

ICVA CONFERENCE ON NGOs IN A CHANGING WORLD ORDER: DILEMMAS AND CHALLENGES

14 and 15 February 2003
Geneva, Switzerland

CONFERENCE REPORT

INTRODUCTION

On 14 and 15 February 2003, the International Council of Voluntary Agencies hosted a conference on the topic of NGOs in a Changing World Order: Dilemmas and Challenges, prior to the 12th General Assembly of the ICVA membership. The conference brought together NGO participants (both ICVA members and partners), governments, and representatives of UN agencies to discuss and debate the overall theme, as well as the following three sub-themes:

- The Increasing Presence of Military Forces and the Independence of NGOs;
- The Effects of the Changing World Order on the Protection of Displaced Persons and Migrants; and
- The Strategic Value of Forgotten Crises: The Determining Factor?

Iain Levine of Human Rights Watch delivered the keynote address, and a panel addressed each of the sub-themes. Following each panel, the discussion, which began in plenary, was continued in smaller working groups. The working groups later reported back to the final plenary session with both general and specific recommendations. The discussions that took place in the working groups are not reflected in this report, but the recommendations from the working groups are included in the closing session. The full speeches of most panelists are available on the ICVA website and, as such, are only briefly referred to here. In addition, the background documents made available prior to the conference, in the form of a special issue of Talk Back (5-1), are also available on ICVA's website

CONTENTS

- Plenary Session I: Opening Session
- Plenary Session II: Keynote Address - *NGOs in a Changing World Order: Dilemmas and Challenges*
- Plenary Session III: *The Increasing Presence of Military Forces and the Independence of NGOs*
- Plenary Session IV: *The Effects of the Changing World Order on the Protection of Displaced Persons and Migrants*
- Plenary Session V: *The Strategic Value of Forgotten Crises: The Determining Factor?*
- Plenary Session VI: Closing Session

PLENARY SESSION I: OPENING SESSION

ICVA Chair, Mr. Anders Ladekarl, and the

Permanent Representative of Switzerland to the UN in Geneva, Ambassador Jean-Marc Boulgaris

Following a welcome by Mr. Ladekarl, Chair of the Executive Committee of the International Council of Voluntary Agencies (ICVA), the Permanent Representative of Switzerland to the United Nations in Geneva, Ambassador Jean-Marc Boulgaris, welcomed the participants to the ICVA Conference to Geneva. He pointed to the increased importance of civil society organisations and their information, lobbying, and advocacy roles in the international arena. He referred to NGOs as an "engine that influences the development of international law and as major actors in the evolution of the world order." He also noted the relevance of Geneva, the "humanitarian capital" that houses not only several UN and international agencies, but which is also home to numerous NGOs. Referring to the timing of the Conference and the current international climate, he remarked that it was time to move forward in order to achieve a safer world. The Swiss meeting on Iraq, which was taking place during the same weekend as the ICVA Conference and General Assembly, he hoped would be an opportunity to discuss humanitarian action in the case of war breaking out and its effects on the Iraqi civilian population.

PLENARY SESSION II: KEYNOTE ADDRESS

NGOs in a Changing World Order: Dilemmas and Challenges

Mr. Iain Levine, Program Director, Human Rights Watch

The main elements of Mr. Levine's address are reflected in the discussion summary and, as such, are not repeated separately. For the full text of his presentation, please see:

<https://icvanetwork.org/resources/ngos-changing-world-order-keynote-address-iain-levine>

The Discussion

Session Chair: Mr. Anders Ladekarl

The plenary debate following Mr. Levine's presentation centred on several highly contentious, but critical issues: the position of NGOs on war; the roles and relation of NGOs vis-à-vis governments and non-State actors; the politicisation of humanitarian assistance and the erosion of humanitarian principles; and humanitarian action and human rights.

The NGO Position on War

Many speakers addressed the question as to whether human rights and/or humanitarian NGOs should be pushed to take a position on war, and particularly on the looming war in Iraq. There was certainly a public focus by human rights and humanitarian NGOs on the possible consequences of an invasion of Iraq, but little discussion among NGOs as to whether or not they should take a position on the war, despite clear public global dissent on the matter. Another participant wondered whether it could be said that a human rights situation had ever been improved by war?

In response to the comments, Mr. Levine recalled that the question of whether NGOs should oppose war, *per se*, was one of the biggest controversies in the humanitarian and human rights fields. At Human Rights Watch, he said, a (pragmatic) decision had been taken *notto* take a position on war, as this might compromise the organisation's ability to report on the consequences of war.

One participant argued that humanitarian organisations, at least, should always oppose war because it generates human suffering. Mary B. Anderson's approach to viewing humanitarian work as an instrument of peace promotion was an example of one strand of this view. Other humanitarian agencies, however, accept war as a fact for which humanitarian action has been designed in order to minimise suffering.

Interaction with Governments and Non-State Actors

The debate also focussed on the relationship of NGOs with non-State actors and governments. Many NGOs are under increasing pressure as there have been accusations of NGOs engaging with those who sponsor, or are involved in, terrorism. One speaker pointed out that in trying to discern the 'truth,' NGOs often leaned, for example, on local organisations, which might themselves be characterised by those in power as 'terrorist' or 'terrorist supporting.' In some countries, NGO activities were now being strenuously opposed by the State, ranging from the use of force against demonstrations, to the repression of NGOs because of 'partisan' political activity to refusing approval for the activities of humanitarian and development NGOs.

