



**The Newsletter of the International
Council of Voluntary Agencies**

TALK BACK

Volume 1, #2; June 11, 1999

**SPECIAL ISSUE: THE CRISIS IN
KOSOVO FROM A
HUMANITARIAN PERSPECTIVE**

CONTENTS

HIGHLIGHTS, AS OF JUNE 3:

- ◆ Inside Kosovo
- ◆ On the diplomatic front
- ◆ UNHCR and repatriation
- ◆ Humanitarian players - NGOs and NATO
- ◆ In the camps - Operational issues
- ◆ In the camps - Protection
- ◆ Host families
- ◆ Information
- ◆ Evacuations and resettlement
- ◆ Funding
- ◆ War crimes

**From the ICVA Coordinator,
Ed Schenkenberg Van Mierop**

This is the second issue of the ICVA newsletter, Talk Back. The response to the first issue was so positive that the ICVA board has decided that the newsletter should be made available to the public.

This marks another important step forward for ICVA's new proactive information policy. The ICVA family now has an interactive web site <www.icva.ch> and a newsletter at its disposal. This represents a powerful advocacy tool. It remains for you - our members - to make use of it.

This issue of Talk Back is dominated by the Kosovo refugee crisis. According to UNHCR, almost 800,000 Albanians have been forced from Kosovo. As many as 600,000 have been displaced, but unable to leave.

Making the situation worse, the process of expulsion has been accompanied by unspeakable brutality. Meanwhile, in an effort to dislodge the Serbian army from Kosovo, NATO intensified its bombing also hitting civilian infrastructure. This has brought mounting criticism in recent weeks.

Two weeks ago, ICVA decided to summarise the humanitarian aspects of this crisis. Since then, events have been changing almost daily, and a settlement now appears near. Even so, our original aim remains valid.

In the first place, a number of critical details in the peace plan are still unclear,

and by all accounts Kosovo is so devastated that it is hard to see how significant numbers can return safely before the winter. The protection and assistance of the refugees in the camps will remain a priority for months to come.

Secondly, this has been a deeply troubling crisis from a humanitarian perspective, brimming with cynicism and cruelty. It is essential not to lose sight of this, and its implications for the humanitarian community and for the ICVA family.

ICVA members have been very much involved in the Kosovo crisis. Many are working in the refugee camps of Macedonia and Albania. Several American partners of ICVA are helping to resettle Albanians in the United States as part of the emergency evacuation programme. In Yugoslavia itself one of our members, CARE, recently discovered it can be thankless work. CARE has done much good work in the Balkans. This did not stop the Serbian authorities from sentencing three CARE officials to long jail terms on a trumped up charge.

Even those ICVA members who are not directly involved have an indirect interest. The Kosovo crisis has discredited the UNHCR, sidelined the United Nations system, and threatened to suck away attention and funds from other emergencies. This, too, is deeply alarming.

As a monthly newsletter, Talk Back has faced some obvious constraints in doing justice to a crisis that has changed constantly. Talk Back should not try and report news that would be quickly out of date. We must also avoid duplicating material coming from our own members, a number of whom share their SITREPs with ICVA. We have to be careful not to present an "ICVA position" without consulting you, our members.

What we can, and should do, is to present the humanitarian dilemmas. Hopefully this will help ICVA members develop a common position where appropriate. It may even lead to a new role for ICVA itself. Several members have asked ICVA

to consider facilitating their coordination and joint advocacy efforts in the field. We would appreciate your views on this.

The material in this special issue is drawn from published reports, the SITREPs of ICVA members, and a series of important recent briefings from UN officials in Geneva. These meetings would have been reported to ICVA members in the normal course of events.

The officials included Sergio Vieira de Mello, Under-Secretary General for Humanitarian Affairs, who headed a recent inter-agency mission to Serbia; Dennis McNamara, UNHCR Special Envoy to the Former Yugoslavia; Martin Griffiths, the UN coordinator for Kosovo; and Erika Feller, UNHCR Chief of International Protection, who recently visited the refugee camps of Macedonian and Albania.

The meetings were the Inter-Agency Standing Committee, the main international body to coordinate humanitarian affairs (Monday May 31); the humanitarian liaison working group made up of UN donor countries, called to review the funding needs of 14 consolidated appeals (May 31); a humanitarian strategy meeting to prepare for a meeting of agencies in Skopje (May 31); a briefing from UNHCR Protection officials (June 1); the weekly UNHCR meeting for donors on Kosovo (June 2).

Meanwhile, it needs to be stressed that Kosovo is not the only humanitarian crisis in the world. This issue of Talk Back focuses on Kosovo because there is so much to report to ICVA members. Issue 3 will follow within the next few days, covering a range of other important crises. Issue 4 will feature a special section on an important meeting on the Commonwealth of Independent States (CIS) which takes place in Geneva June 20-24.

Please contact us. We need your input. We will be happy to put you in touch with any of the groups referred to in the following pages. (Ed Schenkenberg Van Mierop)

Ed Schenkenberg is the Co-ordinator of ICVA (Geneva). The views expressed above are those of the author and do not reflect the position of ICVA, or its members. Members are invited to contribute editorials in the future. Unless otherwise indicated, these contributions do not represent ICVA or its member organisations. (ed.schenkenberg@icva.ch)

HIGHLIGHTS, AS OF JUNE 3:

- According to UNHCR, the camp population in Montenegro, Albania and Macedonia has risen to 781,600. The refugees in Albania are housed in 329 different shelters under the management of 58 different authorities.
- The Group of 8 has agreed on the draft text of a UN Security Council resolution calling for the withdrawal of Serbian forces from Kosovo, and the return of the refugees under the supervision of UNHCR. This brings a settlement nearer. But there is also a lack of clarity in the division of labour between the military and civilian components of the peace force.
- UNHCR has unveiled a detailed repatriation plan and next steps paper, which stress the need to work through Albanian civil society.
- A UN humanitarian fact-finding mission finds Serbian forces responsible for "massive displacement," and warns that NATO bombing has created a "complex humanitarian crisis" in Serbia.
- Three CARE relief workers are sentenced to prison terms of 12, 6 and 4 years after a secret military trial.
- The first cases of viral hepatitis and bloody diarrhea appear in Cegrane camp, Macedonia, raising concern about water and sanitation.
- Bilateralisation threatens UNHCR's consolidated funding.

- UNHCR's Director of Protection calls for greater priority to be given to refugee protection, from donors and NGOs. There are reports of an attack on Roma in the Macedonian camps, resulting in several severe injuries.
- UNHCR to start comprehensive registration in all the camps, with a view to providing ID cards by August.
- Few volunteers for "humanitarian transfer" to Southern Albania from Macedonia and Kukes.
- 74,500 Kosovars have left the Balkans under the "humanitarian evacuation." Several are detained in the US, and face deportation, for having declared false names. Their detention has prompted protest by Amnesty International.
- Many aid agencies fear there is an uncoordinated effort to collect information on war crimes.

INSIDE KOSOVO

-The "root cause" of the refugee crisis - ethnic cleansing and war crimes

The root cause of this crisis has been the forcible expulsion of ethnic Albanians from Kosovo by Serbian troops and paramilitary. As of June 3, almost 70% of the province's pre-war population had been expelled or displaced. This is without precedent in modern times.

