

talk back

The Newsletter of ICVA

Volume 3-2, 30 April 2001

FALLING THROUGH THE CRACKS: AFGHANS ON THE TAJIK BORDER

The UN is taking the “pragmatic” approach of leaving the job of meeting the humanitarian needs of some 10,000 Afghans that have gathered on islands on the Tajik border to NGOs. Following a mission in February, UNHCR decided to suspend its operations until the Tajik government provides free and unrestricted access to the area, separates combatants from civilians, and moves the civilians to the more secure of the two sites. Given the need to speak with one UN voice, the UN Country Team decided to support UNHCR’s decision. Yet, ironically, the UN is not even clear on whether the displaced are refugees or internally displaced persons (IDPs): a distinction that has enormous implications as to which UN agency or agencies should be ensuring their protection and assistance.

The Afghans have been located at two sites (known as sites 9 and 13, named for the border posts) in the Pyandj River on the Tajik border since October, when heavy fighting in northern Afghanistan forced them to flee. Access to the population is, *de facto*, only possible from the Tajikistan side. The exact numbers are difficult to estimate as many have come and gone during that time, with combatants among the population even returning to the frontlines. UNHCR’s mission in February found that humanitarian assistance was going to combatants, as well as to civilians: a finding that, in part, led to the suspension of UNHCR’s operations.

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CUTTING DOCUMENTATION AND RESEARCH

The UN High Commissioner for Refugees, Ruud Lubbers, is still struggling to define a clear protection agenda. So far, he has initiated an internal review of the agency’s activities, insisting that the Office focus on what it is uniquely mandated to do. Yet the preliminary results of the review are rather surprising — not least because of the disjunction between what is viewed as a “core activity” and the resulting proposals for restructuring. The provision of authoritative information on the law or countries of origin is not included as a protection activity and one of the most bewildering recommendations is the proposed liquidation and subsequent deployment and/or outsourcing of the functions of the Centre for Documentation and Research (CDR).

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EDITORIAL

MIGRATION, INC.

The International Organisation for Migration (IOM) prides itself on being known as a service-provider. IOM recruits are rapidly told by seasoned staff that their new employer is about operations and IOM's flexibility in providing services to governments is what makes it a better and more relevant organisation than the UN agencies. Hence, IOM's programmes cover a wide range of activities, including reconstruction activities after Hurricane Mitch in Central America, small business loan projects in the Caucasus, and the creation of Internet cafes in Kosovo, to name a few.

A significant part of IOM's programmes deal with fundamental human rights issues or take place in humanitarian emergency situations. Taking a service delivery approach in these cases, as a company or a so-called briefcase NGO focused on logistics would do, leads to operations that are uninformed by human rights and humanitarian principles and may even result in the violation of the beneficiaries' rights.

Last year, for example, the Australian government wanted to carry out a programme of intercepting asylum seekers before they could reach Australia. IOM keenly took on the task, which forced asylum seekers to have their claims handled in Indonesia. In 1996, IOM was asked to truck a group of 6,000 Zairian Tutsis from North Kivu, where extremist Hutus were creating a Hutu-land and carrying out a policy of ethnic cleansing among Tutsis who were internally displaced. IOM brought the Tutsis across the border to Rwanda, thereby aiding the extremist Hutus in achieving their aims.

Donor governments appear not to mind these uninformed practices. In fact, one may suspect that, in some cases, they are keen to get IOM

involved instead of an organisation such as UNHCR, which might unnecessarily complicate the tasks at hand by raising principles and rights issues. Unlike UNHCR, which exists to uphold principles and standards of refugee protection, IOM looks upon itself, first and foremost, as a service provider and takes pride in the fact that this approach often allows it better access to government funds than UNHCR might have.

Like UNHCR, IOM's history is closely related to the end of World War II. Created in 1951, IOM has a constitutional mandate to assist persons in need of international migration assistance. Over the last decade, IOM has expanded its operations and assisted five million people, roughly the same number that benefited from IOM's interventions during the previous forty years.