Mr. Levine noted that the work of humanitarian agencies has become more difficult. UNICEF field officers, for example, recently, had encountered much greater problems in engaging with insurgent groups around the recruitment of children, because States were now deeming such groups as 'terrorists,' as part of the "war on terror." More and more actors were thus pushed outside the realm of acceptable interlocutors for NGOs operating on the ground in complex political contexts. NGOs should continue to insist that they have a right to engage with non-State actors. Interaction of NGOs with warring parties was always required in order to ensure adequate space to work.

Another delegate pointed out that even where non-State actors appeared to be at the root of the crisis, much of the problem remained anchored in the "capitals" and beyond in Western States from where arms/guns/money etc. flowed. In referring to his own organisation's rejection of violence as a core policy, another speaker noted that this did not prevent them from working with non-State actors, including groups deemed by the government as terrorist. The line between activities being perceived as 'political' or 'terrorist' or 'criminal' was, sadly, very thin.

One intervention acknowledged that it was extremely difficult to respond to these kinds of questions. How exactly should NGOs frame their role in relation to their host governments? At the international level, should NGOs insist on being impartial or should they engage as more proactive "witnesses"? Events of the last year and a half suggested that it was increasingly possible, and necessary, for NGOs to consider themselves as operating as a third system (after governments and international organisations) - as truly independent actors for change - especially as the rhetoric of human rights continued to be appropriated and perverted by heads of governments and non-State actors.

In response to the interventions, Mr. Levine pointed out that the fact that the words 'terrorist' and 'terrorism' were such tendentious and poorly defined concepts created many problems for NGOs, both in terms of framing policy and operations. On the question of whether NGOs should direct the energy of their campaigns more towards challenging State or non-State actors, Mr. Levine urged that groups try to witness in an even-handed manner. Human Rights Watch, for example, had published reports on the situation in Israel, Palestine, and the Occupied Territories that criticised both the tactics of suicide bombers and those of the Israeli government. There was always a danger, however, that those efforts could be used by others with unintended consequences. For example, with regard to the situation in Iraq, NGOs had been speaking out for years about the serious violations committed by the regime of Saddam Hussein to little avail. Then suddenly, in the context of political necessity, the UK government began to cite Human Rights Watch reports frantically as a justification for going to war. There was certainly always a risk that NGO reporting would be used selectively in ways that are difficult to control.

The Politicisation of Humanitarian Action and the Erosion of Principles

Participants welcomed the focus of the discussion on the politicisation of humanitarian aid. In this respect, it was important to remember that sometimes NGOs themselves actually contributed to that politicisation. Not all NGOs adhere to the principles of neutrality and impartiality in the same way. Mr. Levine pointed out that for Human Rights Watch, the NGO tenets of neutrality and impartiality were not about indifference and passivity, but about being responsive and activist in a fair and impartial way.

Impartiality and neutrality were important principles of humanitarian action, noted another speaker, but when it came to counting the costs of a conflict and recognising our common humanity, it was often impossible for NGOs on the ground not to get involved with the political aspects of a situation. The major threats to many NGOs were political interests. This was triggered by NGO reliance on government or other 'politicised' funding and the necessity to cooperate with governments in extreme situations in order to achieve access to vulnerable groups, etc.

Mr. Levine agreed with the view that one of the fundamental changes in the NGO world since the 1980s had been in relation to how NGOs were funded. Many more NGOs were now dependent on government funding, which had certainly made it much more difficult for organisations, even those clearly committed to pursuing humanitarian goals, to cling to the principle of impartiality. It would, he said, be difficult for a US-based NGO to be perceived as impartial in Iraq if this NGO had a major dependence on US-government money.

Another representative suggested that the real question was not whether NGOs should become political actors, but how they should express their political stance. In the Iraq context, for example, some NGOs had already publicly declared that they would not take money from governments that supported the war in Iraq.

NGOs need to scrutinise their mission statements in the context of the current reality where humanitarian principles face erosion. Why and how, for example, are decisions made to get involved in one country and not another? NGOs must develop new criteria that ensure a stricter application of humanitarian principles as currently understood. NGOs have a vital role as stopgaps against this crumbling of the humanitarian edifice.

NGOs and Human Rights

In discussing the role of humanitarian NGOs with regards to the promotion of human rights, one speaker pointed out that the debate was still alive as to whether a human rights approach for humanitarian agencies might or might not be appropriate and feasible. One compromise might be the building of more effective alliances with human rights and conflict resolution organisations as a way of avoiding the real challenges posed by the debate while at the same time safeguarding humanitarian agencies from taking on too much at this time.

Another speaker disagreed; pointing out that the work of humanitarian organisations too often began at the end point of crises, after the human rights violations had occurred - the focus on the situation of refugees was a good example. It seemed logical that NGOs should try to intervene to address human rights issues before the crisis erupted and the violations occurred. Might humanitarian NGOs be able to grow towards being more proactive by taking on the task of monitoring the engagement of governments in the protection of human rights and the promotion of individual awareness of human rights? A right-based approach should at least, as another speaker put it, provide a robust answer to human rights violations on the ground.

On speaking out on human rights violations, one speaker remarked that NGOs had a vitally independent role in ensuring that the whole spectrum of violations was acknowledged, including in terms of speaking to the discrepancy in power relations between regions, both politically and economically and the implications on rights.

As a community, Mr. Levine said, NGOs had certainly made huge gains through the increasingly sophisticated way they engaged at a senior political level to make vital changes in policy, which had a knock-on effect on the situation on the ground. He acknowledged the success of the NGO community in the diamonds campaigns in Sierra Leone and in Angola.