From the start, the process has been marked by acts of brutality and war crimes. Amnesty International and Human Rights Watch have interviewed survivors of a massacre that occurred on April 28 at the village of Izbica, in the Drenica region of Kosovo. The corpses were videotaped by an Albanian doctor and shown on CNN on May 16. Satellite photos released by NATO appear to show three rows of freshly dug graves.

Among the many recent reports of violence, the following should be noted:

- The UN Fund for Population Activities (UNFPA) has interviewed rape victims;
- Large numbers of Albanian men have been separated from their families and detained in a prison at Smrekovnic, where they have been badly treated. 2,000 have been released in the last two weeks, and 165 - between the ages of 16 and 65 - arrived at the frontier last week. According to UNHCR, they were released to make room for 500 to 800 new detainees;
- A Human Rights Watch flash report (#35, May 8) reports that Albanian civilians have been used as human shields to dig trenches near Vrbnica.

It is a feature of this crisis that UNHCR has protested when refugees have been forced to the border, and protested when they were prevented from leaving. (This happened last week, when in a sudden change of policy, Serbian authorities refused to allow Kosovars without proper papers to leave.) There is no contradiction. Expulsion or restraint - both are involuntary and therefore abusive.

UN Under-Secretary General Sergio Vieira de Mello, who headed the recent UN Inter-Agency assessment mission, condemned Serbian violence against the Albanians in strong terms during his June 2 briefing for the UN Security Council. He said: "24 March to 10 April 1999 saw a rampage of killing, burning, looting, forced expulsion, violence, vendetta and terror." The mission spent three days in Kosovo, and found that in 80% of the villages houses had been destroyed.

These abuses have received blanket coverage since March 24. But this did not persuade the Serbs to relent. Nor did it persuade NATO to intervene with ground troops to stop the carnage. The protection of civilians has been a low priority

throughout, as in other contemporary conflicts.

ON THE DIPLOMATIC FRONT

-Progress Towards a Settlement Raises Key Questions

After a week of fast-moving developments, the Group of 8 governments have agreed on the text of a UN Security Council resolution that would authorise the deployment of a peacekeeping force in Kosovo, the withdrawal of all Serbian and paramilitary forces, and the return of refugees. This follows the acceptance of a joint Russian-EU peace plan by the government of Yugoslavia, and talks aimed at implementing the same plan.

Consensus on the Security Council resolution moves the peace process forward, but it still has to be accepted by the Yugoslav government.

In a June 8 briefing for a working group of the Inter-Agency Standing Committee, officials from the Office of the Coordinator for Humanitarian Affairs (OCHA) talked of the humanitarian components in the proposed resolution:

- It focuses exclusively on Kosovo, not the region;
- The UN will assume responsibility for taking civilians home, but the division of responsibilities (reconstruction, rehabilitation, humanitarian etc) is not spelled out in detail;
- The distinction between civilian and military could be blurred. NATO forces will ensure access to Kosovo, and establish a secure environment for humanitarian aid. These tasks are clearly military. But NATO has expressed interest in assisting spontaneous returns - something that would seem to fall under UNHCR's purview. Nor is clear how NATO troops would react if they find internally displaced. Helping them

home might be tantamount to a "civilian" role, but ignoring them would be unacceptable;

- No international agency will be charged with ensuring law and order;
- NATO will only take responsibility for "operational" demining - i.e. the removal of mines for military purpose. Civilian and UN agencies will have to demine land routes and returnee settlements - something they have found very difficult in the past.

A comprehensive economic development plan for the entire region would be launched. Sanctions and NATO bombing have devastated Serbia's economy. The GDP of Albania and Macedonia is reported to have dropped by 5%.

(Under the Russian-EU peace plan, as reported, all Serbian forces will withdraw from Kosovo, following which NATO bombing would stop; a UN peacekeeping force under unified command and including Russian and NATO troops would enter Kosovo; refugees would return under the supervision of UNHCR; the Kosovo Liberation Army (KLA) would be "demilitarized;" an interim administration would be established, and there would be unrestricted access for humanitarian relief; a limited number of Serb military personnel would be allowed back in to guard religious and heritage sites, perform other tasks such as marking of minefields. They would also symbolise Serbian sovereignty over Kosovo, which will remain part of the Federal Republic of Yugoslavia.)

-The United Nations Needs Assessment Mission to FRY - "A Small Step for Humanitarian Space"

Sergio Vieira de Mello, Under-Secretary General for Humanitarian Affairs, briefed donors in Geneva after leading an Inter-Agency Needs Assessment Mission to FRY. His team of fifteen included one NGO staff official, representing the three major NGO consortia, including ICVA. The team spent three days in Kosovo.

Vieira de Mello's mission was a brave attempt by the United Nations system to regain some initiative after being sidelined since March 24.

The UN has been excluded from the peace-making process. But the Group of 8 meeting, and the prospect of a protracted war, opened the way for a UN humanitarian initiative. Vieira de Mello's mission was, in his own words, "a small step in reopening a humanitarian space in Kosovo."

The mission managed to apportion some blame without alienating either of the two combatants. Vieira de Mello (who did not meet with Milosevic) told diplomats in Geneva that his criticism of ethnic cleansing in Kosovo caused an angry response in Belgrade. But he also said in Geneva that his discussion with the FRY Foreign Minister had been constructive even though they had "agreed to disagree" over the root cause of the refugee exodus. Some of the Serb officials who travelled with the mission were reported to have been privately amazed and shocked at the extent of the damage in Kosovo. NATO's reaction to his report is not known.

Vieira de Mello in his briefing, said that he would recommend that the UN return to Belgrade and also set up a presence in Pristina, which the UN system evacuated prior to the March 24 bombing.

The talk of return creates a dilemma for NGOs. Almost all NGOs withdrew from Kosovo and Belgrade. Some tried to continue working through local employees, who were harassed by the police and even drafted - showing Belgrade's disdain for foreign relief agencies. The ICVA consortium, with five operational NGOs in the former Yugoslavia, kept open its office in Belgrade throughout the bombing.

The jailing of three CARE officials on a charge of espionage will discourage many agencies from returning to Serbia without an ironclad guarantee. Even then, agencies may be asked by CARE to withhold

cooperation until the three have been released.

-NATO attacks on civilian targets in Serbia

NATO's unofficial first aim in the war was to avoid NATO casualties. Instead of launching a ground invasion, it attacked targets in the FRY by air. Initially, these strikes were concentrated on military support for the Serbian army, such as command and control, transport, and fuel depots. But as the Serbs dug in and showed no signs of yielding, NATO expanded the scope of its attacks to include infrastructure that served civilians, such as power plants, bridges and even water plants.

In the process NATO planes have hit humanitarian targets including; refugee convoys, a prison holding Albanian detainees, a sanatorium; and hospitals. All this has taken a heavy toll on civilians. In his June 2 briefing to the UN Security Council, and in briefings in Geneva, USG Sergio Vieira De Mello warned that NATO bombing was bringing about a "complex humanitarian crisis" that was particularly threatening to children, women and the elderly. In a briefing, he also made the point that Nis - which has been the target for repeated NATO attacks - was a town with a focused opposition to Milosevic.