Now, IOM is trying to carve out a niche for itself within the humanitarian community. In the recent UN debates on the institutional mandate for IDPs, for example, IOM was quick to state that it will carry out operational activities in support of IDPs, during both conflict and post-conflict situations. One can only hope that it does not have in mind the same activities as in 1996 for the Tutsi IDPs in what was then Zaire.

With regard to its relations to the UN family, rumour has it that in the longer run IOM wants to become a specialised UN agency. However, IOM's present constituency is not the broadest. Its membership comprises 79 states of the 189 that are members of the UN and large regions of the world, notably Asia, are poorly covered.

At the launch of its first World Migration Report last November, Brunson McKinley, IOM's Director General, explicitly stated that IOM was not to get involved in the migration debate, which features at the top of many Western

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Talk Back Editorial Team

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PARTNERSHIP IS KEY TO PROTECTING REFUGEES IN GUINEA

UNHCR must learn when to concede that it alone cannot be successful in the battles that must be fought with governments to ensure that refugee protection is ensured. The refugee camps along Guinea's border with Sierra Leone have been located too close to the border for far too long. The cross-border attacks have led to a security situation where access to the refugees is limited, resulting in the inadequate protection and assistance for the refugees. Yet such a situation might have been avoided if UNHCR had effectively engaged its partners at an earlier stage to lobby and pressure the Guinean government.

For months, the situation of the Sierra Leonean refugees trapped in the Languette area of Guinea has been the subject of grave concern. Many refugees have left the area for Sierra Leone, while thousands of others have remained trapped in the border area. UNHCR's efforts to get the Guinean government to identify sites to relocate the refugees further inland have taken years. Now, there are sites identified further inland and there is authorisation from the local authorities, but the national authorities are not granting permission to carry out the relocation of the refugees. UNHCR, as a result, is suspending the movement away from the border until the Guinean government agrees to it. It is exactly in such situations that UNHCR should be actively engaging its partners — NGOs, governments, and other international organisations — to pressure the Guinean government to fulfil its obligations under international law to ensure the protection of the refugees.

If the national authorities do grant permission, more than 30,000 refugees (estimates vary up to 60,000) will be expected to walk north out of the Languette because of the security situation limiting access to the area. They will then be transported by truck (using the apparently limited number of trucks that UNHCR can find in Guinea) to new locations. The Guineans will remove any of the refugees carrying arms from the population moving further inland. While such a separation is the responsibility of the Guinean government, a strong international monitoring presence throughout the duration of the movement would help to ensure the protection of the refugees.

The situation in Guinea is a complicated one, with no easy answers (see "Refugee Camps on the Border: A Recipe for Disaster in West Africa," *Talk Back* 2-7). A result of the refugees being located so close to the border has been cross-border attacks, which have led to the militarisation of the border areas, not only by the Guinean military, but also by local militia. The willingness of local communities to accept large numbers of refugees is also not as great as it might have been before the cross-border attacks, which took place in September last year.

When the UN High Commissioner for Refugees, Ruud Lubbers, went to West Africa in March, he was told by the President of Guinea that UNHCR should look not only at relocation, but also at repatriation. One of the basic tenets of refugee return is that it should be sustainable. While thousands of Sierra Leoneans have returned to Sierra Leone over the last several months, many of them have not been able to return to their homes as they come from areas that are still under rebel control. The population of Freetown, which is normally around 500,000, is currently estimated at over two million. Such return is not sustainable and means that many of those returning from Guinea are now in need of assistance and protection within their own country.

UNHCR has yet to realise fully the effectiveness of working in partnership with NGOs. The notion of partnership with NGOs is one that UNHCR talks about regularly and is one that Lubbers has raised right from the beginning of his term. But, when it comes to translating that partnership into reality on the ground, the practice is often a far cry from the theory and depends, too frequently, on the personalities involved. The partnership between UNHCR and NGOs on the ground, especially vis-à-vis protection seems to be sadly lacking. If UNHCR staff in the area truly understood the concept of partnership, they would see the value of working closely with NGOs, as well as others from the international community, to ensure that the relocation would be monitored jointly. Efforts made at the headquarters level of UNHCR in this regard seem, unfortunately, not to have effectively made their way to those who should be implementing such partnership strategies to better ensure the protection of refugees. ♦