Mr. Levine also recalled that the former UN High Commissioner for Human Rights, Mary Robinson, often spoke about humanitarian crises as growing out of human rights crises. It was necessary, he said, for civil society to be able to focus on the promotion of human rights through education, the enshrining of international standards in national law, and scrutinising the behaviour of governments. In particular, he urged that national entities, in addition to international agencies,

concede that they had the primary role in monitoring governments - the latter perhaps needed to concentrate more on promoting human rights and supporting their national counterparts.

PLENARY SESSION III

The Increasing Presence of Military Forces and the Independence of NGOs

Moderator: Mr. Edward Girardet, Executive Director, Media Action International

Panellists: Mr. Rafa Vilasanjuan, Secretary-General, Médecins sans Frontières International ¹, and

Prof. Hugo Slim, Oxford Brookes University ².

In opening the session, Mr. Girardet noted that the international response to many humanitarian crises has closely involved the military in recent years - Kosovo, Bosnia, and Afghanistan were among the most striking recent examples. He posed a number of questions that had been sparked by this fact and to which he hoped the panellists would speak:

- To what extent should the military be involved in humanitarian tasks themselves?
- Are military assuming a role that is, and should remain, unique to humanitarian associations?
- Can the military carry guns and carry out humanitarian tasks at the same time?
- Can the military conduct war operations one day and then the next day claim to be humanitarians?

From his own perspective as a journalist, Mr. Girardet observed that there seemed to be growing confusion between the roles of humanitarian actors and journalists. By extension, in more recent conflicts it even seemed that all Westerners were now automatically associated with the military, becoming 'legitimate' targets.

The two panellists' presented quite different perspectives. Mr. Vilasanjuan's premise was that the confusion between humanitarians and the military was only fated to increase. Prof. Slim, on the other hand, argued that the belief in the global 'rightness' of humanitarianism should logically mean that everyone should be a humanitarian, including the military. Both, however, agreed that no universal rules or guidelines could apply when dealing with the relationship between humanitarians and the military.

Clarifying the Relationship

Mr. Vilasanjuan argued that while the conundrums posed by the relationship between the military and the humanitarian actor were not new, the relationship was becoming more convoluted. Military 'peacekeeping' forces are being presented as 'humanitarian' (rather than belligerent) actors and are then going on to intervene in partisan ways in conflict.

Mr. Vilasanjuan pointed to areas where there is a need for common understanding between the military and the humanitarian realms: the recognition of the divergent mandates; information-sharing, particularly around security and the character of shared spaces; and ensuring no direct relationship between the humanitarian and military other than in exceptional circumstances as a means of last resort. Even in such a case, the decision to seek the provision of military assistance should come from civilians and the intervention should be strictly time-bound.

Shaping the Optimal Relationship

Examining past conflicts could provide some guidance in shaping the contours of the optimal relationship between humanitarian and military actors in different situations. The perception of the armed forces by the local population, which varies from one place to another, has to be considered. The behaviour of the soldiers, themselves, is a vital factor. The specific mandate of the force plays a role: is the force a peacekeeping or a peace-enforcing one? Does the force only

attack legitimate targets? Does the force use a humanitarian or human rights argument as a mask for intervention? Maintaining a strict separation between military relief (for example, as delivered under the obligations of an Occupying Power) and humanitarian action is important. Great confusion had been generated by certain humanitarian-like actions that had been taken by the military, and particularly the US military. The dropping of food packages from the air in Afghanistan at the same time as the bombing, was publicised as the distribution of "humanitarian" rations: a dangerously confusing approach, but one that is particularly rife in the armoury of military forces of the North.

A Case-by-Case Approach

While the above lessons and notions provide a minimal understanding of outline of the optimal relationship between humanitarian and military actors, it is vital that an analysis be carried out on a case-by-case basis. While the military is great at providing relief, a clear distinction needs to be made: humanitarian action is not just about relief. Sphere, for example, he suggested, is a good tool on the relief side, but not on the humanitarian side. From an MSF perspective, the proliferation of standards and guidelines would only make the situation more complex.

Shouldn't everyone be a humanitarian?

Prof. Slim explained that there was a strong tradition within humanitarianism and that an ethic of restraint and kindness and repair in war was a global trait held by all - that all had a right to receive, and an obligation to provide, humanitarian quarter. Why then, he asked, did humanitarians feel compelled to stop belligerent military forces from being humanitarian?

Prof. Slim called on participants to scrutinise NGO motives in setting limits on who could and could not be humanitarian in war. Was the resistance the product of a legitimate moral qualm? Or was it more about territory - a hoarding of professional turf? In principle, Prof. Slim suggested, the answer was that everyone should be humanitarian and NGOs should not be prescribing the boundaries of the ethic as much as they were.

Using an analogy between humanitarianism and laughter, and another between humanitarianism and brain surgery, two moral arguments emerged: humanitarianism was a universal ethic, as everyone in every culture laughs, but humanitarian action should have limited borders, as not everybody can perform the tasks of a brain surgeon.

While the risks of wrongly interested humanitarian action were real, he argued that this was still not a sufficient reason to forbid the genuine desire of military belligerents to be humanitarian. It was important to remember, Prof. Slim suggested, that on the ground, those seeking food and medical care did not care about the intentions of the actors who provided the assistance they sought.

