

talk back

The Newsletter of ICVA

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IDP MISSIONS: ONE MORE DOWN

One more mission down and two more to go for the UN Senior Inter-Agency Network on Internal Displacement. That brings the total number of missions undertaken by the Network since last year to five. But after all these missions, has there been an effect on the lives of the internally displaced or are the missions turning into an end in themselves?

It is difficult to measure how effective the Senior Network has been to date. But, its effectiveness is an important factor to take into consideration as the UN prepares to form a new Internal Displacement Unit in the Office for the Coordination of Humanitarian Affairs (OCHA). There should be serious reflection on what the missions could accomplish as, right now, the final mission report is a consensus document of mission participants, which generally prevents any one agency from being overly criticised.

Each time there has been a mission, such as the latest one to Colombia, gaps in response are identified and suggestions and recommendations are made as to how the response could be improved by the UN system, other humanitarian actors, and the government. But the follow-up to those recommendations is left largely to the country teams. There is no accountability mechanism to ensure that even the simplest recommendations are translated into action: implementation is left to the Resident Coordinator.

The recent mission of the Network to Colombia was the first one to a country where the government has enacted the Guiding Principles on Internal Displacement into national law: a strong basis for the Network to argue for an improved response to IDPs. Yet while the government has taken such steps, not enough is done on the ground in terms of meeting the protection and assistance needs of IDPs given

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CHECHNYA: IMPUNITY CONTINUES

The violations of human rights and international humanitarian law (IHL) continue in Chechnya. Over 200,000 people have been internally displaced in the Russian Federation as a result of the ongoing fighting. Yet despite efforts to raise the issue publicly to get the international community to take measures to protect civilians, the question of sovereignty reigns at the end of the day with the Russians proclaiming the situation to be an internal matter.

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EDITORIAL

IN THE SPIRIT OF NANSEN

Each year, the Nansen medal is awarded to an individual or organisation that has acted in the spirit of the League of Nations' first High Commissioner for Refugees, Fridtjof Nansen, by defending the rights of refugees. For 2002, the recipients have stepped forward in the last two weeks: the crew of the Norwegian ship, "the Tampa."

On 26 August, the ship, captained by Arne Rinnan, was alerted to a sinking boat with more than 400 people on board by the Australian coastguard. But after the crew of the Tampa rescued those on the boat, Australia refused to allow the Tampa to land on Australian territory in order to avoid having those on board claim asylum. Rinnan, who kept the boat in Australian territorial waters, was "surprised and disappointed" that the Australians would act in such a manner.

The result was a political stand-off for several days between Australia on the one side and Norway on the other. Several members of the international community, such as New Zealand, said that they would have allowed the ship to land had it been in their waters. Others, including East Timor and Sweden, offered to take some of those on board. While the UN High Commissioner for Refugees was notably silent, it was Mary Robinson, the UN High Commissioner for Human Rights, who pointed out Australia's obligations under international law.

In recent years, Australia has become one of the most well-known examples of those countries that have virtually closed their borders to refugees and asylum-seekers. Yet the Australian Minister for Immigration, Phillip Ruddock, may not be alone in his views of labelling the large majority of asylum seekers as "irregular migrants." In fact, while other Western countries may be preaching that the institution of asylum must be upheld, their deep beliefs

may be quite similar, and their practices may be moving in the Australian direction.

Similarly worrying has been the involvement of the International Organisation for Migration (IOM), an organisation that, as pointed out earlier in *Talk Back* (Editorial, 3-2), is not known for its principled positions. IOM was quick to assist Australia out of the situation and publicly referred to those on the boat as "irregular migrants." IOM quickly welcomed East Timor's offer to take those on the boat; an offer that the Norwegians (among others) dismissed as out of the question, given East Timor's own economic and political state.

The Nansen Award Committee might find a parallel in the Nobel Peace Prize, the Nansen Medal's big brother.

IOM became involved in what can be seen as an embarrassing compromise. New Zealand and Nauru, an island of 11,000 inhabitants (and only 21 square km) in the Pacific, have agreed to receive the refugees and asylum-seekers. New Zealand said it will take 150 of those on the ship and will reduce its number of refugee resettlement places by the same number. As one BBC report noted, Nauru taking in the remaining asylum-seekers on the ship would be the equivalent of Australia taking in about 1,000,000 asylum-seekers.

The attention of the international media over this case has been huge. And, it has only increased in recent days as the Australians boarded a boat in international waters and removed over 200 people to prevent them from entering Australian territorial waters. The fate of those people remains up in the air, but as far as the Australian Prime Minister John Howard is concerned, the boat never reached Australian waters and "as a result, questions of application for asylum status do not arise."

The media attention over the incident may have a good side to it. For years, the Nansen medal has received little attention. Earlier this year, UNHCR tried to reverse this trend by awarding the prize to the Italian tenor, Luciano Pavarotti for raising some funds for the agency. It was hoped that the profile

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NEW RULES FOR WARGAMING

Military forces have hardly shown interest in providing security and protection in refugee populated areas in the recent past. "Too dangerous," "too complicated," and "politically not feasible," may be invoked as reasons. In fact, politicians are not prepared to send their military where many aid workers have gone. Instead, soldiers have been deployed to deliver relief items in relatively stable situations. A seminar organised by the British and Canadian governments in July near Oxford, however, pushed several high-level military officials from both countries to look at the potentially primary task of the military in support of humanitarian action: to play a role in providing security in refugee camps.

The British-Canadian seminar was probably the first meeting trying to move away from the often discussed questions surrounding the delivery of aid, such as coordination and the division of labour. By exclusively discussing these questions, which is what most seminars have done, the military seems to have forgotten that, as some humanitarian organisations have argued, it can have a more meaningful role in humanitarian action. As pointed out by an MSF staff member in an article in the British medical journal *The Lancet* issued last May, "the military should provide protection from violence to refugee and displaced populations, as this is a task that humanitarian organisations are unable to assume."

