



# TALK BACK

The Newsletter of the International  
Council of Voluntary Agencies

Volume 1, #3; July 19, 1999

## CONTENTS

### NEWS

- ◆ East European NGOs Use CIS Action Plan to Build Civil Society
- ◆ Conditions do not Exist for Free and Fair East Timor Vote, Says Australian ICVA Member
- ◆ New ILO Convention Describes Use of Soldiers Under 18 as "Worst Form of Child Labour"
- ◆ UN Mission Finds Deprivation, but no Catastrophe, in Sudan's Isolated Nuba Mountains
- ◆ The Hague Appeal - Civil Society Launches a Peace Agenda for the New Millennium
- ◆ NGOs Play Key Role as Donors Pledge \$9 Billion for Reconstruction in Central America

### AGENCY REPORT:

### UNHCR STANDING COMMITTEE:

- ◆ ICVA Challenges Mood of Complacency and Self-Congratulation of Governments on Kosovo
- ◆ ICVA's Intervention on Kosovo - The Issues in Detail
- ◆ NGOs Push Alternatives to Detention of Asylum Seekers

- ◆ NGOs Seek Reassurance from UNHCR on European Migration Summit and "Secretive" High Level Working Group
- ◆ NGOs Raise Need for a Supervisory Body for 1951 Refugee Convention
- ◆ Governments Threaten the Right to Family Protection, Warns Women's Commission

### Briefly Noted:

- ◆ Refugees Killed in Colombia
- ◆ UNHCR Faces \$60 Million Shortfall for 1999 General Programmes

### DILEMMAS: The SPHERE Project

### IN BRIEF:

- ◆ North American Church Agencies Issue Joint Statement On Refugees And Migrants
- ◆ Food Security Coalition Launched In Africa

### MEMBERS PAGE:

Lebanon; Ethiopia; Belgrade.

### CALENDAR

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

This issue of Talk Back comes to readers in three parts. Each contains several items that are of major concern to the ICVA family and reflect ICVA's own growing profile.

In the first (news) section, we report on the way that NGOs from the Commonwealth of Independent States (CIS) have used the international 1996 Action Plan for CIS refugees and displaced to strengthen their role in the development of civil society.

The plan expires next June and governments are of two minds about whether, and how, to extend it. An extensive report of the recent session of the CIS Conference Steering Committee will appear on ICVA's new web site shortly. ICVA is considering to make part of its web site available for the NGO working groups under the CIS Conference to report on the progress they make. However, the governments' decision will inevitably impact on the work of the working groups.

The news section of Talk Back also reports on several other important developments:

- NGO concerns about security on the island of East Timor in the run-up to a crucial vote on independence next month;
- The way that civil society is helping to rebuild Central America after Hurricane Mitch - and strengthening its own role in the process of democratisation;
- A recent move by the Geneva-based International Labour Organisation in Geneva that could help the international NGO campaign to end child soldiering;
- The launch of seven new international peace campaigns at the recent Hague conference;
- A recent UN mission to the isolated mountains of East Nuba (Sudan) where

many relief agencies have warned of famine.

PART TWO of this issue reports on the contributions made by NGOs at the recent session of the Standing Committee of governments that comprise the Executive Committee of the UNHCR. The UNHCR EXCOM is one of the few international fora where the policy implications of contemporary refugee crises like Kosovo are being discussed, but it receives remarkably little international attention. For example, at the recent session of the Standing Committee, governments congratulated themselves on the success of the humanitarian evacuation programme for Kosovar refugees. However, while the readiness of governments to evacuate refugees may seem a welcome development in terms of burden sharing and international solidarity, it is unlikely that the international community will repeat this programme in other parts of the world where, unfortunately, the majority of the 14 million refugees and 22 million internally displaced persons are located.

Another shortcoming of EXCOM is that governments' failures to comply with their international obligations are not explicitly exposed. In its statements and papers, UNHCR refers to certain countries and situations without naming them. The NGOs have to balance their open criticism in view of the fact that their participation, limited to only one statement per agenda item, in the meeting is under review. In fact, it can be said that there is no international forum where violations of humanitarian and refugee principles receive condemnation. The NGOs therefore have called for a compliance mechanism that would force governments to better fulfill their obligations under the 1951 Refugee Convention (see PART TWO).

One feature of the recent Standing Committee meeting was the reaction to NGO statements. These covered protection; family reunification; detention; the Americas; the crisis in Kosovo; and Europe. Many delegations and UNHCR referred to these statements and praised

their high quality and timeliness. ICVA delivered the statement on Kosovo, which is analysed in detail in part two of this issue. The full text of all the NGO statements can be found on ICVA's web site under What's Hot: <www.icva.ch >. (For reports of the NGO statements, see PART TWO.)

In this issue, we also look at the forthcoming summit meeting of European heads of State who will meet in Tampere (Finland) to review migration and asylum in Europe. It seems that too little attention has been given so far to this initiative and this has allowed European governments to push ahead with policies of deterrence almost unnoticed.

PART THREE features regular items in Talk Back - namely, the "dilemmas" page, news from members, and the calendar.

The range of issues covered in this month's Talk Back underscore the relevance and importance of the work being done by ICVA's individual members.

It also testifies to the growing influence of civil society, and non-governmental organisations, in international affairs. This is important and encouraging. Our aim at ICVA is to help – by representing you at international fora and by keeping you informed.