Confused Intentions

In opening the discussion to the floor, Mr. Giradet pointed out that in the post-11 September context, the confusion between the intentions and roles of humanitarian and military actors was even more pronounced. He pointed to the ISAF force in Afghanistan, which, although ostensibly peace-securing in its intent, contained units belonging to the armies of the principle belligerents. The lines were being increasingly blurred between the hitherto clear concepts of independence, efficiency, and security.

A Humanitarian Military?

Prof. Slim's suggestion that the military should also be humanitarian garnered several responses from the floor. There was a feeling among many that the military was trained to be inhuman by definition - to kill, destroy, and return home safely - and so it would be impossible for NGOs to expect them to also be humane. One participant suggested the inhumanity of war negated the possibility of expecting humane action from its proponents. Humanitarian work required a humble and humane mind - those specifically trained in a contrary manner could not act in a humanitarian mode. NGOs should, he said, leave the military to do its job - and vice versa.

The fact that the military personnel must respect orders was also problematic as they generally do not have the capacity to say no to a particular mission. How could a pilot have reacted to the orders, for example, to bomb electricity plants in the winter during the Kosovo war?

Prof. Slim responded that if humanitarians only viewed the military as killers, and not as human, then humanitarians ran the risk of not engaging them. Prof. Slim agreed that certainly people with guns tended to create the most horror, but that the whole humanitarian project had always been based on engaging with soldiers. If NGOs discounted the military, and made no demands, then this, suggested Prof. Slim, was a denial of their humanity and thus a breach of the first principle - that humanitarianism is a universal value.

The Responsibilities of Militaries

It was noted that there is a need to address the broader question of the responsibility of armies themselves in creating humanitarian crises, as well as the use of the "humanitarian excuse" to break international law.

Prof. Slim acknowledged that despite the fact that armies generally created massive suffering and damage, it was still necessary to challenge the military with their responsibility for doing humanitarianism. He urged NGOs to continue to emphasise the humanitarian responsibilities of the military. There was a concern, he said, that the humanitarian community was disengaging from dialogue with the military, which could only be detrimental. If the UK, for example, was intent on invading a country, should it not be required to also put its money into reconstruction and mitigation?

Mr. Vilasanjuan pointed out that although NGOs certainly wanted armies to respect humanitarian principles, this did not imply that they also wanted them to participate in the delivery of humanitarian assistance. Relief is only part of humanitarianism. In Kosovo, for example, the refugee camps set up by NATO, in many ways, could have been considered as possible legitimate targets.

Mr. Vilasanjuan suggested that there is a need in every conflict to very specifically analyse the situation of the relevant armed groups and perceptions of the local populations. NGOs in Baghdad, for example, he said would "be seen as spies".

The Problem is Access, Not Capacity

The biggest challenge facing humanitarians is often misperceived as a lack of capacity. The result of this misperception is that the military feels it can easily jump in and provide a solution. In reality, however, the major problem facing humanitarians is one of a lack of access.

It was suggested that the humanitarian community had not done a good job of explaining humanitarian principles. Humanitarians often came across as only being principled -and often in a self-righteous way - and as not being pragmatic. Whereas in reality, the principles are pushed for very pragmatic reasons, such as being able to reach populations in need.

The Blurring Issue

Could NGOs continue to truly cling to their independence as military interventions in the name of humanitarianism (however appropriate) seemed to be on the increase? The blurring roles between military and humanitarian actors created perception problems, which in turn endangered humanitarian workers. It is important to be clear that there is a realm of understanding, or ethic of humanitarianism, that lies beyond international humanitarianism: handing over a chunk of bread becomes a political action when an army does it.

If soldiers were going to be on the streets of cities in Iraq, Prof. Slim asked, should NGOs not be asking them to do things other than wage war? NGOs would not be on the streets. In many ways, he suggested, the blurring issue came back to the people on the ground - they would judge whether they could accept kindness from the military or not. Although, at the same time, he acknowledged, they rarely had a choice.

A Changing Environment

Mr. Vilasanjuan was clearly of the view that NGOs should be pragmatic, using humanitarian principles as a tool. Since the fall of the Berlin Wall, NGOs were no longer just dealing with the challenges under discussion in situations of discrete wars or occupations. In addition to an increase in the number of conflicts, a much more general constant intervention by the military was now infecting the political and humanitarian agendas. In thinking about the shifting environment, NGOs should examine not only their relationships with the military and troops on the ground and the constraints of finance sources: NGOs needed to think more broadly about how power should be confronted generally-and not just the power associated with State actors.

Prof. Slim agreed that threats to NGO independence were not just limited to a factor of funding sources. All actions of NGOs were subject to compromise from different directions. Further, he said, there had not really been an increase in conflict - just a shift in emphasis as to the way wars are reported. During the Cold War, 20 million died in wars, but little reflection was provided in public on these deaths.

PLENARY SESSION IV

The Effects of the Changing World Order on the Protection of Displaced Persons and Migrants

Moderator: Ms Monette Zard, Policy Analyst, Migration Policy Institute

Panellists: Prof. B.S. Chimni, School of International Studies, Jawaharlal Nehru University, New Delhi, India, ³, and Ms Christina Jespersen, North Caucasus Programme Coordinator, Danish Refugee Council ⁴.

NGOs and Refugee Protection: Legitimising a Status Quo?