Vieira de Mello listed several "priority concerns" resulting from the bombing. In addition to civilian casualties (which FRY put at 1,200 in mid-May), these were: unemployment; threats to health and the environment resulting from attacks on chemical plants; damage to electricity generation; schools; landmines and unexploded ordnance; and psychological illness. He also drew particular attention to the 500,000 Serb refugees from Croatia and Bosnia who constitute the second largest caseload in Europe. UNHCR's recent repatriation plan also states that those affected by NATO bombing will need "humanitarian assistance".

Vieira de Mello's conclusions amount to a major rebuke from the UN's senior

humanitarian coordinator. The deliberate targeting of civilians is a war crime, and a violation of the Geneva Conventions. While there is no evidence yet of a groundswell of criticism from human rights groups, Human Rights Watch has condemned the use of cluster bombs by NATO, on the grounds that they are indiscriminate. (May 11, 1999)

Many agencies will also find it alarming that reports of civilian casualties have tended to be denied or even dismissed by NATO, and given little play in NATO communiqués. Aware that the incidents have hurt NATO's image, political leaders have reacted by urging "resolve." But this merely adds to the overall impression that the safety and protection of civilians has taken second place in this crisis.

UNHCR AND REPATRIATION

-Rebuilding Confidence at UNHCR

UNHCR is the UN's major actor in the Kosovo refugee crisis, yet it has suffered greatly from its slow response to the initial crisis. This caused early friction between UNHCR and some of its traditional supporters, notably the US and UK. It has also caused profound soul-searching at UNHCR headquarters, where at least one review of lessons learned is already being prepared. More serious still, UNHCR's bad press may have persuaded many donors to put funds into bilateral projects, rather than UNHCR's consolidated appeal.

Many NGOs have remained impatient with UNHCR, but they are more concerned at the lack of support given UNHCR by donors. On May 29, in a public statement, some 20 major NGOs working in Macedonia urged donors, to strengthen UNHCR in carrying out its mandate to protect refugees and to take the leading coordination role. This came against a background of poor coordination and constant problems in the camps.

At this stage, with the refugee crisis still unfolding and possible repatriation lying ahead, it is unhelpful to continue blaming UNHCR for earlier mistakes, and vital that

UNHCR be helped to regain confidence and effectiveness. Crucial programs, like registration, depend squarely on UNHCR's credibility and reputation.

The appointment of Dennis McNamara as UNHCR's new Special Envoy helps. But there is still a sense that UNHCR is constantly rushing from crisis to crisis, instead of defining and executing a clear strategy. UNHCR daily situation reports have been impressively detailed, but also highly anecdotal. They give no sense of underlying trends or clear priorities, and add to the impression that UNHCR - like the UN as a whole - is still running to catch up.

-The Repatriation Plan

As has so often been the case in this post Cold war era, talk turned to repatriation even as refugees were pouring out of Kosovo.

Ironically, this was prompted more by the huge cost of preparing the camps for winter, than by concern for the refugees. One UNHCR estimate (May 6) put the cost at between \$1,000 and \$750 per refugee, which is roughly equivalent to the basic cost of repairing a house in Kosovo - roof, wind and waterproofing. Donors would clearly prefer to spend a billion dollars on repairing refugee houses in Kosovo than assisting refugees in exile. But it would surely be ironic if cost provided more of a spur for repatriation than the actual needs of the refugees.

On May 12, UNHCR unveiled a detailed 19-page repatriation plan, which is likely to form the blue print for repatriation. A next steps paper for the return of refugees and the internally displaced in Kosovo has been added as recently as the beginning of this week. The recommendations in these two papers are of great importance to ICVA members. Among the highlights:

- UNHCR needs to know of the refugees' own plans for return. Without this information, contingency planning for return could "fall wide of the mark."

- The UN system, and UNHCR, must restore relations with the Federal Republic of Yugoslavia for repatriation to occur.
- All paramilitary and military forces must withdraw from Kosovo.
- Internally displaced inside Kosovo must be the first to receive immediate assistance, as soon as humanitarian aid can resume.
- Landmines must be removed along borders and repatriation routes.
- Albanian civil society structures must to be strengthened, and used as the foundation for repatriation. The international community "should not try to replace the capacity of the Kosovo communities to create and implement their own recovery."
- Among refugees abroad, humanitarian evacuees will be given the chance to return first.
- "Severely traumatised individuals" or those with protection concerns who are unwilling to return to Kosovo, will be assisted in finding asylum or resettlement abroad.
- Imaginative, "non-bureaucratic" methods will be needed to restore the legal identity of the refugees, and compensate for the destruction of public records and ID cards by the Serbians.
- According to the next steps paper, in the immediate return phase, special measures will need to be urgently established to ensure the readmission of refugees and internally displaced whose personal identity documents were confiscated lost or destroyed. This is a key issue, which will need to be addressed with the FRY authorities, the international military force, as well as any new transitional administration. In the absence of official identity documents, other documents, such as

refugee registration or ration cards will have to be recognised as sufficient to allow readmission.

- The involvement of "major development actors" will be needed at an early stage to ensure the smooth transition from emergency to long term sustainable reintegration.
- Reconciliation will be the responsibility of Albanian and FRY leaders. But the UN system should develop a "national reconciliation plan" which may well involve the Hague tribunal or a truth commission.
- Once a peace agreement is concluded and an international military presence is established UNHCR estimates that some 400,000 refugees will return to Kosovo in the first 3 months. It is estimated that some 50% of those returning with this initial group will require assistance with transport to return.
- The next steps paper estimates that 50% of the houses in Kosovo are damaged or destroyed. UNHCR says that procurement of materials has already begun for the reconstruction of 15,000 to 20,000 houses and some 15,000 'winterised' tents are already in the pipeline. Tents will be used to complement existing housing capacity.

These plans are a welcome attempt by UNHCR to stamp its authority on repatriation in advance. They show that UNHCR intends to be flexible, and support - rather than dictate to - the refugees.

The repatriation plan is still largely theoretical, and dependent on the political or military outcome. The next steps paper gives more of an indication of how repatriation may occur. But the key point is how this will be implemented. As the situation inside Kosovo remains ambiguous Macedonia could lose patience and start sending the refugees back prematurely and against their will. It is

also conceivable that if Russian troops are part of the international force in Kosovo and there is no unified command structure Russian troops could set up a de facto partition of Kosovo that would prevent Kosovar Albanians from returning home to that area. Either possibility could present UNHCR with challenges that are not foreseen in this plan, but need to be considered.

There are other risks ahead. For example, UNHCR will have to work hard to avoid being swept up and carried along by the NATO operation. This might severely compromise UNHCR's ability to ensure voluntariness.

Most important, the number of refugees is such that if they are forced to return home en masse, as the Rwandans did from Zaire and Tanzania in 1997, UNHCR could quickly become irrelevant. UNHCR is itself reported to have prepared a contingency plan for the return of 400,000 refugees in three months. It is clearly important that UNHCR focus its limited efforts and resources over the next few months on its core contributions - starting with coordination and refugee registration.