The suggestion that the military provide security in refugee areas is not new. In 1999, UNHCR submitted a policy paper containing a "ladder of options" to its Executive Committee, which pointed out that military deployment is a "hard option" in the maintenance of the civilian and humanitarian character of refugee camps. Later, in suggesting measures to operationalise this ladder, the refugee agency recommended that staff be made available to be deployed as Humanitarian Security Officers (HSOs) in the early stages of a refugee crisis to assess the situation. UNHCR staff present at the seminar noted that this proposal has not yet received any response.

Whether this lack of response is due to a real lack of interest or thanks to a poorly prepared proposal remains to be seen. It is hard to believe that the experiences from the last decades (e.g. Cambodia,

Eastern Zaire, Guinea, and West Timor) have gone unnoticed by UN member states. Recently, the issue of camp security also received attention from the UN Secretary-General, who made it a theme in his last report on the protection of civilians in armed conflict. In his March 2001 report, the SG wrote: "Member States are nevertheless still reluctant to support the work of humanitarian agencies in these circumstances, because of the perceived risk to their military personnel and the risk of further exacerbating the conflict by direct confrontations with armed elements. Ensuring the security in camps requires the involvement of military and police forces, not least in disarming and demobilising militias and transferring them to different sites."

In examining the role of the military in providing security in refugee areas, the seminar made, unfortunately, little progress on several delicate issues. For example, international military deployment in and around camps may further jeopardise the humanitarian and civilian character of camps. Yet, as said earlier, tasks such as moving camps further away from international borders, the separation of armed elements from refugees, disarmament, and arrest and detention of alleged war criminals often go far beyond the capacity of local police forces or national military forces.

But carrying out these tasks is easier said than done. Who and how to separate? Militias can be soldiers by night, but farmers by day. Training can be done deep in forests where weapons can be hidden. Even if screening and separation take place, there remain other complicated questions that need answers.

One military officer pointed out that screening will not be a clean act and may cause casualties. "Are NGOs that call for military involvement prepared to accept this?" he asked.

Similarly, who will take care of those that have been separated? Recent experiences in Zambia suggest that several humanitarian organisations avoided getting involved in assisting groups of ex-combatants who were living under deplorable conditions. At the

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Oxford meeting, ICRC representatives made it clear that they do not believe that ICRC's mandate implies that it should take on overall responsibility.

A country cannot sink lower than sending its military aboard a ship in order to prevent some 430 people from seeking safety and security and claiming their right to seek asylum.

Finally, as long as the International Criminal Court is not operational, who will prosecute those who are alleged to have committed war crimes?

But one of the most predominant questions on the table is the role and responsibility of the host authorities. The case of West Timor illustrates that if the host government does not want to assume responsibility, there is little that can be done (see "Two Years Later: The Plight of East Timorese Refugees Still in West Timor" in this issue of *Talk Back*). In fact, given that it is likely that international military will have to be able to use armed force if necessary, they will operate under the authorisation of a UN Security Council Resolution adopted under Chapter VII of the UN Charter. Political obstacles will often turn out to be insurmountable stumbling blocks for such authorisation to be given.

As a result, the military present at the seminar felt it more feasible to look at its role in what they called "security sector reform" in the host country, such as training for the national military, technical support for national law enforcement, and other capacity-building initiatives. In order to by-pass legal hurdles, many of them suggested the involvement of private security firms as a pragmatic solution. Humanitarian organisations, including UNHCR, rejected this suggestion on grounds of moral and ethical principles. But, as the military pointed out, they must recognise that this debate has not been closed, since these security firms continue to be operational in the same places where humanitarians work.

The Canadian-British seminar turned out to be a first step in a learning process for both the military and humanitarians on how they can more effectively complement each other's respective roles and mandates. Delivering humanitarian aid is not a military task, but providing security is. In considering follow-up, one high ranking officer admitted that new rules must be developed for military exercises and training materials.

Seminar organisers and participants all agreed on the fact that considerable advocacy needs to be carried out vis-à-vis political players to convince them that the military have a different role in refugee work.

Australia has to be the first target. A country cannot sink lower than sending its military aboard a ship in order to prevent some 430 people from seeking safety and security and claiming their right to seek asylum. ♦

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In the Spirit of Nansen

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of Pavarotti would bring badly needed attention to the agency's dire financial situation. Yet, the winner did not even show up at the award ceremony because he was helping China in its efforts to get the Olympic Games to Beijing.

If UNHCR were to award the medal to Captain Arne Rinnan and the crew of "the Tampa," an award in a spirit more akin to Nansen, UNHCR may find the media on its side. The Nansen Award Committee might find a parallel in the Nobel Peace Prize, the Nansen Medal's big brother. Nobel laureates, such as Desmond Tutu and Aung San Suu Kyui, have annoyed governments with gross human rights records. Let's hope that the Nansen Committee has the courage to upset Australia. ♦

Ed Schenkenberg van Mierop and Manisha Thomas

IN THE NEWS

DRC: THE ROLE OF INFORMATION IN A PEACE PROCESS

Following up on Loretta Hieber's article "Refugees and the right to information" in Talk Back 3-2, ICVA member Media Action International looks at plans for a mass information strategy for the peace process designed to help end the war in the Democratic Republic of Congo.

When international negotiators reached the final stages of hammering out a peace agreement for Bosnia in November 1995, they closed the doors of their meeting rooms in Ohio to the media and the public, in general. Only when they were ready to reveal the Dayton Accords did they emerge — *fait accompli* — to present Bosnians and the rest of the world their plan to end the bloodshed.