A major point put forward by Prof. Chimni in his presentation, focussed on the structural role of NGOs in the present world order. According to him, NGOs were often used by hegemonic States to foster their interests and legitimise the world order, with few ultimate benefits to their constituencies. He urged that NGOs should avoid becoming an arm of the status quo, rushing towards every new crisis with the salve of humanitarianism, but lacking any broader, more critical, analysis. This reactive approach only benefited the situation and aspirations of States. It was important, he said, that the erosion of human rights was halted and the spaces reopened for NGOs to work. In provoking debate with this position, Prof. Chimni said his intention was to offer a tool for reflection.

The discussion that followed his remarks focussed in particular on the independence of NGOs. One speaker suggested that the question as to whether the degree of NGO connection with a government detracted from its independence depended on a variety of factors and not just on the amount of governmental funding. The margin of openness for effective dialogue that existed in practice was also a factor of the particular "personality" of the NGO. He further pointed out that humanitarian and development NGOs were also nowadays working in areas of disaster preparedness and prevention: they could not be seen anymore as simply reactive. Neither could they be seen as automatic upholders of the status quo. At the same time, he acknowledged, there was a need for stronger and more effective alliances to be built in the humanitarian field, which would focus on preparedness and conflict prevention, particularly between Northern and Southern NGOs. International NGOs needed to make more use of the knowledge and alliance-building potentials of their local counterparts.

In commenting on the roles of NGOs as catalysts for change, one participant pointed out that many NGOs are as change-focused as anybody else. There is diversity in the NGO sector and voluntary action is the manifestation of the human quest for freedom.

Another participant pointed out that if funding was the simple signifier of independence, then Southern NGOs were also highly dependent as they were frequently recipients of Northern NGO funding, itself tainted with Northern government bias. He suggested, however, that in reality, dependency on government funding was not itself the problem. The lack of clear missions, clear profiles, and clear mandates was the main stumbling block to effective action. This was often particularly the case when an organisation got too big and its mandate became blurred by expanding interests.

Another participant reflected a concern that the tone of the debate as a whole had become unnecessarily negative - that NGOs seemed to be under siege, wracked by donor dependency, co-opted by the military, and operating as tools of an aggressive agenda for globalisation. The power and influence of NGO networks, he said, should not be underestimated. Referring to the challenges posed by the renewed attacks by States on the refugee regime, he suggested that NGOs could, collaboratively, conduct informal supervision of refugee policies and monitor the implementation of the 1951 Convention. This was an especially urgent task given the difficulties relating to independence under which UNHCR was labouring.

Asylum-Seekers and Refugees after 11 September 2001

Introducing this topic, Ms Zard focussed particularly on the situation of asylum-seekers and refugees after September 2001. She cautioned that the buzz phrases "war on terror" and 'anti-terrorism' had been much abused. How they were understood had vital implications for the protection of IDPs, refugees, and asylum-seekers. Although the hijackers of the 9/11 flights were not asylum-seekers, their origin had (re-)fuelled perceptions that asylum-seekers were somehow associated with terrorist organisations. Many of the measures to reduce the number of asylum-seekers and refugees had been taken by Western States prior to the September 2001 events. In several instances, following 11 September, States began to roll back even further on their human rights obligations in the name of national security. Nevertheless, as Prof. Chimni pointed out, the events of 9/11 had not given birth to a new rhetoric and policy: tendencies that were already in place prior, had been given new room to breathe.

The UK, Ms Zard pointed out, now had 17 countries on a 'safe' list from which an asylum claim would be considered unfounded. UNHCR, as the sole agency with the international refugee protection mandate, was also under pressure. In some of its recent actions and statements, there was a suggestion that UNHCR might be ready to accepting some of the new restrictive rhetoric and mechanisms of governments and donors - or was UNHCR merely adapting, necessarily, to the changing world order?

In response, one speaker noted that although 9/11, to a certain extent, distracted attention from, and de-prioritised, human rights issues, it had also elevated other issues. A number of questions and programmes related to the fight against xenophobia, for example, could be brought forward on the international plane. Parliaments had started reacting and were enabling groups working on racism issues to by-pass prior government inertia.

Operationalising Protection

The session also discussed the practical aspects of the refugee protection debate - how could these principles be incorporated practically into the operational programmes of humanitarian NGOs? Ms Jespersen referred to the DRC's experience in the Northern Caucasus, which can be seen as a microcosm of some of the challenges faced by NGOs in keeping protective spaces open for IDPs and refugees.

Ms Jespersen urged that NGOs identify protection issues very specifically and incorporate them not only in their operations, but also in their advocacy. In Chechnya, for example, a shelter programme had provided for the replacement of tents every four years, despite initial one-year planning by the authorities. In the course of what seemed to be simply a problem of implementing appropriate humanitarian assistance relating to shelter, the DRC was able to do advocacy to make sure that people were allowed to stay.

Prof. Chimni agreed with the important task for NGOs to be active in defending international refugee protection, for which alliances with States, as well as with UNHCR, needed to be built. NGOs, he suggested, should build strategic alliances and one of the best places to start would be with the progressive thinkers within the UN.

In recognising that UNHCR's current autonomy was very much circumscribed, Prof. Chimni urged the establishment of a Refugee Rights Committee that would function as an independent autonomous monitoring and advisory body at the international level and that might mediate some of the more egregious attempts to reduce the protective space due to refugees. Ms Jespersen also encouraged NGOs to explore ways to informally supervise the operation of refugee protection mechanisms. It was emphasised that monitoring outside the framework of UNHCR was paramount.