Falling Through the Cracks: Afghans on the Tajik Border

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While suspending humanitarian operations on the basis of principles is laudable and is sometimes required, such actions have to be followed through with adequate political efforts that will ensure the achievement of any demanded conditions. The UN has suggested that NGOs should see the “wisdom of the proposal of UNHCR” and follow its line of thinking in terms of demanding that the conditions be met. NGOs, however, disagree with UNHCR’s preconditions and have decided that meeting the humanitarian imperative is more crucial in this situation than pursuing what are seen as, to a large extent, unachievable demands.

While suspending humanitarian operations on the basis of principles is laudable and is sometimes required, such actions have to be followed through with adequate political efforts that will ensure the achievement of any demanded conditions.

Asking that the Tajik government separate the combatants from the civilians seems a tall order. In this instance, an estimated 10-20% of the population are combatants, but the civilians are family members of the combatants. Having combatants among a civilian population in need is not uncommon, but perhaps the blatant use of UNHCR plastic sheeting by the Afghans to cover military equipment is what has prompted UNHCR to insist on this principle this time. The border between the two countries is the medium line of the river, which shifts with seasonally different water levels. The result is that no one is really sure if the population consists of refugees or IDPs. It seems that this basic clarification could help the UN in moving forward on the issue. The submission of the conditions to the Tajik government could be partly seen as recognition by the UN that the displaced are on Tajik territory. Or, it could just be a way of ensuring unrestricted access to the population and a way to buy time for the UN until it can sort out who in the UN family should take responsibility for the population.

The demand for unrestricted access is probably the most likely to be achieved as it has largely been a question of lengthy processes that made access a challenge in the past. NGOs have been able to gain access to the area without too much difficulty

through the Russian border guards as long as all the paperwork is in order. Moving civilians from one site to the other may also be feasible, but the only way the Tajik government will fulfil the conditions set out by UNHCR is if there is sufficient pressure.

Despite repeated calls for Tajikistan to respect its obligations under international law, the government has refused to open the border (meaning the fence on their side of the river and not, necessarily, the actual border, which may have already been crossed) to allow the Afghans to enter. Part of the justification is the fear that the conflict would spill into Tajikistan. Yet, ironically, a rather similar situation in 1999 with Kosovars on the border of the former Yugoslav Republic of Macedonia resulted in a markedly different response on the part of the international community. In this case, there is hardly the same international pressure to open up the borders or the willingness to seek another alternative.

As it stands, NGOs are left to fill the gap created by the UN by providing humanitarian assistance to a population in need while the UN waits for the Tajik government to meet UNHCR’s conditions. In filling the gap, NGOs must also realise the implications that their action has at the political level and in terms of helping the war effort. In this case, the UN’s efforts at the political level to pressure the Tajik government, and especially UNHCR’s efforts, are rather unconvincing. Almost two months after submitting the conditions, it is time for the UN to more forcefully lobby the international community to pressure the Tajik government or to find another way of ensuring the protection and assistance of the civilians. The mission of the UN High Commissioner for Refugees, Ruud Lubbers, to Afghanistan this week is a perfect opportunity to do so. ♦

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IN THE NEWS

MOVING AHEAD ON THE IDP DEBATE

Last year's intense debate during the ECOSOC Humanitarian Segment, which focused on internally displaced persons (IDPs), was cause for some concern. A number of governments, primarily from the G77 countries, perceived the discussion on IDPs as part of a broader attempt on the part of Western States to legitimise intervention on "humanitarian" grounds. Arguments for assisting and protecting IDPs in cases of state failure to do so, were viewed as an attack on the principle of state sovereignty. They also questioned the legal validity of the Guiding Principles on Internal Displacement, which is a main instrument in the protection of IDPs.

Yet, at the Commission on Human Rights (CHR) on 24 April, the mandate of the Representative of the Secretary-General (RSG) on internally displaced persons, was extended for another three years in a resolution that was adopted by consensus and co-sponsored by 53 States.