-Using Albanian Civil Society in Repatriation

The UNHCR repatriation plan stresses the need to work with and use Kosovo civil society - noting correctly that Kosovars established a unique "parallel" system of government in Kosovo throughout the 1990s. If any refugee population is capable of self-help, this is it.

At the same time, UNHCR has found it very difficult to build such a relationship with refugees in the past. The reason is that repatriation involves tight planning and a system of organisation, which may not correspond to the looser structures of the refugees. The presence of the KLA may create an additional complication.

In addition, there are the financial constraints. Social services in the camps are often the best way of preparing for repatriation, because they strengthen communities - and refugees tend to return

en masse in entire communities, taking with them the aged and orphans. But when UNHCR is under budgetary pressure, as it is now, social programs are usually the first to be cut before food, water and shelter.

Kosovo's civil society has been savaged by repression, exodus and the emergence of the KLA. Some leaders like Fehmi Agani, have been killed. Some like Veton Surroi, editor of the largest Albanian language newspaper in Pristina, have disappeared. Some, like the student leader Albin Kurti, have been beaten, arrested and imprisoned.

But some of the social structures have survived, regrouped and reemerged in Albania and Macedonia. Many Kosovar intellectuals have reappeared in Tetovo in Macedonia. (There are reports that a bomb exploded in Tetovo last week, near the offices of Radio 21, killing one and maiming another.)

Before UNHCR can work with the refugee population on return, officials will have to understand this vast and complex society, and which of the elements can serve as allies. This is no easy task, particularly given UNHCR's many other pressures. It should start with the organizations that formed inside Kosovo and have been successfully reconstituted. The following are examples:

- Motrat Qirizi. An organization that did education projects for young women in rural parts of Kosovo. It now trains women for leadership positions in the camps.
- Aferdita Kelmendi, journalist at the Albanian language Radio 21 and co-founder of the Media Project in Pristina, trained young women to be journalists and teach conflict resolution skills. Has started broadcasting again from a mobile transmitter in Macedonia.
- The Centre for the Protection of Women and Children. Supported rural women and provided help for victims

of violence. Has opened a centre in Tetova, and is hoping to open other centres for counseling on psychosocial trauma and pre and post-natal care.

- Post Pessimists. This network of high school students in the former Yugoslavia and abroad organized interethnic summer camps and did sociological surveys on young people. Through advertisements in newspapers they are attempting to locate members of their group and they are determining ways to continue their education.
- Koha Ditore. This was the leading Albanian-language newspaper in Kosovo. It is now being printed in Skopje, and distributed among refugees in the camps and in exile.

These, and many other such organizations, could serve as partners for UNHCR in repatriation. One threat, of course, could come from the KLA, which was squeezing out the moderates in Kosovo before the crisis and will have attracted much more support from the radicalised refugee population.

HUMANITARIAN PLAYERS - NGOS AND NATO

-Trial of CARE workers could discourage NGO return to Serbia

Three CARE relief workers were sentenced to long terms in jail by a Belgrade military court on May 31. The decision came after a sham trial, and may well make it harder for NGOs to return to Serbia and contribute to humanitarian relief programs.

The two Australian CARE officials, and their Yugoslav colleague, were arrested with office documents and charged with espionage early in May. They were then held incommunicado for several days and subjected to a mockery of a trial.

Their lawyers received notice on May 25 that the trial would begin before five

military judges within 24 hours. It then took place without international observers. The judge cleared the three of being members of an espionage ring - the original charge - but convicted them of a new charge of passing secret information. The defense had no chance to rebut the charge.

A statement by CARE Australia called the secret trial a "shocking travesty of justice," and called for expressions of solidarity. As well as sending an intimidating message to relief agencies, the trial underscores the extent to which humanitarian concerns play second fiddle to the military: three US soldiers and a Serbian officer were exchanged after a few weeks in custody.

(For news of the trial, and CARE communique, see the ICVA website: www.icva.org)

-NATO Blurs the Lines Between Humanitarian and Military

NATO's involvement in the relief effort has caused some profound soul-searching among relief agencies. It dates from early April, when UNHCR found itself overwhelmed by the numbers of refugees arriving in Macedonia and Albania. Mrs. Ogata, the High Commissioner appealed to Javier Solana, NATO's Secretary-General, for help with certain aspects of the relief effort, including logistics.

NATO troops in Macedonia quickly erected several camps, and military contingents are now putting up new camps in Korce, Southern Albania, in preparation for the possible movement of large numbers from Macedonia.

Under the procedure, NATO erects the camps and runs them until civilian agencies can take over under the supervision of UNHCR. No one disputes that NATO's involvement has saved thousands of lives - but this is offset by the fact that NATO bombing has also greatly increased the threat to the refugees and arguably accelerated their expulsion.

NGOs have had different reactions to NATO's involvement in the humanitarian effort. In its May 18 release, OXFAM agreed with High Commissioner Sadako Ogata that NATO had a role to play in building camps and other logistical tasks, and called for NATO to do more.

But the following day, MSF, issued a statement saying that by acting as a humanitarian agency, NATO was posing "a serious threat to the necessary impartiality and neutrality of humanitarian efforts in the region and beyond." MSF has declined to accept funding for its Balkans program from any of the governments involved in the NATO bombing campaign.

Still others point to the different "cultures" that exist between the military and humanitarian: one NATO commander repeatedly described the refugees as "deportees" rather than refugees.

Having appealed for NATO help, it is difficult for UNHCR to appear critical. But UNHCR officials agree that NATO's close involvement with refugee camps could cause the camps to be viewed as "legitimate military targets." The sooner that UNHCR can assume control of all camps and shelters the better.

Yet it is almost impossible to get clear information from UNHCR about the handover. This may be due to the huge number of shelters in Albania - 339 at last count - and the fact that almost all appear to be managed independently of UNHCR.

All agree that the lines need to be drawn clearly before any large-scale repatriation. NATO's role in Kosovo will continue to cause soul searching among the humanitarian agencies for a long time to come.

IN THE CAMPS - OPERATIONAL ISSUES

-First Signs of Sanitation Problems

This is one of the healthiest refugee populations in recent years, but officials from the World Health Organisation told donors in Geneva last week that the first two cases of bloody diarrhea had been found in the Cegrane camp in Macedonia. A case of viral hepatitis has also been uncovered. WHO warned that this may reflect poor sanitary conditions and unclean water. The risk will increase as the temperature rises to 45 degrees. While worrying, these are the first reports of serious illness. This demonstrates that the refugees are generally healthy compared to other large refugee populations.

But it is also the case that conditions vary widely between camps. The World Food Programme has also announced a serious shortfall of \$29.5 million, which could affect food distribution in the camps. Stocks of sugar, salt and rice are said to be low.

