVIII/89/3.