During his mandate, the RSG, Francis Deng, has always emphasised that state sovereignty must be respected, but that sovereignty entails responsibilities. The resolution's acknowledgement of these responsibilities is a welcome step forward in that debate. The resolution also expressed appreciation to the governments, inter-governmental, and non-governmental organisations that have provided "protection and assistance" to IDPs.

The central role of the Guiding Principles on Internal Displacement was recognised in the resolution: the "protection of internally displaced persons has been strengthened...in particular through the Guiding Principles on Internal Displacement." The Commission also encouraged the "further dissemination and application of the Guiding Principles." Such a reinforcement of the Guiding Principles will hopefully put to rest the request during the ECOSOC Humanitarian Segment of some G77 countries to carry out a formal legal review of the Guiding Principles in the UN's Sixth Committee.

There was also reference in the resolution to the work of the UN's Inter-Agency Standing Committee (IASC). The need to "further inter-agency arrangements and the capacities of relevant United Nations agencies to meet the immense humanitarian challenges of internal displacement" was stressed and States were called upon to "provide adequate resources for programmes to assist and protect internally displaced persons."

The support for the UN's efforts in the IASC could not come at a better time. The UN Special Coordinator on Internal Displacement, Dennis McNamara, completed his interim report, addressed to the Secretary-General and Emergency Relief Coordinator, in April. The suggestions contained in the interim report reflect the work of the Senior Inter-Agency Network on Internal Displacement, which the IASC established for a six to nine month period in September 2000. Central to the findings of the Network is the assertion that a coordinated approach continues to be best for the UN system in situations of internal displacement. Among the recommendations is the creation of an Office for IDP Coordination within OCHA. This small, non-operational office would be staffed mainly through secondments from UN agencies, Deng's office, international organisations, NGOs, and possibly governments. The Office's main role would be to monitor situations of internal displacement and ensure that the UN response is improved. In certain field situations, an IDP coordinator/advisor might be appointed to assist the UN Resident Coordinator/Humanitarian Coordinator and UN Country Team in improving the UN's response to IDPs.

The Special Coordinator also notes the need for an improved government response to internal displacement. While emphasising that the primary responsibility for assisting and protecting IDPs lies with States, the report calls on donor governments to

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ensure that adequate funds are made available to meet the needs of IDPs. In commenting on the report, UNHCR referred to its IDP policy of March 2000. The High Commissioner for Refugees pointed to three green lights as conditions for UNHCR's involvement: the consent of the Secretary-General for the UN to be involved; the consent, or perhaps acquiescence, of the government concerned; and the availability of funds.

The extension of the RSG's mandate, combined with the efforts of the UN to improve its response to IDPs, are just two areas where there is progress being made in ensuring the protection and assistance of IDPs: more critical is the willingness of governments to improve their response to IDPs. While this area may be the most difficult in which to bring about changes, Deng's work over the years is having an effect: he was joined during a luncheon meeting on IDPs during the CHR by representatives of Angola, Burundi, and Georgia who spoke of their efforts to improve their protection and assistance to IDPs.

Interestingly, the Commission's resolution called upon the UN High Commissioner for Human Rights to play a stronger role in ensuring the promotion of the rights of IDPs. It specifically called for the HCHR to develop projects in this respect as part of the programme of advisory services and technical cooperation. This direction from the Commission will hopefully be matched by the necessary resources from governments and will have the commitment of the HCHR, which to date has played too small a role in ensuring the protection of IDPs. ♦

EDITORIAL
Migration, Inc.

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political agendas. IOM instead stressed its service-oriented direction. However, following government pressure, IOM reversed its position and decided to launch a Migration and Research Policy Programme. The new policy unit will inevitably touch upon the migration-asylum nexus and IOM has started to participate in UNHCR's Global Consultations on International Protection. During the March Consultations, IOM called for an examination of UNHCR's assertion that the 1951 Refugee Convention is not a migration tool.

In view of such developments, much more must be done in order to increase IOM's accountability, especially when it sees itself as providing "assisted and orderly migration services." While many NGOs watch IOM with great suspicion and characterise it as a travel agency, few have shown interest in attending IOM Council meetings and scrutinising its work.