-Struggling with Coordination

It is hard to find anyone who has been satisfied by coordination in the Kosovo crisis. But the precise nature of the coordination problem has also varied, depending on the issue and the perspective of the organization complaining. For example:

- UNHCR has come under constant criticism for failing to better coordinate the vast, unwieldy relief effort;
- Donor governments have been criticised for bypassing UNHCR and setting up their own camps. According to UNHCR, there are 339 shelter projects in Albania alone under the management of no fewer than 58 independent authorities. In a May 18 press briefing, Oxfam stressed that "poor coordination" could result in the construction of camps that are below

standard, inadequate services, bad planning for future needs, and an insufficient capacity to maintain the camps when the manager withdraws;

- UNHCR Special Envoy Dennis McNamara has expressed the hope that information about ethnic cleansing and acts of violence could be collected in a coordinated and centralised manner, thus facilitating its presentation to the Hague tribunal;
- The director of the UNHCR division of protection expressed concern at the lack of uniformity in standards being applied by governments under the humanitarian evacuation program. Families were being split, she said, and there is no consistency over whether the refugees can settle permanently (see below);
- There is concern at the haphazard and uncoordinated nature of many NGO activities. Too many NGOs are going it alone and exploiting funding possibilities without regard for impact. For example, in the hands of inexperienced practitioners, psychosocial counselling can traumatise refugees a second time and also rule out their testimony as evidence in future war crimes trials.
- Like in every refugee situation UNHCR has organised sectoral meetings on operational issues (food, shelter etc.). It remains unclear if protection is dealt with as a separate sector. NGOs should take the initiative and set up their own coordination, rather than wait for UNHCR on such an important issue. In this regard, ICVA has been asked by several members to consider facilitating the collection of protection information and defining an advocacy strategy.
- There has even been a lack of coordination within individual NGO families: MSF Greece caused controversy when it sent a convoy of

emergency supplies into Kosovo even though it is not an operational member of the MSF network.

One lesson is emerging clearly from the crisis - that coordination works best when the needs are most practical. For example, NATO has requested advanced notice of any relief work inside Kosovo, so as to avoid any bombing mistakes. It is understood that a Red Cross convoy had a narrow escape recently.

It is certainly important, when discussing coordination, to specify the need. For example, it was noted above that many of UNHCR's partners clearly want to know more about the transfer of camps from the military to UNHCR. Including such information in the regular UNHCR bulletins might be a small but helpful contribution to better coordination.

IN THE CAMPS - PROTECTION

-Ensuring First Asylum in Macedonia and Montenegro

UNHCR's Special Envoy Dennis McNamara told donors last week that this refugee crisis should be manageable. After all, he said, in spite of the huge numbers, the speed of the exodus, and the traumatic condition of the refugees, this is taking place on the edge of Europe.

Be that as it may, UNHCR has had trouble ensuring that the right to asylum is respected in Macedonia and Montenegro (Serbia's junior partner in the FRY).

MACEDONIA: Before the crisis began, Macedonia had 18,000 Kosovar refugees, and said it would accept no more than 20,000 out of concern that an influx of ethnic Albanians would destabilise its own ethnic balance. Its former Yugoslav partner, Serbia, directed a stream of refugees to Macedonia, presumably in the hope of upsetting the balance.

With more than 250,000 refugees now on Macedonian soil, the country would seem to have been generous beyond all

expectations. Yet Macedonia threw so many obstacles in the path of asylum seekers that it has forfeited much good will.

Macedonia repeatedly closed the border to asylum seekers in an apparent attempt to extract more aid. The border was closed on March 23, early in April, and on May 5, after Macedonia received pledges of \$252 million - instead of the \$400 million requested. Macedonia also closed camps that were erected on Macedonian soil. Early in April, in a move that attracted enormous publicity, the Macedonians cleared the Blace site of 45,000 refugees overnight. Some were put on buses and flown to Turkey. Families were split.

The periodic closure of the border has put extraordinary pressure on refugees. UNHCR has reported stories of families that were turned away, forced back into Kosovo, and tried to escape several times before finally crossing.

The Macedonians have also routinely kept refugees waiting in a no man's land on the Kosovo side for over 12 hours, while they string out the bureaucratic procedures. According to the UNHCR May 24 update, hundreds of refugees were loaded directly onto buses after 5,700 arrived at the border, and readied for a journey to Albania without being able to express a choice. The UNHCR Special Envoy intervened, and after several hours, they were allowed to enter Stenkovac camp inside Macedonia.

UNHCR protection officials said last week that an unspecified number of Serbian army deserters have arrived in Macedonia, seeking asylum. They also said that refugees are crossing the border into Macedonia illegally by night across the mountains. Seventy refugees who had no papers came in through the mountains in the Jazinec area. UNHCR is trying to assess the numbers, and explore ways of supporting villages that help these asylum seekers.

MONTENEGRO: Because Montenegro is part of FRY, the Kosovars are still viewed as internally displaced. Prior to the peace agreement, the Yugoslav army had taken control of the borders and begun to harass Kosovars. In mid-May, they detained and beat a large group of asylum-seekers from Kosovo. On May 25, 73 men were taken from a group of 490 Kosovar refugees, on suspicion of belonging to the KLA. These abuses were raised by Sergio Vieira de Mello in Belgrade during the Inter-Agency mission.

On a more positive note, ICVA has learned from members that the Montenegrin authorities have done their utmost to support the work of NGOs.

-Security of the Camps - Memories of the Great Lakes

Like many relief agencies, UNHCR is still traumatised by memories of the Rwandan refugee crisis, which underscored the many ways in which "genuine" refugees can be subjected to violence in highly politicized camps.

UNHCR's Director of International Protection said last week that so far, none of these problems have appeared in the camps of Macedonia or Albania. But, she said, the "potential" is clearly there. UNHCR is working on that assumption, and taking a series of steps that are aimed at preventing a repeat of the Great Lakes:

-Proximity of the camps to fighting. Over 90,000 refugees are housed around Kukes, which is situated some ten kilometers from the border with Kosovo. There were clashes between the KLA and Serbian forces inside Kosovo last week, and the border region was shelled - raising fears for the security of the refugees.

UNHCR has no wish to repeat the experience of Eastern Zaire, where Rwandan refugee camps were attacked by Rwandan forces in 1997. In an attempt to prevent a repeat of this over 300,000 Kosovar Albanians have moved further into Albania from the border, and UNHCR is trying to coax the rest to move south.

Up to last week, however, only 600 had agreed. One reason was that the refugees did not want to abandon tractors, so UNHCR began to organise convoys of tractors. This seemed to be attracting support, until news came of the peace agreement. Only four of the 20 tractors that had signed up for last Friday's convoy showed up.

-Recruitment of KLA fighters in the camps. UNHCR officials stress that there are no signs yet of overt militarisation of the camps, or recruitment and training by the KLA, as there was in the Rwandan camps. But a survey of 195 refugee families in Kukes by MSF in late April found that 32% of absent family members were with the KLA. The links between the refugees and KLA are clear enough and they may well deter the refugees from moving south.

-Policing the camps. Once again, there are no reports of consistent violence against refugees - either by other refugees, or by the Macedonians who are responsible for security in the camps. However, it is reported that refugees recently tried to lynch a group of twenty Roma in the Macedonian camps, causing several serious injuries. This underscores the importance of an effective police presence.