It has long been argued that a media blackout during peace talks is necessary to ensure negotiators are able to proceed without undue public pressure. But what about peace plans that aim to encompass not just political leaders and military factions, but also representatives of civil society and democratic movements? What is the role of the media in ensuring a population at war is properly informed about the prospects for peace?

Since December 1999, the Office of the Facilitator for the Lusaka Peace Process, Sir Ketumile Masire, has been faced with the task of ending fighting in the Democratic Republic of Congo (DRC). His strategy is to organise an all-inclusive national conference known as the Inter-Congolese Dialogue (ICD). This will bring together representatives of all walks of society: political parties, the military, rebel groups, and representatives of civil society with the aim of forging a new "political dispensation in the Congo."

The challenge is to ensure that the Congolese people are kept abreast of developments in the

peace process, and "buy" into the notion that the ICD is the country's best prospect for recovery: not an easy task. In a country the size of Europe (minus Scandinavia), there is no single radio station that reaches all geographic areas. The media is clustered primarily in Kinshasa and other urban areas, leaving extensive gaps in the rest of the country. In addition, there are serious concerns that the more organised political groups participating in the ICD could monopolise the peace process at the expense of civil society.

In early August, at the request of the Office of the Facilitator, Media Action International hosted a brainstorming with various UN actors and independent media organisations to exchange views on how to develop an effective mass information strategy to support the peace process.

What is the role of the media in ensuring a population at war is properly informed about the prospects for peace?

Participants stressed the need for the Facilitator's Office to extend its communication capacity, particularly by establishing regional offices in DRC. It is vital that the Congolese gain a sense of "ownership" over the ICD and peace process. Currently, there is

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evidence that many Congolese view the ICD with some suspicion.

Like any other population, the Congolese people have a right to information.

A sense of “ownership” can be achieved partly through the development of creative media such as music, songs, drama, and logos. But there is also a need for the entire population to be kept regularly informed about the political process, in a responsible and accurate manner. Because of the country’s poor infrastructure and 42% illiteracy rate, radio programming is likely to be the most effective means of achieving this aim.

In addition to expanded information output from the Facilitator’s Office, it is crucial that independent national and local journalists strengthen their capacity to report on the ICD in a professional manner. There is a recognised need for extensive journalism training, and the allocation of adequate resources to allow for more effective local media coverage. At the same time, it was emphasised that international media initiatives should aim to support local media producers, rather than replace them.

Another recommendation was the establishment of an independent media production studio, staffed by local Congolese journalists. The aim would be to supply national media outlets with impartial reports from the ICD. Beyond accurate reporting on the ICD, information packages could include topics such as peace-building, democracy, and political plurality. Interactive media initiatives that enable the DRC population to express views and opinions about the peace process could also be developed. This two-way dialogue between the actors of the ICD and the Congolese population could help put the nation on the

road to reconciliation. A recent decision taken by the ICD preparatory meeting to locate the ICD in Addis Ababa calls into question where such a studio would best be located: in DRC, in Ethiopia, or perhaps in both countries.

An opportunity to develop a comprehensive mass information strategy for the DRC should not neglect vital programming that could help the Congolese population withstand the effects of one of this century’s most appalling humanitarian crises. With a third of the population facing starvation, and most of the country without any access to basic health care, mass media is especially crucial for the dissemination of basic public health messages. It would also be useful to broadcast information about the activities of the international relief community operating in DRC.

Ensuring the population is regularly and accurately informed, and also has a means of expressing its views, can only reinforce the process of bringing an end to the war in the DRC.

Like any other population, the Congolese people have a right to information. The success of the current peace process will depend on the involvement of all parties and of the whole nation. A mass information strategy will help eliminate rumours and unfounded polemic discourse that could undermine the peace process. Ensuring the population is regularly and accurately informed, and also has a means of expressing its views, can only reinforce the process of bringing an end to the war in the DRC. ♦

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INDONESIA: TOO MANY UNMET NEEDS

During the last year and a half, the number of internally displaced persons (IDPs) in Indonesia has more than doubled to over 1.3 million. The number of people who have been affected by displacement and conflict is probably even bigger. International attention to the situation has been selectively focused on particular regions and the international presence in the country, as a whole, has not increased in a manner nearly proportionate to the scale and effects of displacement.

There is no easy way to look at or describe the situation in Indonesia. The causes of conflict vary from one area to another. It is impossible to categorise this country, which is the size of a continent, as a developing country or as a country facing a humanitarian emergency. It is the combination of the two that has left the international community grappling to find a solution.

The UN has opted for the coordinated approach in response to the internal displacement in Indonesia: the UN's Resident Coordinator and Humanitarian Coordinator (one and the same person in Indonesia) is responsible for ensuring that the UN system provides IDPs with adequate protection and assistance. But to date, that is not a particularly successful approach in Indonesia. There are several situations in which NGOs are working with IDPs in which the UN is barely present, if at all. The UN seems almost at a loss as to how it should respond to IDPs' needs throughout the country.

In Aceh, for example, where a separatist movement is brewing, operational UN agencies have pulled out. Violence last week increased the number of IDPs by some 6,000 to over 18,500. During the period of "humanitarian pause,"

negotiated earlier this year between GAM (Free Aceh Movement) and the Government of Indonesia (GOI) by the Centre for Humanitarian Dialogue in Geneva, UNDP had an official presence in Aceh. However, when there was no agreement on the continuation of the unofficial cease-fire, UNDP was told to close its office in Banda Aceh by the GOI. In order to have a UN presence, the Office for the Coordination of Humanitarian Affairs (OCHA) opened a small office, which it interestingly calls a "UN Resource Centre."