If NGOs want to put IOM on the spot and really have a voice in the migration-asylum debate, they also need to look at themselves. Not many NGOs cover both refugee and migrant issues at the same time. The traditional characterisation of the violation of civil and political rights producing refugees and social and economic injustices leading to migrants is inherently flawed and based on false conceptions. The time has come to build coalitions and to look at displaced persons, refugees, and migrants as people whose rights should be protected. ♦

Ed Schenkenberg van Mierop

MAKING THE MOST OF NGO PARTICIPATION IN UN BODIES:
THE CASE OF THE COMMISSION ON HUMAN RIGHTS AND
UNHCR'S EXECUTIVE COMMITTEE

The difference in the level of NGO involvement and participation in the UN Commission on Human Rights (CHR) and the Executive Committee of UNHCR is striking. Looking at the Commission, which has just wrapped up, it is almost bewildering how many NGO statements are made per agenda item, many of which are pushed to late night sessions given the time spent on each agenda item. In UNHCR's Executive Committee (EXCOM), there is only one NGO statement and in the Standing Committee, EXCOM's working group, NGOs are permitted only one NGO statement per agenda item.

Through oral statements in the bodies, NGOs can hold States accountable for their human rights abuses or violations of refugee law. While at first sight, any comparison between the two organs may seem strange, given the different dynamics at play, there are many lessons that human rights and humanitarian NGOs can learn from each system. Yet one common weakness affecting both bodies is that too often, NGOs place an over-emphasis on oral statements. What NGOs need to recognise is that their statements should be part of a larger lobbying and advocacy effort that must start well before the meetings of either body.

NGO Involvement

The evolution of NGO involvement in each body is quite different. The UN Charter recognises the role for NGOs and, as such, ECOSOC was asked to produce consultative arrangements. ECOSOC set out the rules for NGO involvement for itself, as well as for its functional commissions, including the Commission on Human Rights. ECOSOC has a Committee on NGOs with 19 member countries, which decides which NGOs are granted consultative status with ECOSOC.

As NGOs became more interested in the Commission, the numbers started increasing, and

it became standard process that they could each speak on agenda items. Originally, NGOs were not allowed to name specific countries in their statements. But, with NGOs making references, such as "one small, landlocked country in Africa," it was to the advantage of States to lift this restriction.

As the number of NGOs at the Commission has increased, there have been attempts to limit the number of statements. A decision, taken last year, limits each NGO to six statements throughout the entire Commission. Joint statements between NGOs count as less than a full statement for each NGO

participating and there is the bonus that joint statements are generally allowed to go first on the NGO speakers' list. But, there is still no guarantee that the statement will not have to be delivered late at night to a near empty room. Yet if NGOs are not to be marginalised in the process, the quality of NGO statements must be improved

In UNHCR's Executive Committee, the other extreme of NGO participation, only one NGO statement is allowed, known as the "ICVA statement." When the NGO statement was first introduced, ICVA's broad umbrella grouping made it the accepted choice for delivering the NGO statement. But, when the Standing Committee of UNHCR was formed, human rights and advocacy NGOs wanted to be able to make more statements. Instead of changing the EXCOM format, NGOs were permitted one "NGO statement" per agenda item during the Standing Committee with ICVA coordinating which NGO would take the lead on each item, based on the specific NGO's expertise or location in the field.

Different Dynamics

The dynamics of UNHCR's EXCOM and the Commission also need to be considered. In the Commission, NGOs relate and raise concerns directly

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to governments. There is great value for a national NGO to be able to raise human rights issues in a public forum where its government is present. A classic illustration of this occurred in the early 1990s when the Indonesian Ambassador was chairing the

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session and NGO after NGO from East Timor took the floor. They delivered statements exposing human rights abuses in East Timor with the Indonesian

Chair having to politely thank each at the end of their contribution.

The main results that can be achieved with oral statements are public exposure and pressure. Such constant pressure on countries can have an effect in many cases. Repeated NGO statements on the abuses in 1970s Argentina led to the creation of the first thematic mechanism: the Working Group on Disappearances. In the first statement delivered by South Africa after its readmission to the UN, following the end of apartheid, the representative noted how important the pressure from the Commission over the years had been.