UNHCR is currently looking at several different models of "building capacity" among the Macedonian police, and has received several offers from donor governments. It is not yet clear whether this could include the deployment of foreign police officers in the camps.

Providing security in the Rwandan camps was difficult and controversial. UNHCR hired and trained "a contingent" of Zairian soldiers from President Mobutu's presidential guard, and created a "liaison group" of foreign police officers to work with them. But this model was generally considered a failure by NGOs, because it did not permit the arrest and detention of refugee leaders who were responsible for intimidation and implicated in the genocide. In addition, the Zairian

contingent was itself on occasions lawless and violent.

What can be said is that the Macedonian police in the camps will provide adequate protection if that is the government policy. If, however, the government is determined to deter or expel the refugees, no amount of foreign training will likely have an impact.

-Humanitarian Transfers

Broadly speaking, two different types of "humanitarian transfer" are currently under way. One, from Kukes to southern Albania, was noted above. The other is taking place from Macedonia to southern Albania.

As noted above, Macedonia has been loudly objecting to the presence of refugees from the start. The authorities have also closed the border periodically, extended immigration procedures, and tried to send refugees to Albania without their agreement.

UNHCR has struggled to prevent any forcible movements from the border to Albania, while encouraging the refugees to move south of their own accord. This has not been easy. UNHCR officials say that voluntary means "raising no objections," and they also say that the refugees are being given every chance to register objections. It is not clear however whether anyone who objects can automatically remain. What, for example, of refugees who want to return quickly in the event of a settlement? Would this constitute a reasonable objection? So far the issue has not been forced. Only 600 refugees have agreed to move to Albania.

-Registration

Registration provides UNHCR with an important protection tool for tracing refugees, and checking against abuse. It also provides a database for humanitarian evacuation, family reunification and repatriation.

It is particularly important for UNHCR to register the refugees because the Serbian

authorities have systematically destroyed all public records, taken passports and even license plates in an effort to eradicate all traces of Albanian culture in Kosovo. As the recent UNHCR registration plan notes, this affects births, deaths, marriage, divorce, property ownership, education, employment, pension, insurance and past medical care. By registering the refugees, UNHCR would go a long way towards restoring their legal and civic identity in their own country - a critical prerequisite for their return home.

UNHCR quickly fell behind on registering the refugees, and has never really caught up. This has caused more concern and criticism than almost every other aspect of UNHCR's relief effort. It has also caused a series of problems further down the pipeline: several evacuated refugees have been arrested in the US for declaring identities that were later proved to be false.

Formally, the responsibility for registration rests with the host government. But Albania's lack of capacity and Macedonia's lack of willingness has produced chaos. The vast majority of Kosovars entering Albanian went directly into host families or collective shelters instead of UNHCR-controlled camps where they could have been registered.

The Macedonian authorities have registered all refugees who are outside the camps and staying with host families, but none of the results are computerised. There are widespread reports of ration cards being forged, and reports of Albanian mafia forcing refugees to pay \$50 US to enter the main building in Tirana where identification cards are issued. In a briefing of NGOs in Tirana UNHCR officials said that they knew about this, but that preventing it has a low priority.

UNHCR is now making a belated effort to register the entire refugee population by the end of the summer. It has received (unspecified) pledges, as well as technical advice from a consortium of private

companies, starting with Microsoft, that have donated about a hundred registration field kits.

UNHCR hoped to start in Albania, but registration was delayed three weeks because of tensions between the central government in Tirana and the local authorities in the prefectures, who will have to hire local staff. Instead, registration will start in the Macedonian camps. These will be cordoned off. Each family will be issued with a photo ID, which will subsequently be replaced by a full family ID, with photos, biodata and a bar code. UNHCR hopes to complete registration in a month. If all goes as planned, it could take another 4-6 weeks to issue ID cards. In light of the recent agreement over Serb troop withdrawal, the question arises whether there will be time for registration before repatriation. If refugees are without identity documents that say where they came from property issues, such as those that arose in Bosnia, will have to be dealt with.

The UNHCR timetable looks unrealistic given the complexity of the refugee population. Even if they can produce ID cards, their usefulness will depend on how seriously the refugees and governments are prepared to take them. Challenges, or forgeries, could dent their credibility. In addition to everything else, it is almost impossible to check family details and avoid false declarations. The experience at Fort Dix suggests that such false declarations may be common.

Interestingly, the recent UNHCR repatriation plans says that in reconstituting the legal identity of Kosovo, "cumbersome bureaucratic procedures for retrieving documents" will need to be avoided. The plan gives one example: last winter, 1998, UNHCR undertook a shelter survey in the 19 affected municipalities in Kosovo. This will provide valuable data.

In another example, an enterprising team of historians has learned from the devastation of personal records in Bosnia, and managed to retrieve telephone books printed before the breakup of Yugoslavia.

Much of the population in the towns and cities in Kosovo had telephones, so this could prove a valuable tool of identification.

-Family Reunification

In spite of the numbers, the problems with registration, and the fragmentation of the relief effort, the Kosovo crisis has not produced thousands of orphans and unaccompanied minors - as happened in Rwanda.

As of June 3, the Tracing Agency of the International Committee of the Red Cross (ICRC) had registered 1,545 vulnerable people. Most were unaccompanied children, but they also include elderly, physically and mentally disabled persons. By June 3, 514 families had been reunited, and 256 names broadcast. In the week ending 3 June, ICRC tracing offices received 4,677 visitors and 536 phone calls.

HOST FAMILIES

The Kosovo refugee crisis is unique in the large number of refugees who have sought shelter with host families, instead of going into refugee camps. Initially, there was praise for the host families, particularly in northeast Albania that is a very poor region. But this has shifted to concern that the refugees are vulnerable to abuse, exploitation and prostitution. There are reports of trafficking in women. Host families appear to be charging exorbitant rents when UNHCR is meant to be providing subsidies. Refugees are being charged for ration cards that are supposed to be free.

UNHCR protection officials say it is difficult to get detailed information on these reports, and have appealed to NGOs to assist. At her briefing, UNHCR's protection director, Erika Feller drew particular attention to an MSF survey of host families, that was conducted between April 25 and 27.

MSF visited 195 houses or apartments and interviewed refugees about the causes for

their departure and conditions in Albania. None of the families had a registration card. 41% had not received any food since arriving in Kukes, and the rest reported having received very uneven amounts of food from the Albanian Red Cross. 61% said they were paying rent, which averaged 250 Deutchmarks per family per month.

Adding to the pressure on the refugees, the MSF survey found that over half the refugee families were headed by females, sometimes as young as 15. 8% of the refugee population was elderly, many of them suffering from heart disease.

The survey concluded that there was plenty of aid in Kukes, but that these refugees were not receiving any. The bottleneck, it suggested, began with the lack of a system for clear identification and a poor understanding of the refugees' needs.

INFORMATION

Information has assumed the same kind of status as coordination: constantly in demand, but meaning different things to different people.

-Information to the outside world. There has been almost no first-hand reporting from the source of the crisis, inside Kosovo, making it difficult to obtain any objective information. On the other hand, reporters and celebrities have descended on the refugee camps in extraordinary numbers, putting every minute detail of the relief operation under the microscope. This has exposed UNHCR's shortcomings. It has also produced some highly distorted and irresponsible reporting. Observers talk of young reporters being sent in to "cut their teeth" and chasing ambulances.