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In North Sumatra, there are some 20,000-30,000 transmigrants that were displaced from Aceh. 10,000-15,000 IDPs have camped in a national park, which is one of the last orang-utan sanctuaries, to bring attention to their plight. The local regency and the

province say there is no problem. To date, there is no UN presence and there are no international NGOs working with those IDPs. There has been some support from the local government, national NGOs, and an Indonesian newspaper. The IDPs chased some local NGOs, which were working on environmental issues, out of the park. Of late, the Indonesian Red Cross (PMI) has been asking people to come in and provide more assistance.

Central Sulawesi is perhaps one of the most active conflicts in Indonesia and has been ongoing for sometime, but it receives little media coverage. There is no lobby group for the estimated 50,000-70,000 IDPs and so the sectarian violence there continues almost unnoticed by the international community. International humanitarian relief agencies have only recently started working in the area. The

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capital, Palu, has not been affected directly by the conflict that has taken place largely in the second biggest city of Poso, but there are Muslim IDPs camped in a stadium. A significant number of people have fled Poso and

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military checkpoints make it difficult to access the area.

The Moluccas, on the other hand, have a significant international lobby group and, subsequently, are often highlighted in the news. It is also the conflict that has produced the largest number of IDPs (some 500,000). The government there has taken an interest in the welfare of IDPs and has been generally supportive of the humanitarian effort. While there is an international presence in the Moluccas, security risks remain fairly high.

In Ambon, the situation is one that keeps changing — as is the case in many parts of Indonesia. There are periods of calm followed by periods of violence: a major challenge to everyone's response mechanisms. The result is that NGOs have both emergency and transitional development programmes. Yet even within this area of active conflict, outside of Ambon city there are certain areas that are receiving almost no assistance. For example, south Buru and the east and north of Ceram receive little assistance and are difficult to access. Tanimbar island, Kisar island, and Moa are also areas that are difficult to access, but which receive little assistance partly because most of the money is being spent in Ambon. The result is that more and more people are arriving in Ambon, partly because of isolation and the resulting insecurity. Increased international presence would provide an element of security.

In North Maluku, on a positive note, the reconciliation process is moving along. In this case, the local government has made a significant effort to bring people together. While there are still IDPs that have not returned to their homes, the reconciliation efforts provide hope.

In Central Kalimantan, there has been a large displacement of Madurese since the beginning of the year. Many think that the departure of most of the Madurese means that the situation has calmed down. The international community has been reluctant to provide assistance to the area as they feel that the Dayaks were the perpetrators of the violence. However, there were few from the Sampit area that actually took part in the ethnic cleansing, but many from other transmigrant groups, as well as the local Dayaks, were affected by the violence. Many are petrified at the possibility of retaliation from the Madurese community. At the same time, the international community is doing little to ensure that efforts are taken to help heal a visibly traumatised community. There are no international organisations actively operating in Central Kalimantan. In addition, the local Sampit economy has continued to suffer considerably with the departure of the Madurese, who made up 60% of the local population.

In many areas, the Madurese are not welcome and are being pushed out. In Timur in the Sampit area, for example, the Madurese have been told that if they want to return, they must apologise for their mistakes and obey Dayak customs and religion. A notable example is in Pangkalabun where the regent for Kota Waringin Barat has fortunately continued to provide protection for some 30,000 Madurese with the provision of some 1,000 police and military troops. During the day they have some freedom of movement, but at night, the Madurese, out of fear, despite the protection,

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continue to lock themselves in their homes. It has been reported that despite these protection efforts, some Madurese have nonetheless lost their lives. The long-term prospects for these Madurese in a society where the Dayaks want a Madurese-free province are difficult to envision.

Pangkalabun, like North Sumatra, is another area where humanitarian needs are meeting conservation interests: an orang-utan sanctuary is located in the area, where there is a potential for conflict.

In West Kalimantan, there are people who have been displaced for three years and the barriers to return are numerous. Several international NGOs have been working for some years in West Kalimantan and have put together a plan for resettlement. Working as an informal consortium, the NGOs have met with the Ministry for Resettlement and a working group has been formed to implement the plan. OCHA now puts the plan forward as an excellent example of how resettlement should

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be undertaken. While the relocation plans are not ideal, they could provide the Madurese with a safer alternative than the camps. The Madurese are to be relocated to parts of the jungle that have been cleared. There is no drinking water, no health facilities, and transportation is expensive. The Madurese are to leave the camps by the end of December, but once in this new area, travelling to the city for employment will be hindered by the costs of transportation.

The violence that took place in East Timor last year during the independence referendum has left some 60,000-80,000 refugees in West Timor. The UN has been absent from West Timor since the killing of three UNHCR workers last year, but international and local

While the government is spending money on IDPs, the humanitarian needs continue to far outweigh the resources available.

NGOs continue to provide humanitarian assistance. (See "Two Years Later: The Plight of East Timorese Refugees Still in West Timor" in this issue of *Talk Back*.)

One of the most worrying areas may be Irian Jaya where there has been a virtual media black-out. While things have not really settled down there, what is actually happening is barely being reported.

The only generalisation that can be made of the displacement in Indonesia is that it is growing and urgently needs to be addressed by the international community. Each of the areas where there is displacement has its own particular reasons for such displacement, such as ethnic conflict, religious conflict or independence movements. Yet, unless there is a lobby group for a particular area or group inside or outside of Indonesia, little, if any, attention is drawn to conflicts. International presence can help to fill this gap.

While the government is spending money on IDPs, the humanitarian needs continue to far outweigh the resources available. The attention given to IDPs by the local government depends on who the IDPs are and what the causes of the conflict are (or were). On a positive note, there are some cases where reconciliation and resettlement are taking place.

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One of the biggest challenges for the international community working in Indonesia is the difference between what is said by the government in Jakarta (which is busy trying to sort things out in the capital and with the economy) and the reality on the ground where it is the military and police that often decide how things will work. The military's control has been withering and in many areas the receding military structures have been replaced with local military or militia, which are difficult for the government to control and are often unpredictable. Until the government becomes strong enough to control those military, there is not much hope for this challenge to be resolved.