Oral statements can also be used as an effective tool for reading things into the record as a means of holding governments accountable at a later date. But the oral statements at the Commission can only have limited influence. They rarely have any impact on resolutions that are passed the same year. Such influence is gained either through written submissions, which must be prepared before the Commission, or through meetings and lobbying with governments.

In UNHCR's bodies, there are governments, UNHCR, and NGOs with the NGO statements addressing not only country issues, but also areas requiring improvement on UNHCR's part. NGOs tend to find it easier to target UNHCR, instead of

targeting the governments that violate refugee law. In addition, the notion of combining oral statements with a more concerted lobbying effort vis-à-vis governments and UNHCR, prior to the Standing and Executive Committee meetings is one that many NGOs still have to fully execute.

The main results that can be achieved with oral statements are public exposure and pressure.

While in some countries, NGOs arrange meetings with their government delegations prior to UNHCR meetings, this is not a systematic effort on the part of all NGOs attending UNHCR meetings.

One advantage to the UNHCR system, which has yet to reach its full potential, is the notion of partnership between UNHCR and NGOs to achieve the common goal of effectively protecting and assisting refugees. At the time when NGO statements were being admitted for the first time, there was the assumption by EXCOM that there would be ongoing UNHCR-NGO consultations. However, such an assumption fails to acknowledge differences of opinion between UNHCR and NGOs and among NGOs.

Varying Outcomes

The level of influence that NGOs have on the outcomes of the Commission and UNHCR's bodies is vastly different. In the human rights world, in general, there is a recognition of the importance and role of NGOs in terms of their fact-finding abilities, their depth of analysis, and their ability to flag new problems. The result is that, also generally, NGO positions and concerns are taken into account by governments. Many governments want to know

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what NGOs are thinking even prior to the CHR and will engage in meetings and informal

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consultations with them before coming to Geneva for the marathon six-week session. Once at the

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Commission, there are open-ended consultations on resolutions and NGOs are often allowed into the negotiations on thematic resolutions and frequently provide input to them. There are certain resolutions where countries have excluded NGOs from participating. In the case of country resolutions, the situation is different, but NGOs influence those resolutions through lobbying. NGOs have also successfully lobbied to have the situation in countries highlighted through Chairman's statements, as for example on Colombia, for which Colombian NGOs successfully lobbied.

For NGOs, the resolutions that are passed at the Commission (especially those that are passed through consensus), as well as the Chairman's statements (which are always consensus statements)

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can be powerful lobbying tools to be used with governments. The Chairman's statement this year on Indonesia, agreed to by the Indonesian government, said, "all efforts should be made to complete the refugee repatriation programme in full accordance with international standards": important language that can be used to follow-up with the government at a later date, if necessary. But, these

resolutions and statements could be used more effectively if refugee law were brought into the human rights arena on a more regular basis. Humanitarian NGOs, for example, could be playing a much more influential role at the Commission by bringing their field experiences and work with refugees and IDPs to the table. Country resolutions could be better utilised by including language on the displaced or the underlying human rights situation in countries that produce refugees and IDPs. Yet, such efforts on the part of NGOs should not be limited to the Commission, but should also be extended to the human rights treaty bodies, when and where applicable.

At the same time, there is currently no systematic means of ensuring that NGOs on the ground are made aware of what happens in the Commission or the treaty bodies. Without knowing of the outcomes of the human rights bodies, in terms of resolutions and statements, NGOs cannot use these to their full potential.