-Information to the refugees. Many reports have concluded that this is deficient and will need to be greatly improved before any repatriation can take place. But any mass information strategy may find it hard to strike a balance between providing refugees with an honest assessment on the one hand, and encouraging them to return

to an unpromising environment on the other. UNHCR has asked Media Action International (previously known as the Center for Humanitarian Reporting) to help in setting up a mass information campaign.

EVACUATIONS AND RESETTLEMENT

-Humanitarian Evacuation

One of the most controversial and unusual elements of the refuge crisis has been the humanitarian evacuation program, under which refugees have been airlifted out of Macedonia for foreign countries in an effort to relieve pressure on the Macedonian camps. UNHCR has received offers for 137,000 places in 40 countries under the program. As of June 3, 76,475 Kosovars had departed.

This program started on a confused note in early April, when the Macedonians appeared on the point of closing the border and the camps. A high level visiting delegation contacted the government of Turkey and won agreement to receive refugees on a temporary basis, whereupon scores were moved out at very short notice. In the process, families were split and no effort was made to check the voluntariness of the departure. It smacked of a panic-stricken concession to the Macedonians.

UNHCR appealed for help in easing pressure on the Macedonian camps on April 30. Since then, UNHCR and the International Organization of Migration (IOM) have imposed some order on the program of humanitarian evacuations, which UNHCR protection officials described as "well conceived."

But they also expressed concern at the lack of uniformity in many of the actual procedures. Erika Feller, the UNHCR Director of International Protection said that the lines have been blurred between "resettlement" "humanitarian evacuation" and "temporary protection." While Ms Feller did not say it in so many words, this

creates distortions in the region, and also in the countries of resettlement.

Among the problems with evacuation:

- **Discrimination.** Evacuation is only an option for refugees in the Macedonian camps. In principle, it is not available to those in Albania, Bosnia or Montenegro, those living in collective centers or those with host families (although some governments have included collective centers). This has created distortions and resentment. Over one thousand Kosovo refugees in one camp, in Bihac (Bosnia) demolished their camp and set off back to Macedonia in the hope of being able to benefit. They were persuaded to come back by UNHCR officials.
- **Criteria For Selection.** The first to be evacuated were chosen by UNHCR on the basis of "vulnerability" which was broadly interpreted to include length of stay in the camps. Since then, several receiving governments have established teams in the camps, where they promote the virtues of their own country over others. The problem is that some governments place a higher premium on medical cases than family reunion. UNHCR says that this has split families, separated mothers from children, and even sent refugees abroad against their will.
- **Speed.** In May, some refugees were arrested at Fort Dix in the United States for having falsified their identity. This suggests the process of selection is hurried and that mistakes are being made. But UNHCR has also raised concern at "bureaucratic delays," which extend the process.
- **Corruption.** UNHCR concedes that refugees have bought and sold places on departing planes, and falsified their identities.

-Resettlement in Receiving Countries

Several ICVA members are involved in helping the evacuees adapt to life in their new countries, and they report that the program has very considerable appeal with the general public. The United States has offered to take 20,000 refugees. Ten US agencies are helping to find sponsors for the refugees and get them settled in communities, in return for a government fee of \$650 per refugee. ICVA member Interaction has set up an information hotline to respond to calls about sponsorship and queries from people with relatives in Albania and Macedonia. By mid May it had received over 7,000 calls.

Interaction officials see the evacuation program as a welcome gesture of humanitarianism towards people who have suffered too much. The program also shows that bureaucratic obstacles can be waived in the interests of humanitarianism.

Initially, the US proposed to take Kosovars to Guantanamo, Cuba. But this idea was dropped after refugee organizations protested that the real aim was to keep the Kosovars off American soil, where they could have claimed asylum. The US government then went to the other extreme and proposed an exceptionally generous system. The US now accepts refugees without relatives in the US and allows them to stay permanently in the US if they want.

Under the procedure, those who express an interest are given an interview in Macedonia, and then flown to Fort Dix in New Jersey, where they are given a medical examination and subjected to a background security check. Once this is completed, they are taken over by the nongovernmental agencies, which work with local authorities to find them homes, schools and work - with the backing, or sponsorship, of American families.

In spite of its generous features, some have expressed concern that this program could create distortions in the refugee resettlement policy of the United States,

and - more importantly - discourage the refugees from returning to Kosovo. The US this year was due to take 78,000 refugees for resettlement from all over the world, all of them carefully considered and interviewed outside the US. Many had waited for months, if not years. The Kosovars are equivalent to one quarter of the entire annual intake, and they are going straight to the head of the line. In addition they will be able to remain permanently in the United States, and eventually bring in their own relatives.

The program ran into some early problems, resulting from its rushed nature and the lack of registration in the camps. Out of the first 1,755 refugees admitted, 25 were found to have assumed false names. This immediately rendered them liable to arrest and deportation. Amnesty International issued a public statement criticising the US government for placing the Kosovars in crowded jails, alongside criminals.

As noted above, UNHCR has also expressed concern at the inconsistent approach of the receiving countries. Ms Feller, the UNHCR Director of International Protection said that while Canada and the US are allowing the Kosovars to remain permanently, others view it as a temporary stay. Some are more generous than others in the benefits they allow (work, education etc). While Ms Feller did not say it in so many words, these different opportunities appear to create a sense of competition and encourage refugees to shop around. Another concern is that some receiving countries may apply a restrictive definition of the family, when admitting family members.

Finally there is the larger concern that asylum seekers from crises other than Kosovo will suffer from the opportunities made available to Kosovars. Asylum seekers from countries like Sierra Leone have also suffered terribly but are waiting to gain entry to the US. It could also apply to the kind of benefits available to asylum-seekers. Here the trend is increasingly punitive. Switzerland is the latest country

to deprive them of work and social security.

The big question is whether the Kosovars will be deterred from returning home by their taste of exposure to third countries. 12% of those questioned in the MSF survey in Kukes in late April said that they wanted to relocate. It is clearly too early to tell what impact a peace plan would have, but well over 10% of those questioned by reporters last week said they had no intention of returning to Kosovo. Having opened the tap to evacuation and resettlement, and created expectations, it may be hard to turn it off abruptly.

These fears may well turn out to be groundless. But if they are realised, the result could be further instability in the global refugee regime. Many would conclude that donor governments, and UNHCR, should have worked harder to provide adequate shelter and asylum in the region in the first, admittedly chaotic weeks.

FUNDING

UNHCR and other UN agencies have found it extremely difficult to secure funding for Kosovo that is both sufficient and of the right kind. This contrasts with the war in Bosnia, when donors decided to fund the relief effort instead of intervening militarily to stop the massacres.

Before the crisis began on March 24, Kosovo fell under a consolidated UN appeal for the former Yugoslavia. This allowed agencies to combine fundraising instead of competing for funds in a piecemeal manner. It also allowed UNHCR to address the needs of the 600,000 refugees in Serbia, who would probably not otherwise have benefited from a generous response.