While NGOs, both local and international, continue to work with IDPs, the UN's role in Indonesia is not only minor, but it is also rather unconvincing. The UN does not seem to have developed any kind of strategic thinking on how to better address the situation and ensure the protection and assistance of IDPs: either through more advocacy vis-à-vis the government for better law and order and for better assistance and protection, or through an increase in international presence. The UN seems yet to realise fully that Indonesia is no longer only in need of development. The previous RC/HC wore much more of a Resident Coordinator's hat and, thus, was unable (or unwilling) to raise humanitarian and protection issues with the government in any satisfactory manner. The new RC/HC took up his responsibilities some

six weeks ago and will hopefully be more willing to take up humanitarian issues with the government.

However, the combined RC/HC approach is one that many NGOs have questioned for its ability to ensure the protection of IDPs. When a Resident Coordinator has engaged closely with a government, it is often difficult to challenge the government on humanitarian

The mission of the UN's Senior Inter-Agency Network on Internal Displacement to Indonesia, which is to take place in early October, will be challenged to come up with some concrete suggestions to improve the IDP response.

needs in the role of Humanitarian Coordinator. Another of the UN's general options for responding to IDPs is to designate a lead agency. UNHCR has already said that it will not do more for IDPs unless asked to do so by the government. And so, for now, the UN

continues in its "coordinated" approach to IDPs while the UN agencies generally continue to work as their own entities. The mission of the UN's Senior Inter-Agency Network on Internal Displacement to Indonesia, which is to take place in early October, will be challenged to come up with some concrete suggestions to improve the IDP response (see "IDP

The best way forward is to first increase international presence and start meeting the needs of the displaced and those affected by displacement.

Missions: One More Down" in this issue of *Talk Back*).

Increasing international attention to all areas of the displacement crisis in Indonesia is the only way to ensure that donor support increases and that donor fatigue does not set in. Indonesia's internal displacement issue will not be solved quickly or easily, but will require a commitment from the government and the international community. The best way forward is to first increase international presence and start meeting the needs of the displaced and those affected by displacement. ♦

TWO YEARS LATER:
THE PLIGHT OF EAST TIMORESE REFUGEES STILL IN WEST TIMOR

In September 1999, the violence following the UN Ballot in East Timor resulted in around 280,000 people fleeing or being forcibly removed from East to West Timor. Today, some 60,000-80,000 refugees still remain in West Timor — without international protection. While NGOs continue to provide humanitarian assistance, it seems the UN system is trying to find a way to end the refugee problem without considering the rights of the refugees first and foremost.

On 6 June 2001, the Indonesian government conducted what some NGOs see as an invalid refugee registration process. Refugees were very confused or lacked information about the purpose of the registration and many non-refugees registered. Militia leaders played a prominent role in the registration process, as “camp coordinators.” As a result of this process, Indonesia says that there are over 295,000 refugees in West Timor and that fewer than 2 percent wish to return to East Timor.

There are many concerns now about the way that the international community has responded to the results of the Indonesian government’s sham registration process. The Indonesian government’s figures do not accord with those of NGOs whose knowledge and experience indicate that some 60-70

For the refugees in West Timor...there is little good information available about the processes or even the situation in East Timor.

percent of the refugees would choose to return if they could do so freely, at a time of their choosing.

The local West Timor government has said it can accept no more than 6,000 families. The Indonesian government, UNHCR, UNDP, and OCHA, with support from the Governments of Australia, USA, and UK, are proceeding with resettlement plans, which involve moving refugees to other parts of Indonesia. However, any such resettlement is

likely to be fraught with problems over land issues and access to resources (see “Indonesia: Too Many Unmet Needs” in this issue of *Talk Back*). There is also the question of whether or not those that are resettled will retain the right to return to East Timor at a later date. Many of the refugees are to be resettled in Sumba (Lesser Sunda Islands, off the shore of Timor) with resettlement packages that are apparently more generous than those being offered to those returning to East Timor. If one were to take a cynical perspective, the UN’s moves could be seen as an attempt to empty the camps and put a quick end to the refugee situation.

Many of the refugees are to be resettled...with resettlement packages that are apparently more generous than those being offered to those returning to East Timor.

But even in the case of resettlement, time will be required before the refugees can be resettled and in the meantime, humanitarian needs continue. The current debate among the UN as to whether West Timor should even be included in a UN consolidated appeal for funds is an indication that the UN is not fully understanding, or perhaps, accepting, the protection and assistance needs of the refugees in West Timor.

At the same time, the UN Transitional Administration in East Timor (UNTAET) has done little to create conditions conducive to return for the refugees. Suggestions by NGOs to open up border camps to allow people to trickle back to East Timor were rejected by the UN because of security risks. There are fears on the part of UNTAET that until the refugees in West Timor are resettled, locally settled, or repatriated, there is a threat of instability across the border.

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Two Years Later: The Plight of East Timorese Refugees Still in West Timor

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The options now being offered to the refugees by the UN and the government are considerably fewer than those that were in place when UNHCR was in West Timor a year ago. Those plans, which included various geographic locations for refugees to resettle in, along with various livelihood support options, are now seen as being too ambitious. It seems like encouraging the refugees to leave West Timor by offering them limited options, which do not necessarily respect the rights of the refugees, is the way that the UN is wanting to move forward.

A meeting of East Timorese and West Timorese NGOs, which want to work together on the issue of return, met in Bali in late June. They recognised that there are three groups of refugees: those who wish to stay in Indonesia; those who want to return to East Timor straight away; and those who want to wait longer before they make a choice, for a range of reasons. It is thought that this last group is by far the largest group. It is thought that many refugees simply want to wait and see how things develop in East Timor after the recent election for the Constituent Assembly, or to know more about socio-economic conditions there. Some do not want to leave West Timor until they have harvested their crops.