A comment was made about the consequences for protection as a whole if no funding was accepted by NGOs from governmental sources. Many local groups doing protection, the speaker said, would have no funding to survive. He urged that NGOs push beyond their current strengths, improve their efficiency, and extend further their power of influence to counter the pulls of dependency seeded by governments.

A speaker raised the issue of the Sphere Project Handbook, which provides a Humanitarian Charter and a set of technical standards, and the need to incorporate protection into a new version of this Handbook. The relationship between protection and assistance activities is a complex issue. In this context, it was explained that protection in the new Sphere Handbook would not be dealt with through a separate chapter, but that the topic would be streamlined in all sectors and issues. UNHCR had recently issued a checklist for its staff on enhancing protection. Another speaker suggested that perhaps the quantity and quality of NGO work in the protection realm had increased, but that it had not been fully documented or evaluated transparently.

Refugees and Migration

Entering the debate on the question of how migration interweaves with that of refugee protection, it was pointed out that Western States believe that migrants use the asylum channel in order to obtain a legal status. As a result, these States are introducing even more new barriers as deterrents, leading to new problems. Among the new protection conundrums, that are being encountered, Ms Zard asked the following questions:

- Was there a danger that resettlement as an option might begin to be traded against asylum, rather than viewed as a complementary tool of protection, in looking at solutions for refugees in the long term?
- What was the appropriate response to the movement of people from countries of 'first asylum'? This was an issue that was preoccupying Western governments -but from the perspective of preventing movement, rather than from the point of view of strengthening capacities of countries of 'first asylum' to adequately protect refugees.
- How far could a State acquit itself of its obligation to protect by contracting an international organisation to do so?

In response, Prof. Chimni urged that Northern unilateralism be challenged. The current approach by States in the West, he said, was resulting in the proliferation of legal administrative measures to keep people out without consultation with Southern States. Pointing out that when people are kept out they did not just disappear, but shifted to other spaces in the South, Prof. Chimni asked whether many of these policies, presented as 'burden-sharing' in their conception, were not in fact 'burden-shifting' in their effect. In a number of Western countries, the amount of assistance spent on asylum-seekers has been deducted from the amount of overseas development given to the South.

At the same time, Prof. Chimni suggested, NGOs had a duty to push for increased legal migration. Legal channels needed to be kept open in order to offset recourse to smuggling and trafficking. From the perspective of world trade, he questioned the notion that the movement of capital and goods could be considered beneficial, whereas the movement of human beings was perceived as detrimental.

Ms Zard had a number of process suggestions for NGOs facing these policy and advocacy battles. NGOs, she said, should engage in interactive debate with their constituencies and stakeholders around what new policies needed to be developed, what adaptations were necessary, and what are the criteria for creating a space for independent NGO action. Finally, she said, there was a need for an active solidarity: NGOs must be transparent about common dilemmas faced, even if their responses differ.

PLENARY SESSION V

The Strategic Value of Forgotten Crises: The Determining Factor?

Moderator: Mr. Jeff Crisp, Head, Evaluation and Policy Analysis Unit, UNHCR

Panellists: Mr. Keshav Gautam, Regional Programme Director, ActionAid, ,
and Mr. Larry Thompson, Refugees International ⁵.

Two basic questions in looking at forgotten crises, suggested Mr. Gautam, were "Who forgets whom?" and "Which crises are forgotten?" It is not only the international community that forgets about certain crises, but State actors also forget their own people. Non-State actors can also play a determining factor in shaping the response to certain crises, as was the case in the Bhopal toxic leak. When NGOs asked about the composition of the gas in order to be able to properly treat the victims, Union Carbide gave no response. Such non-responses are unacceptable and non-State actors need to be held accountable, just as NGOs and governments should.

"Like Living with a Chronic Disease"

Mr. Gautam suggested that a forgotten crisis is like living with a chronic disease. The case of bonded labour in Nepal is a case in point. Some 30,000 families are affected by the phenomenon. Despite the ongoing insurgency problem with the Maoists, people had been able to bring the issue of bonded labour to the agenda. However, post-11 September, once the Maoists began being labelled as terrorists, the whole issue of bonded labour has been forgotten. Pre-11 September, the Maoist movement was considered to be an ideological movement. The power to define and label certain groups was a trenchant method of ensuring that a crisis was dismissed. By simply changing the label attached to the Maoists, the space for civil society and the international humanitarian movement to be able to work with IDPs in Nepal has been narrowed dramatically. The result has been that the number of casualties in the five years prior to 11 September and the number of casualties post-11 September has doubled.

Generally, the humanitarian needs of refugees, IDPs, and victims of humanitarian disasters and conflicts are usually predictable, noted Mr. Thompson in opening his presentation. The response to those needs, however, varies tremendously.

Why Do Some Get More Attention than Others?

Mr. Thompson suggested that there are basically three major components that explain why some humanitarian emergencies get more attention than others. There is the amount of media attention paid to emergencies, often called "the CNN factor." The theory behind this factor is that people and governments respond to the needs that they see on their television screens. The national interests of the major donors play a key role in the attention received. Some of the big donors perceive humanitarian assistance as an arm of their foreign policy, Afghanistan being a recent and ongoing example. The power and influence of aid organisations can also come into play. Southern Sudan is a humanitarian situation where, if NGOs had not been involved in advocacy, donors would not have provided aid. That advocacy applied not only to NGOs, per se, but also to diaspora groups.