The relatively inclusive process of drafting at the Commission is almost the exact opposite of what is seen at UNHCR's EXCOM. While there are no resolutions or conclusions arising from the Standing Committee meetings, the protection Conclusions that are adopted by the EXCOM can form a major contribution to refugee (soft) law. The drafting process for the protection Conclusions takes place behind doors that are closed to NGOs. It is only through relations with some friendly governments, which are prepared to share drafts, that NGOs can have any influence on what is included in the Conclusions. But, such a situation is insufficient. Governments need to realise the value of increasing the role of NGOs in EXCOM in the protection of refugees and in holding States accountable in terms of their obligations in refugee protection. ♦

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IN THE NEWS
Cutting Documentation and Research

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The internal review was split into three parts: defining the Office's "core" mandate; making suggestions for restructuring on the basis of savings; and looking at fundraising methods. If one looks at the criteria by which UNHCR has defined a core activity — having "a clearly established link to the international protection of refugees (and stateless persons)" — then information should be at the heart of the Office, given its central role in supporting the fundamental rights of refugees.

The key issue is...ensuring that all of CDR's functions and products are maintained, updated on a regular basis, and drawn together to provide a coherent and accessible source of information.

Looking at the preliminary results of the internal review, the decision to axe CDR — UNHCR's unit for the collation and dissemination of information on international and national human rights and refugee jurisprudence, international instruments, national legislation on refugees, and countries of origin — is mystifying. CDR's functions and products, such as the REF WORLD CD-ROM, the library, and country of origin background papers, to name a few, provide essential tools for those working on refugee protection. While other bodies — such as the Canadian government's own CDR, academic institutions like Michigan University, or NGOs like the Refugee Legal Centre in London — collate information on legal or other developments, UNHCR's CDR is unique in the range and depth of its activities. The work of CDR is respected by States and non-state actors alike in their refugee protection activities; for many, the products coming out of CDR are the only information tool they have at their disposal or upon which they choose to rely.

The fact that the information provided by CDR comes from the UN agency charged with refugee protection gives it a certain level of "quality assurance" which, notwithstanding the credibility of agencies like Amnesty International, cannot be matched. In refugee status determination, the

perception of the neutrality of the information to provider has, all too often, become a key point for the decision-maker. This "quality assurance," however, does not always imply the highest level of quality. The question of quality control is one that urgently needs to be looked at and should be considered by the internal group that has been constituted to analyse CDR's functions and establish a plan of action for the outsourcing and deployment of those functions.

Outsourcing or deploying to other parts of UNHCR the functions of CDR or dismantling the division itself are not necessarily bad things. The key issue is, however, ensuring that all of CDR's functions and products are maintained, updated on a regular basis, and drawn together to provide a coherent and accessible source of information. Clients will have to work much harder to obtain information if several bodies are responsible for providing it.

Another important question, if savings are a priority in the axing of CDR, is how any new body will be able to match CDR's value for money. CDR manages to be a critical protection tool on only \$2 million per year. Moreover, there is little or no capacity in other agencies to take on the complete functions of CDR at present, nor does any body have the expertise and resources to do them — all criteria for deciding whether UNHCR should carry out an activity itself.

More critically, nor can any other body claim the imprimatur of an independent, internationally mandated body for its activities. Conversely, this point is also important to refugee protection advocates: in the European Union, for example, asylum-related information has become a battleground in the struggle for high protection standards. The fact that asylum-related information has become a battleground should come as no surprise to anyone, least of all UNHCR. In view of the liquidation of CDR, the question is whether UNHCR is leaving the field. ♦

OPINION

REFUGEES AND THE RIGHT TO INFORMATION

By Loretta Hieber

In June 1999, up to 700,000 Kosovars fled their homes as NATO warplanes attacked Kosovo. The result of Serb aggression combined with the NATO bombing campaign saw the largest mass refugee movement in Europe since World War II.

The international community was ill prepared to handle such an exodus, and little thought was given to communicating with the hundreds of thousands of refugees or host populations in Albania and Macedonia. During a needs assessment in Albania, over 75% of Kosovar refugees claimed that they lacked basic information about the availability of humanitarian assistance and the activities of UN agencies and NGOs. Yet without adequate knowledge about the relief effort, there was little opportunity for the refugees to make considered choices about their immediate futures.

The Kosovo crisis was not unique. A Médecins du Monde information officer operating in Ingushetia recently decried the lack of basic humanitarian information for displaced Chechen populations. An International Rescue Committee doctor reported this year that thousands of deaths could be avoided in the Congo through better health information dissemination.