The refugee community includes perpetrators of the violence that took place in East Timor in 1999, who hold fears about return to East Timor because of the fear of reprisals. They want to know more about amnesty provisions and community reconciliation processes on the other side of the border. Within East Timor, NGOs are calling for an independent tribunal for those who were the leaders and perpetrators of serious crimes. For those who carried out lesser crimes, a Truth, Reception, and

Reconciliation Commission is being set up in East Timor to encourage community reconciliation and forgiveness.

For the refugees in West Timor, however, there is little good information available about the processes or even the situation in East Timor. Many refugees are uncertain as to what awaits them in East Timor. Disseminating information in West Timor is a potentially dangerous undertaking. The separation of combatants from the civilian population never took place and there are elements among the camp populations who do not want to see

the refugees return. In the case of the East Timorese refugees, separation was complicated by two factors: the difficulty in defining who is a combatant and the difficulty in getting the Indonesian police or military to separate out combatants who were possibly trained by them. (On the issue of separation of armed elements, see "New Rules for Wargaming" in this issue of *Talk Back*.)

The case is a classic one for the UN: security risks prevent the UN from being present in West Timor while NGOs can carry out humanitarian assistance programmes.

The international community has a responsibility to ensure that it maintains the rights of the refugees to a properly conducted choice about their future, free of intimidation or pressure.

In the meantime, while not an immediate humanitarian emergency situation, the refugees' living conditions are very poor and in many cases their health is deteriorating. Due to tensions and conflict over land and resources between refugees and the local population, and the incentive to stay if refugees' very poor living conditions are improved, local NGOs are reluctant to encourage large-scale international humanitarian support for the refugees.

Most worrying is that the rights of the refugees are barely being taken into consideration by the UN system or the Indonesian government. The UN has been largely absent from West Timor since the killing of three UNHCR staff last September. The

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IN THE NEWS

IDP Missions: One More Down

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the scope of the problem. Most IDPs simply join those living in urban poverty. Differentiating between the displaced and those that were there before is a difficult task. For many internally displaced, the best form of protection is not to identify themselves, while others (who are not displaced) will claim to be displaced in order to benefit from assistance packages.

Despite the fact that there have been an estimated 80,000 new displacements since the beginning of the year, the UN response to the situation in Colombia is not as strong as many NGOs would

There should be serious reflection on what the missions could accomplish as right now, the final mission report is a consensus document of mission participants, which generally prevents any one agency from being overly criticised.

like. Several national NGOs argue that the UN system should be responding in a more confrontational manner with the Colombian government. They would like the UN High Commissioner for Refugees, which is the lead agency for IDPs in Colombia, to take on a stronger advocacy role. But, UNHCR sees its role in Colombia as more limited to protection and capacity-building activities.

The UN system seems to have reached the opinion that a less confrontational approach is a better one to take in order to ensure continued access to the displaced. One notable exception seems to be the Office for the High Commissioner for Human Rights. OHCHR has been issuing reports that are critical of the human rights situation in the country. The result has been that the government has been less cooperative with OHCHR than it is with other UN agencies.

Funding for humanitarian operations is a constraining factor for many organisations and one that the mission highlighted. The international community's response is based largely on three-month emergency response packages, which does not allow for medium- or long-term programming. Such short-term funding is inadequately linked with

medium- or longer-term assistance provided by bilateral and multilateral development agencies.

Other funding that is available comes from "Plan Colombia," the US military assistance package to Colombia: a source of money that many NGOs will not touch, as

many see it as targeting civilians, further agitating the conflict, and increasing internal displacement (see article "US Military Assistance Package to

The biggest challenge for the Unit will be to move away from the approach that the Network has taken in terms of making sure that all UN agencies are pleased with the results.

Colombia will Exacerbate Conflict and Lead to Greater Displacement than Planned, say NGOs" in *Talk Back* 2-4). Interestingly, the UN Development Programme's biggest contributor in Colombia is the Colombian government itself. Many UN agencies too often shy away from "biting the hand that feeds." The case seems to be so in Colombia.

What the results of this latest Network mission to Colombia will be on the lives of IDPs, remains to be seen. However, if the Network does not take a strong advocacy position in a country where the government has the financial resources and infrastructure to do more for IDPs, where, and when, will the Network take on a more proactive role? Will the Internal Displacement Unit continue to issue reports on missions that provide suggestions for improving the response to IDPs that are fairly benign because of the consensus approach taken by the Network? Or will the new Unit have the gumption to hold States and humanitarian actors more accountable for their responsibilities to IDPs?

The new Unit is to be fully operational by 1 January with six seconded staff led by the Special Coordinator on Internal Displacement. The biggest challenge for the Unit will be to move away from the approach that the Network has taken in terms of making sure that all UN agencies are pleased with the results. The best chance for the Unit successfully improving the response to IDPs is for the new Unit's seconded staff to place the Unit's priorities ahead of those of their own agencies. ♦

Chechnya: Impunity Continues

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The Commission on Human Rights (CHR), at its last session, passed a resolution urging the Russian Federation to take steps to allow international, regional, and national humanitarian organisations to enter unhindered into Chechnya, including through the simplification of regulations. Instead, the opposite is happening and the violations of human rights continue on a daily basis.

The climate of impunity continues as Russian forces have carried out so-called “cleansing operations.” In the village of Chenorechye in the district of Grozny, for example, Russian federal forces detained all those over 14 years of age with several being beaten and tortured and houses being looted. There have been punitive arrests, attacks against non-combatants, and cases of degrading treatment.