The result of these three factors is that there is a discrepancy in the investments of donors in humanitarian emergencies. There are ethnic factors that influence donor behaviour, as do traditional ties between States. In some places, despite a willingness on the part of humanitarian agencies and donors to work in a country, the security situation means that access is difficult, as in the case of Chechnya. The more protracted a situation is, the less attention it also gets, as for example with Kakuma camp in Kenya where aid flows have declined dramatically over 10 years.

More Forgotten than Remembered?

Before opening up the floor to discussion, Mr. Crisp suggested that perhaps, in fact, more crises were forgotten than remembered. In order to frame the debate he suggested that it was important to keep in mind the range of actors by whom these crises might be forgotten. Humanitarian NGOs were sometimes fierce about wanting to tackle a crisis alone - it was important to remember that human rights organisations and journalists were important partners. In relation to internally displaced persons, for example, Jeff asked whether IDPs were getting more or less attention in the climate of the "war on terror." In Burma, it is interesting to note the difference between the treatment of, and attention paid to, IDPs and refugees. At the same time, Mr. Crisp pointed out that, more generally, Dr. Francis Deng, the UN Representative of the Secretary-General on Internally Displaced Persons was able to do highly effective, but very private, work with governments. Sometimes a place on the 'publicly forgotten' list was not determinative of the effective attention being paid to a crisis.

Responsibilities for, and responses to, a crisis were usually blurred by strategic interests. A range of global forces was constantly acting and often key actors in a crisis had vested interests in actually prolonging the situation.

The discussion that followed covered a range of issues and the working groups that reported back to the closing plenary provided a number of concrete suggestions on ways to move forward on the whole concept of "forgotten crises."

What is the Impact of Under-Funding?

Donors frequently do not simply look at questions of the greatest need when making their decisions regarding humanitarian aid, but also at whether their funds will be put to good use. One of the weaknesses of the current humanitarian system - and particularly of NGOs - is that there is little analysis of what the actual impact of under-funding is for a particular emergency.

NGOs also have their own strategic and vested interests. While global impartiality is what is required, NGOs rarely deliver on it. Instead, they have the tendency to follow the money. Iraq was currently the key issue on the radar screen for many NGOs. At the same time, however, under occupying power obligations, the military would be expected to cover relief and would be held up to public scrutiny on this basis. Why then were NGOs not turning their focus elsewhere - for example, on the horrendous situation in the Ivory Coast?

Dignity and Funding: Can They Go Together?

The time factor that had been posed by Mr. Thompson was repeated by a speaker from the floor. The longer a crisis goes on, the more difficult it is to raise funds. There is also the ethical dilemma that arises in the way that organisations portray people: portraying them as responsible actors makes it difficult to continue raising funds. "Hopeless, homeless, and hungry" was the triad that seemed to best engage donor response. Yet the problem with this approach is that the dignity of beneficiaries is undermined. Another participant suggested that the way around this dilemma is to ensure that the voices of beneficiaries are heard. It was also suggested that when warning about possible crises, organisations could consider using images from past crisis as exemplifying the potential disaster. Another idea that emerged was that organisations could retain a certain percentage of their marketing or communications budget for publicising forgotten crises.

Given the current trends to counter "threats to peace and security," one participant suggested that perhaps there was a way to reformulate crises in a way that would respond to these interests. It was noted, however, that such a strategy of using the rhetoric of national security could potentially be a double-edged sword in the long-term.

Remembering Crises

An alternative way of looking at the situation was proposed in terms of focusing, perhaps, on why crises are remembered. Such an exercise might assist in identifying ways to draw attention to those crises that are forgotten.

The question of who needs to "remember" was also revisited, asking if it is the public that needs to be made aware of a situation. The question then arose that if the public is more aware, does it actually have any control over the bureaucrats who make the aid decisions? In the end, the political will to bring an end to a crisis is probably the most important factor in assembling the tools for change. Awareness campaigns around a forgotten crisis are, therefore, vital, and in order to bring about political change, advocacy campaigns should be directed towards governments.

A provocative question then came from the floor - was it necessarily problematic for a crisis to be forgotten? The Palestinian refugee crisis, for example, was certainly not forgotten, but it still remained very short of useful support.

At the end of the discussion, it was clear that the "profile" variables discussed during the session were not going to dissolve - NGOs simply had to be creative in finding ways of getting around them. The need for quality advocacy was most constantly emphasised. Monitoring instruments and infrastructure to be able to come up with hard data that improved the quality of the NGO advocacy programmes for which funding was being sought was vital. In concert with such efforts, the development by NGOs of more effective ways of illustrating the impact of under-funding could be a crucial step forward. Finally, NGOs might consider finding ways to provide support each others' campaigns, such as Refugees International's 'Forgotten Crisis' campaign.

PLENARY SESSION VI: CLOSING SESSION

Session Chair: Mr. Anders Ladekarl

Closing Remarks

Before bringing together the numerous suggestions for NGOs, in general, and ICVA, in particular, ICVA Chair, Mr. Ladekarl, delivered a brief report from the meeting with donor States and countries from the region, called by Switzerland, to discuss the response to a possible war in Iraq, which he partly attended. He described how States had sent generally low level representation (the US had even refused to participate) and appeared to be extremely reluctant to take the floor to respond in any way to the scenarios being presented by the inter-governmental and other humanitarian agencies.

Introducing the final session, Mr. Ladekarl explained that he sought guidance for ICVA - both for its role in strengthening and supporting its membership and in how the membership might engage more effectively by supporting ICVA. The conference had identified many challenges for ICVA. During the working group sessions, which each discussed the three sub-themes in-depth, many creative ideas and recommendations had been brought to the table. How could ICVA respond to these challenges and take up the recommendations, while maintaining its core mandate of humanitarian affairs? [The recommendations are listed further below.]