For much of the past two decades, international efforts to improve information with regards to refugees has been focused on public opinion in host countries. While there is little doubt that promoting a favourable climate of public opinion to facilitate the protection of refugees is vital, information strategies should have a broader focus.

In short, there has been a significant lack of emphasis on programmes designed to keep refugee populations informed of events directly concerning them. There is a great deal of talk about ensuring the rights of refugees, but in these discussions far too little emphasis is placed on providing such information to those most directly concerned.

What is the likely effect of inadequate information for populations in crisis?

First, insufficient information leads to an increase in rumours. In situations of mass influx, rumour mongering is rife. This can provoke unnecessary movements of populations, even mass panic. Unsubstantiated rumours flourish in situations of uncertainty, and are very likely to make instability worse.

A second result is a probable increase in general anxiety levels. Not being kept properly informed may directly impact on the psychological well-being of affected populations. It is increasingly apparent that a lack of information can exacerbate stress in crisis situations.

An open communication channel between refugee populations, host countries, and refugee organisations, such as UNHCR, can facilitate effective management of camps, as well as repatriation. Voluntary return is based on the concept that adequate information about conditions in the home country enable refugees to make informed decisions. While in certain situations, such as Rwanda, there was a mass information programme designed specifically to keep refugees abreast of developments back home, this is rarely the case.

Why then the general lack of emphasis on credible information programmes for disaster-affected populations?

Information is often viewed as dangerous and uncontrollable. On numerous occasions, relief officials have expressed a preference for disseminating information on a "need to know" basis. This approach, however, reinforces the stereotype of refugees as passive.

Additionally, unlike health care, food or sanitation, information is too often considered a privilege rather than a right. A recent attempt to develop an information strategy on the Lusaka Initiative and peace-building in the Congo conflict was countered by one seasoned donor's query, "Why do the Congolese people need to know anything about the Lusaka Accords?"

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Refugees and the Right to Information

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A rights-based approach to ensuring adequate information in humanitarian crises is required to ensure refugees' needs are properly met. The rights of freedom of expression and to seek and receive information are enshrined in important human rights treaties. But, the notion of the right to information has often been narrowly defined. It needs to be interpreted to guarantee a concerted effort by those bodies responsible for refugee populations to ensure a reliable flow of information to, and from, affected populations. In addition, information should be emphasised by the Sphere Project, which sets out minimum standards in relief operations and which unfortunately does not include an explicit reference to the right to seek and receive information.

Ideally, the access of refugees to impartial information should be specifically recognised in refugee protection instruments. Such a corollary should include a stipulation that no State will impede the access of refugees to credible information programmes focusing on the humanitarian situation and indeed, international agencies charged with protecting refugees must ensure adequate information programmes are in place.

This does not mean pretending that international media can fill an information vacuum. For example, during the war in Kosovo, one information officer of a major UN agency suggested that refugees tune into CNN if they wanted to know more about the relief effort. Besides the impracticality of suggesting such television access (in a foreign language, as well), the reality is that most international broadcasters such as the BBC World Service or Radio France International are likely to devote only a few minutes of coverage to any given story. Their programming is news, not humanitarian programming, which includes basic information on health, descriptions of aid agencies, or family tracing.

The UN has often relied on the establishment of UN radio stations in areas of conflict, such as Bosnia and Cambodia to disseminate humanitarian information. However, this approach raises questions about long-term sustainability, expense, and potential damage to the local media scene.

Preferably, therefore, the international community should strive to support local journalists and

broadcasters in the dissemination of impartial humanitarian information. Locally produced information, in a format and language style familiar to the target audience, is far more likely to be perceived as credible and trustworthy by the population. There are, of course, situations whereby there is no local media, and alternatives — such as independent radios — may have to be established.

But the mandate should remain the same: ensure that refugees, displaced people, and host populations have access to impartial, credible, and accurate information about the crisis at hand, including international and national relief efforts. This might also necessitate the large-scale distribution of radios. Donors and international agencies should ensure that no major international relief effort is launched without an appropriate and independent information strategy to keep the affected populations informed. This is nothing less than respecting the basic rights of refugees and other groups affected by conflict. ♦

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