

## Safe Zones: An International Lawyer's Perspective

Lecturer: Dr. Bríd Ní Ghráinne

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### I. Opening Remarks

Members of the Centre for International Law of the IIR:

- Veronika Bílková (Head of the Centre for International Law, Institute of International Relations Prague)
- Bríd Ní Ghráinne (Senior Researcher, Institute of International Relations Prague)

Veronika Bílková started out by introducing the members of the Centre for International Law of the IIR. After that, Bríd Ní Ghráinne took over the lecture and introduced herself. She studied refugee law and Internally Displaced Persons (IDPs), specifically the relationship between the protection of IDPs and international refugee law. Dr. Ní Ghráinne was also surprised about the little amount of legal analysis that had been done on the concept of safe zones. Especially with the situation of Turkish military moving into Northern Syria, the management, or mismanagement, of refugees around the world would require more attention from countries to behave in accordance to international law.

### II. Presentation

#### 1. Definition of Safe Zones

Dr. Ní Ghráinne began her lecture by giving a brief definition of safe zones. Safe zones, or safe havens, are areas in which civilians can seek protection from wars or armed conflicts, and are usually protected by force or the threat of force. Notably, Dr. Ghráinne pointed out that having a clear definition of safe zones might not necessarily be an ideal thing to do. A definition would give states an opportunity to find loopholes within its interpretation or to dodge the legal obligations that come along with it.

#### 2. Benefits and Dangers of Safe Zones

The benefit of safe zones is that civilians can actually seek protection within their own country. Moreover, safe zones can protect people who are unable to leave the country as they have no other choices. On the other hand, safe zones can also endanger the refugees. If safe zones are set up as a mode of containment, they will undermine the rights of people to seek asylum. Therefore, the involvement of United Nations High Commissioner for Refugees (UNHCR) with the establishment of safe zones might actually be undermining people's rights to leave their country and seek asylum in another country. Furthermore, safe zones can be abused for mass killings as civilians are gathered into one place. To illustrate her arguments, Dr. Ní Ghráinne provided examples of both successful and unsuccessful safe zones throughout history. Successful safe zones were the ones set up in Sri Lanka in the early 1990s and in Northern Iraq after the Gulf War of 1991. While in the case of the safe zone set up in Srebrenica, it went tragically wrong.

#### 3. How to Establish Safe Zones Legally

Dr. Ní Ghráinne then proceeded her lecture by discussing how to establish safe zones legally. Ideally, the establishment of safe zones would need the territorial consent of the whole state. Otherwise, safe zones can be set up through the resolutions of the United Nations Security Council (UNSC).

#### 4. Three Branches of International Law Applied in Safe Zones

Dr. Ní Ghráinne continued her lecture by discussing how human rights law, international humanitarian law and refugee law are applied into safe zones. For human rights law, it provides the

rights and standards of treatment of individuals within safe zones. Even during the state of emergency, inalienable rights such as freedom from torture, danger, or inhuman treatment, as well as right to life, freedom of speech and religion, must be protected and respected. The jurisprudence of courts and treaty monitoring bodies has held that both IOs and states may have jurisdiction within safe zones. And lastly, human rights law governs the duty to protect and safeguard safe zones.

In the case of international humanitarian law, it applies in situations of armed conflict. Civilians are considered to be non-combatants and should not be targeted by any party to the conflict. However, modern-day safe zones are different from the ones established in the past. This situation arises because the nature of safe zones is changing while the basis of international humanitarian law remains almost the same. Modern-day safe zones are much larger and have can encompass entire towns or villages. Therefore, it is harder now to differentiate non-combatants from combatants.

For refugee law, it deals with the rights and obligations of states toward refugees. With the situation of refugees coming from Syria, Turkey complained that it has been carrying most of the refugee burden, and it argued for the necessity of a safe zone in Northern Syria. However, unless Turkey could make sure that the safe zone is actually safe, it should not be used as an alternative for asylum. And it should also be noted that the HRW have already issued reports about the abuse of civilians in the safe zone. Thus, for the moment, Turkey's safe zone is not safe at all.

### III. Concluding Remarks

Dr. Ní Ghráinne ended her lecture by discussing how the numbers of refugees are getting higher and the hostility of states toward refugees is also increasing. Under international law, once refugees leave their state, their rights to international protection are instantly crystallized. As a conclusion, Dr. Ní Ghráinne believes that safe zones can be both good and bad, but definitely should not be used as an alternative to asylum or a means of curtailing people's right to leave and seek for asylum.