The magnitude of the crisis since March 24 forced UNHCR and the other agencies to issue a special emergency appeal for Kosovo on April 1, and yet another on April 30. This covered the likely needs of 950,000 refugees - actual or potential -

between April and June. UNHCR began preparing contingency plans to fund 1.2 million persons through to December of this year.

It has been a tremendous struggle to get sufficient money and also preserve the consolidated nature of the appeals. According to UNHCR Special Envoy McNamara, UNHCR has asked for \$142 million through to June, and received \$134 million. Of this, \$96 million had been spent. In mid May, he said, UNHCR's coffer ran dry. UNHCR needs to be assured of five to six weeks of funding in advance in order to fulfil its obligations to partners. Preparing the camps for winter (which would have to start in July) would add enormously to the cost. Donors were told that shelter in Albania alone would cost \$330 million.

UNHCR has complained that some donors are putting funds into bilateral projects, instead of the consolidated UN appeal. One example is Denmark, which has given between seven and eight times more money to NGOs than to UNHCR. The reason varies from donor to donor, but there does appear to be a desire to "show the humanitarian flag" - possibly to offset the damaging impression of NATO bombing. But the result has been to further constrain UNHCR, and make it harder to ensure that politically difficult needs are met.

In one briefing last week, UNHCR officials said that there is no evidence that Kosovo has deprived other emergencies of funds. But a different impression was given at the meeting of the humanitarian liaison working group, called to review the needs of the 14 other crises apart from Kosovo, which are covered by consolidated appeals. All are short of funds. (This will be reported in the next issue of Talk Back)

WAR CRIMES

A settlement in Kosovo would intensify efforts by the international criminal tribunal in the Hague to prosecute war criminals. Already, the tribunal has

indicted the Yugoslav President Slobodan Milosevic and four other FRY leaders. But a strong push on war crimes could create difficult new challenges for the reconstruction effort.

-War Crimes and Peace Negotiations

Concerns have been expressed that Milosevic's indictment could complicate the search for peace. Not only would negotiators have to deal with an indicted war criminal, but also Milosevic would be liable for arrest if he travelled abroad.

Russia reacted angrily at the indictment. Yet last week's peace deal showed that Russia's role as a mediator has not been compromised, and ignoring war crimes could be damaging to the long term prospects for peace. In this respect it is worth remembering the 1991 peace agreement on Cambodia, which avoided any reference to the crimes of the Khmer Rouge, and the 1993 Governors Island agreement on Haiti, who promised an amnesty to Haiti's military leaders. In spite of these concessions, neither the Khmer Rouge nor the Haitian military adhered to their commitments.

Many NGOs in the humanitarian and human rights field are convinced that there can be no peace without justice. They also feel that the search for justice and the protection of civilians should be the first goal of all international efforts in the former Yugoslavia, taking precedence over all else. Demonstrating respect for these absolute principles would lay the firmest possible foundation for peace, they say. It has been noticeably lacking in the last three months.

Milosevic's indictment raises another, rather different, concern. This is that governments will be tempted to use the tribunal as a substitute for difficult military and political decisions - and then fail to implement the tribunal's decisions. 59 individuals have been indicted by the tribunal (64 including the Yugoslav leaders) - but only 10 have been arrested by NATO.

This could be repeated in Kosovo. There is tremendous relief that Milosevic has been indicted, and a blow struck against impunity. But if NATO shows the same unwillingness to follow up war criminals that it has shown in Bosnia, this indictment could turn out to be a hollow gesture, that will further discredit the rule of law. Worse, it could make Kosovars more vulnerable to acts of violence.

-War crimes and humanitarian relief

War crimes raise several difficult questions for relief agencies. For example, should agencies pass on information on war crimes to the prosecutor, or would this compromise their operations and even endanger their officials?

There are arguments on both sides. On the one hand, refugees are the best source of first-hand information about war crimes, and relief workers are uniquely placed to record it. This is particularly true of Kosovo.

On the other hand, Bosnia showed that tremendous problems can be caused when inexperienced aid workers conduct haphazard interviews. Victims of abuse can be reminded of their trauma. False hopes can be raised that tormentors will be brought to justice. Given the fact that quite a number of international organisations and NGOs are recording testimonies from the refugees, there is a risk that the same refugees will be interviewed repeatedly, possibly producing discrepancies in their testimony which can be exploited by defense lawyers at a trial.

The real problem here is not the principle - many NGOs are already collecting war crimes information, and some, like Amnesty International and Human Rights Watch, are specialised in the collection of human rights information. The problem is, once again, too little coordination. This is not helped when bilateral donors go it alone. For example, the US Information Agency has asked relief NGOs to record any war crimes information on an USIA form during their work with refugees.

(This has been criticised on the grounds that it could even be linked to US funding, but six are reported to have accepted).

UNHCR has yet another worry. In the past, UNHCR has tried to keep its relief work entirely separate from war crimes, and vigorously resisted efforts by the tribunal to subpoena UNHCR officials and refugees who might be privy to information. UNHCR's position is that this would deter refugees from talking to UNHCR and also expose UNHCR officials to possible reprisals. The tribunal's prosecution disagrees: whatever UNHCR's obligations to the refugees, it says, they are outweighed by the binding nature of the UN Security Council Resolution that calls for cooperation with the tribunal, and the need to indict war criminals.

If UNHCR finds the issue too sensitive, and the tribunal needs to keep its distance, another agency should step up and act as an intermediary between NGOs and the tribunal. One possibility could be the UN Center for Human Rights.

It is in everyone's interest to avoid tension between UNHCR and the Tribunal, of the kind that have occurred over Rwanda and Bosnia. Ms Feller, from UNHCR, said that discussions between the tribunal and UNHCR have produced an agreement under which UNHCR will ask refugees if they are interested in talking to the prosecutor. But, she said, this has to be a matter of choice, not a legal obligation.

Asylum is another issue that has divided UNHCR and the Hague tribunal in the past. In the case of Kosovars, UNHCR says that merely being interviewed by the ICTY will not qualify a refugee for automatic asylum, but that UNHCR will consider suggestions from the tribunal. Two refugees were recently referred to UNHCR by the tribunal investigators in Albania, and taken into the evacuation program.

Bosnia and Rwanda suggest that these dilemmas will become more difficult as investigations give way to prosecutions

and trials. While any trials are obviously a long way off, refugees are virtually the only source of first-hand information on war crimes in Kosovo. Mishandling this valuable resource could damage the search for justice.

*

How To Subscribe To Talk Back

To be added to or removed from the TALK BACK e-mail distribution list, please send an e-mail to secretariat@icva.ch with the message: 'subscribe TALK BACK' or 'unsubscribe TALK BACK'.

TALK BACK is also available on the ICVA web site: <www.icva.ch>.

How To Reach Us

ICVA Secretariat

48, chemin du Grand-Montfleury
1209 Versoix - Switzerland
Phone: 41 22 950 96 00
Fax: 41 22 950 96 09
E-mail: secretariat@icva.ch

Editors:

Iain Guest: iain@advocacynet.org
Manisha Thomas: manisha@iprolink.ch