The continuation and escalation of violence is causing new displacement. As ICVA member Médecins du Monde (Mdm) pointed out to the Sub-Commission for the Promotion and the Protection of Human Rights, “Despite assurances about return by the Russian administration, and the numerous calls to order of the international community, the refugees [sic] will soon be obliged once again to face a winter under canvas, in extremely precarious conditions.”

Bringing the issue to the attention of the CHR or Sub-Commission is what organisations, such as Mdm, are limited to doing in order to raise awareness of human rights violations and violations of IHL. An IDP situation such as this one poses serious challenges to the work of the new Internal Displacement Unit that is to be created in the UN’s Office for the Coordination of Humanitarian Affairs (see “IDP Missions: One More Down” in this issue of *Talk Back*). While the primary responsibility to protect civilians lies with the State, the international community has a role to play when it is the State that is violating the rights of its civilians. But when sovereignty issues are raised, there is little that the international community is willing to do against such a politically powerful State as the Russian Federation, which is why the Security Council will do little, if anything, to address the case of Chechnya.

Such a case, where political strength supersedes the welfare of civilians, begs for a new approach from the international community. One suggestion on how to move forward to better ensure the

protection of civilians in armed conflict is Mdm’s proposal for a Humanitarian Commission that would report directly to the UN Secretary-General (SG) (see “A Humanitarian Commission to Protect Civilians,” *Talk Back* 2-4).

The proposed Commission, composed of independent experts, would collect quantitative and qualitative data on the situation; evaluate the needs of the populations; alert the SG of any situation that is likely “to seriously undermine the rights of civilian populations guaranteed pursuant to the provisions of international humanitarian law”; and then submit its opinion to the SG so that the SG can bring the situation to the notice of the Security Council or any other UN body. The Commission would also prepare an annual report for the SG that would highlight its activities and the humanitarian situation in the world. The Commission could either be asked to look into situations or report on situations on its own initiative.

Efforts are underway to move the proposed Humanitarian Commission forward. On 9 September, the International Institute of Humanitarian Law and Mdm jointly organised a meeting of experts to examine the proposal. The proposal for the creation of a Humanitarian Commission within the UN has been approved by the World Civil Society Conference of Montreal in December 1999 and was included in the recommendations of NGOs at the Millennium Forum, which were transmitted to the UN General Assembly.

The proposal of Mdm to create a Humanitarian Commission would be a first step in ensuring the protection of civilians in armed conflict. However, it would still not go far enough in terms of holding the perpetrators of violations of IHL accountable. But getting States to agree to a system that would do so will not be an easy task: especially when, in several cases, it will be States themselves that will need to be held accountable for violations of IHL. ♦

For more information on Mdm’s proposal for a Humanitarian Commission, visit their website: www.mdm-international.org.

The recommendations of NGOs at the Millennium Forum that were transmitted to the UN General Assembly are in UN document A/54/959, 8 August 2000.

OPINION

CHANGING THE APPROACH TO CAPACITY-BUILDING

By Dr. Dawit Zawde, Africa Humanitarian Action

An African Perspective

Africa has been a testing ground for international humanitarian action. While the international community has provided life-saving assistance for decades, the policy

Capacity-building, to the extent that it occurs, rarely aims for more than building a better sub-contractor: more transparent, more accountable; in sum, a more reliable recipient of aid funds.

implications, the overall impact, and longer-term consequences of its interventions have often been far from optimal. In the absence of national and regional structures capable of directing and coordinating these interventions, international actors have assumed an exaggerated political role, often further marginalising an already weak national authority. Many programmes are formulated in foreign offices instead of being built around local realities and so fail to respond to real needs. Root causes are ignored as programmes neither reduce poverty nor prevent conflict.

In this context, African NGOs have become little more than subcontractors supplying cheap labour for project-based aid. Capacity-building, to the extent that it occurs, rarely aims for more than building a better sub-contractor: more transparent, more accountable; in sum, a more reliable recipient of aid funds.

A New Approach for Northern NGOs

Northern fund holders and agencies need to examine more carefully their roles in humanitarian response and how they interact with

African organisations. The search for Southern partners is an implicit recognition of the built-in advantages of local NGOs: they have a permanent presence; they are often closer to, and more familiar with, affected populations; they are faster and more flexible, less costly, and less complicated. Direct investment in African NGOs would be more effective and efficient.

The main issues in the immediate future of African humanitarian organisations are those affecting our ability to function fully as stable and viable institutions, to help move policy and strategy decisions and to share responsibility for developments on the continent.

Capacity-building, as currently conceived and practised by many Northern agencies is largely limited to the development of operational skills. Such an approach will not lead to independent, equal, or empowered African NGOs. In fact, a multitude of Northern aid agencies now make heavy demands on African NGOs and perceive capacity-building as a way of making sure that their partners comply with their policies and procedures.

Northern fund holders and agencies need to examine more carefully their roles in humanitarian response and how they interact with African organisations.

Capacity-building is mostly restricted to training programmes that concentrate on project management and reporting, and not on building and empowering the organisation targeted by their efforts. Too often, training workshops are designed solely by the aid agencies and follow a standard pattern not customised to the situation.

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Changing the Approach to Capacity-Building

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It is hard for donors to acknowledge that there are drawbacks to this focus. Improving performance, in theory an admirable goal, has spun out of control. The Northern aid community is currently caught up in a search for perfection that is producing growing numbers of studies, conferences, and processes, and is calling for increasingly sophisticated administrative and financial procedures. But, African organisations lack the infrastructure to comply with these requirements. The result is often frustration, operational delays, and strained partner relations: all at the expense of impact.

To change this situation implies the need to clearly shift away from a narrow “project approach” to one that emphasises the development of sustainable national and regional organisations in Africa. Policy-making and professionalism depend on the quality of an organisation’s resources, but also on its access to information.