Mr. Ladekarl recalled that the reason for the conception of the conference was a sense that the NGO community was being challenged globally. The community as a whole seemed to be 'up against a wall' with humanitarian law under increasing disregard; cows in the European Union were getting eight times the aid provided to African refugees; one superpower was attempting to dominate world events; and NGOs were wallowing in increasing pessimism. This ICVA forum, however, had shown that thoughts and suggestions for new and effective collective action could lead to a sense of common identity and objective. ICVA is serving this identity and objective.

Recommendations to ICVA ⁶.

On the Role of NGOs in the Post-September 2001 Context:

- Develop an NGO publication on the impact of counter-terrorism measures on human rights and the work of NGOs.
- Keep and facilitate a North-South alliance and partnership of NGOs that deals with the challenges that confront NGOs from all parts of the world.
- NGOs should not apply only band-aids, but also look at, and work, on long-term issues, such as the root causes of conflict, poverty eradication including 'emerging poverties,' sustainable development, peace and reconciliation issues, and forgotten crises.
- Look at funding mechanisms for NGOs and the issue of independence in relation to funds from governmental sources.
- In considering the issue of taking a position on the potential war in Iraq, it would be important to refer to earlier situations, which point that war is not the solution.

On the Relationship between Military Actors and Humanitarian Agencies:

- Develop training materials for the military on humanitarian NGOs, which point to our different identities and the fact that humanitarian assistance is more than providing relief.
- Develop guidance for NGO workers on the relationship with the military, perhaps through a booklet containing examples of experiences from previous situations.
- Push for independent evaluations of 'military humanitarian aid';

On Forgotten Crises:

- Bring forgotten crises to the world's attention through information sharing, analysis, and joint advocacy.
- ICVA should identify forgotten crises by mapping them.
- ICVA should consider undertaking ICVA missions again, particularly as a means of bringing attention to "forgotten crises."

On Refugee Protection and Migration:

- ICVA should try to influence the current thinking and ensure that there is burden-sharing instead of burden-shifting.
- Advocacy should focus on the creation of a monitoring mechanism, such as the Refugee Rights Committee as suggested by Prof. Chimni.
- Advocacy should also focus on the obligation of States to seek durable solutions for refugees.
- Keep a close eye on UNHCR and its appropriation of language such as 'migration management.'
- NGOs should also be involved with the issue of 'rejected' asylum-seekers.
- Continue to play a role in sharing information on training initiatives in human rights and humanitarian action and protection.
- The development concept of social protection, which is being discussed in UNHCR, must be closely watched. What is the relationship with a rights-based approach?

To ICVA in particular:

- Support the development of effective advocacy skills and set specific advocacy goals around humanitarian operations, including the provision of opportunities for Southern staff to enhance advocacy capacities.
 - Members should share experiences on-line and ways should be sought to improve cohesion among ICVA member agencies with a view to creating a stronger "family" identity. Members and others should not look at ICVA as only the Secretariat.
 - The recording of history and the retention of institutional memory were important.
 - ICVA member agencies should look at the levels at which they engage with regional organisations/actors - e.g. SADAC and the African Union Committee on Conflict Resolution.
 - ICVA members should provide more constructive feedback to the Secretariat.
 - Liase with progressive thinkers in UN agencies.
 - While ICVA should remain critical in its advocacy, it should also be able to continue a dialogue with the international actors.
 - Recognise the divergent views within the ICVA membership: transparency may allow us to achieve some clarity on common goals.
 - Undertake an evaluation of the ICVA membership, which may help in identifying expertise/skills and interests, etc. within the membership.
-

Notes

1. A fuller summary of Mr. Vilasanjuan's presentation is available on ICVA's website at: <https://icvanetwork.org/resources/increasing-presence-military-forces-and-independence-ngos-ngo-perspective>
2. The full text of Prof. Slim's presentation, Humanitarianism with Borders? NGOs, Belligerent Military Forces, and Humanitarian Action, can be found on ICVA's website at: <https://icvanetwork.org/resources/humanitarianism-borders>
3. The full text of Prof. Chimni's presentation, The Changing World Order, the Structural Role of Humanitarian NGOs, and the Protection of Displaced Persons and Migrants, can be found on ICVA's website at: <https://icvanetwork.org/resources/changing-world-order-structural-role-humanitarian-ngos-and-protection-displaced-persons>
4. The full text Ms Jespersen's presentation, Effects of the Changing World Order on the Protection of Displaced Persons and Migrants: The Field Perspective, can be found on ICVA's website at: <https://icvanetwork.org/resources/effects-changing-world-order-protection-displaced-persons-and-migrants-field-perspective>
5. The full text of Mr. Thompson's presentation, Humanitarian Emergencies: Why Does Kosovo Get More Aid Than the Congo?, can be found on ICVA's website at <https://icvanetwork.org/resources/humanitarian-emergencies-why-does-kosovo-get-more-aid-congo-0>
6. These recommendations were fed into the ICVA General Assembly, which was held during the two days following the Conference, and many of them have been incorporated in the ICVA Strategic Work Plan: 2003-2005, which was endorsed by the General Assembly.
7. Agenda can be found on ICVA's website at: <https://icvanetwork.org/resources/ngos-changing-world-order-dilemmas-and-challenges-draft-agenda>