There are reports that more than 90% of the data on Africa has been stored in Europe and North America. Most African NGOs are working in a vacuum, cut off from data, technical developments, and new thinking. A shortcut to rapidly improving their capacity would be to invest in equipping them with information technology. Such resources would provide them with access to the outside world and give them a voice and the power to influence matters concerning them. At the same time, it would improve communications and the information flow between, and within, African organisations.

If, in the North, work seems inconceivable today without information technology, it

would seem a logical step to ensure that African organisations also have the new systems and tools that have revolutionised efficiency elsewhere.

The search for Southern partners is an implicit recognition of the built-in advantages of local NGOs: they have a permanent presence; they are often closer to, and more familiar with, affected populations; they are faster and more flexible, less costly, and less complicated.

The main difficulty still facing African NGOs is direct access to institutional funding to meet structural and corporate costs. Unlike in the North, resource mobilisation is currently close to impossible in Africa for obvious reasons.

At the moment, whenever overhead costs are made available to African partners, they are project related, and, in most cases, insufficient. Northern donors must accept that such costs translate into underwriting salaries, financing, infrastructure, essential technical and material equipment, and related expenditure — the “nuts and bolts” that enable people and organisations to work efficiently.

It must be realised that African NGOs will not be able to participate as equal partners in developing, establishing, and setting African priorities unless our institutional core functions are assured of steady financing. Direct institutional funding is essential for de-

The main difficulty still facing African NGOs is direct access to institutional funding to meet structural and corporate costs.

veloping policy and funding strategies, quality control systems, quality human resources, and organisational networks. It ensures stability and continuity and is crucial for reducing dependency and promoting equal participation in international policy and decision-making.

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Changing the Approach to Capacity-Building

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A Change in Approach for Southern NGOs

Africa must also examine its own performance in this context. It needs to be more realistic about what it requires, in terms of institutional capacity and resources, in order to direct and sustain humanitarian actions.

The sheer size of Northern input into development and humanitarian operations, in financial terms, have — unwillingly, but inevitably — relegated African partners to a subservient role, acquiescing to policies and programmes. This dependency on Northern counterparts that has been built up over the past three decades and the operational straightjacket that the project approach has created, must be changed. Yet, understandably, we do not wish to alienate the very considerable sums of money on offer.

Since we have no means of building a permanent resource base — as opposed to one put in place for the life-span of a project — of hiring and retaining suitable staff or of carrying out the necessary research, African NGOs are unable to formulate and design their own strategies and programmes.

When our input into policy and practice is sought in response to conflict, instability, disasters, and associated humanitarian needs, we often lack the resources to produce a critical analysis of the situation and build a response. Our collaboration usually takes place in the context of meetings organised by our Northern partners, where decisions and recommendations are inevitably coloured by the North-South relationship. Only when we have developed organisational structures and networks will we begin to produce the Africa-appropriate solutions so earnestly sought by donors.

Working Towards a Better Partnership

Currently, capacity-building approaches neglect the importance of developing regional African organisations with uniform values and standards, thus ensuring a network of like-minded NGOs and an effective NGO response.

But networks, such as ICVA, should also support African efforts to improve cooperation between African and Northern NGOs with the aim of addressing African institutional priorities and requirements on a new level.

We are convinced that the current predicament of African NGOs can be overcome. The prerequisite, however, is that the key issues of institution-building and fundraising be addressed in a way that allows organisations to seize opportunities, take initiatives, and secure results.

The current “tunnel vision” of capacity-building must be changed. It needs to be replaced by a new understanding of what is really needed — a multi-faceted combination of support measures, reaching far beyond simple training. Capacity-building is a painfully long-term, continuous, and step-by-step process. It is a process that will only succeed if it is backed by guaranteed funding throughout. ♦

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ISSUE OF THE MONTH: FOCUS ON INDONESIA

**Two Years Later:
The Plight of East Timorese Refugees Still in West Timor**

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UN has negotiated with the Government of Indonesia to play a role in facilitating resettlement, local settlement, or repatriation: humanitarian assistance is not to be part of the UN's package for the refugees.

International NGOs working in West Timor have a different perspective: there are humanitarian assistance and protection needs that need to be met. The case is a classic one for the UN: security risks prevent the UN from being present in West Timor while NGOs can carry out humanitarian assistance programmes. In such cases, the UN desperately needs to develop a system of working with partners to ensure protection and assistance to the refugees. But at the same time, the UN does not want to fund humanitarian programmes or attempt to meet the protection needs.

A recent UN security mission found that the situation in some areas has improved and the UN security phase is to be reduced to phase four in some parts of West Timor. But the area where many of the refugees are, near Atambua, will continue to remain at phase five. International NGOs currently working in West Timor without difficulty, however, question whether insecurity may return along with a return of the UN to West Timor. Any UN plans to return to West Timor must be carefully considered: the security threat that comes with the UN's return may impact upon the presence of international NGOs that are providing humanitarian assistance in West Timor at the moment.

Last year, following the killings of three of its staff in West Timor, UNHCR established a small group, headed by the Assistant High Commissioner, to define a threshold for when it should pull out of a situation (see *Talk Back* 2-6: "Staff Security: Only Part of the Bigger Picture"). UNHCR has been rather quiet on the results of the group's work, to date. If it defined benchmarks and criteria for such a threshold, the upcoming UNHCR mission to Indonesia will have to measure the situation against

these to determine whether it can return to West Timor to carry out its mandate or not.

But for now, the protection of the East Timorese refugees and their ability to make a free and informed choice about their future could be severely compromised, possibly through the moves of the UN and the Indonesian government to find a seemingly quick fix to the problem. The international community has a responsibility to ensure that it maintains the rights of the refugees to a properly conducted choice about their future, free of intimidation or pressure. ♦

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