Ed Schenkenberg van Mierop (ICVA Coordinator)

\*\*

## NEWS

### **EAST EUROPEAN NGOS USE CIS ACTION PLAN TO BUILD CIVIL SOCIETY**

*- Governments debate follow-up to the 1966 Action Plan on displacement in the former Soviet Union*

Non-governmental organisations are preparing to argue for an extension of a major international Action Plan on

displacement in the Commonwealth of Independent States (CIS), which has given a prominent place to NGOs from the region and their international allies.

The Action Plan was launched at an international conference in 1996 and it is due to expire in June next year. The Steering Committee of governments met in Geneva recently (June 26-28) to review progress so far and to decide on a possible follow-up.

NGOs will be active participants in this discussion, as they have been in the Conference process since 1996. 139 NGOs from the CIS region and 51 from outside are accredited. 98 NGOs attended the recent Steering Committee, 25 of them were newcomers. A two-day NGO session prior to the committee included a briefing on protection for the first time.

The CIS Conference has set up six NGO working groups, which are something of a model in international NGO cooperation. These cover reintegration; legislation on NGOs; conflict prevention; humanitarian assistance; asylum legislation, and formerly deported peoples. Each working group is coordinated by a prominent international NGO and receives \$60,000 a year from an NGO voluntary fund, administered by UNHCR. Donors have provided over \$2 million for the fund, which has funded NGO projects in all twelve CIS countries and helped NGOs attend the CIS steering committee meetings.

Many CIS NGOs have used the Conference to gain contacts and win funding. More importantly, appearing in an international setting with governments has given them confidence to engage their own governments - and encouraged governments to take them seriously at home.

This is beginning to produce concrete results that strengthen the role of civil society in the transition to democracy. Svetlana Gannushkina, a former Russian dissident, runs the Moscow-based "Civic

Assistance to Refugees" for ethnic Russians who have been forced to leave other CIS countries since the collapse of the Soviet Union. She said that the Federal Migration Service (FMS) in Moscow and even the Minister of Health have started to work more closely with NGOs as a result of the CIS Conference.

The FMS has allowed local, community-based migrant organisations to monitor how federal funds are spent on migration issues - thus helping to improve the transparency of government in Russia. The Ministry of Health has agreed to provide free health care for migrant women and children referred by Ms Gannushkina's NGO, although they do not formally qualify for assistance because they are not registered as Moscow residents (under the system of propiska). Ms Gannushkina has also been invited to sit on a new committee on migration by the Moscow parliament.

The enthusiasm of CIS NGOs is shared by the international NGOs accredited under the CIS Conference. The Norwegian Refugee Council (an ICVA member) is one of several that has made a huge commitment. The NRC has hired a full-time coordinator for the working group on humanitarian issues - and this has produced a network of 75 focal points in the CIS region and a promising array of Programmes.

In spite of all this progress, it is by no means certain that the CIS Conference will survive in its present form.

While many CIS governments credit the CIS Action Plan with helping to contain migratory pressures, they are concerned that the Plan has not yielded more money. The Russian delegation said that it had received less than \$10 million through the Action Plan in 1998, against \$230 million spent on refugees and displaced. Russia is one of several CIS governments that feels the Conference could do much more to prevent "illegal migration" in the region.

In general, the CIS governments support an extension of the 1996 Action Plan, not

least because they feel it can help them "manage" this illegal migration. Georgia, which also wants international help in combating two secessionist movements in Abkhazia and South Ossetia, proposed a five-year extension of the current Conference process.

But Western governments, which have provided the lion's share of funding for projects, expressed doubts about continuing with the same complex and expensive structure. The United States, for example, argued that priority should be given to specific issues, like the return of formerly deported peoples to their ancestral homes.

Others feel that as the effects of the collapse of the Soviet Union recedes and the twelve governments of the CIS become more secure in their own borders, the value of the CIS as a framework also decreases. Increasingly, refugee-related issues in the region are being dealt with at a sub-regional level (e.g. Caucasus, Central Asia). The larger issues, like migration, trafficking and detention, cannot be divorced from West Europe.

If the current structure is indeed scaled down, it is not clear whether NGOs would be able to maintain the momentum built up over the last four years. The NGO working groups only really began to develop projects last year and clearly need more time.

One of the six working groups, on formerly deported peoples, was created during the NGO session in June. The Lithuanian Red Cross, with assistance from the Danish Refugee Council, will act as the lead agency for the working group. This group could make an important contribution in the months to come, as Georgia begins the process of receiving back Meshketian Turks who were deported to the east by Stalin in 1944. There is opposition to their return in Georgia and the NGO working group could help to assuage public opinion.

UNHCR has taken the lead in providing institutional backing for the CIS

Conference process. The UNHCR NGO coordinator has proposed that the six NGO working groups be brought within the framework of UNHCR's PARinAC Programme. That makes sense institutionally for UNHCR. But the question remains as to whether PARinAC can provide what the NGOs in the CIS really need. The benefits of the working groups may not be easily translated into the PARinAC structure – the working groups could lose their common purpose provided by the CIS Conference, not to mention the unique opportunity to sit down with governments at a high profile international meeting.

NGOs have several months in which to prepare their own proposals and ensure that the working groups survive - inside PARinAC or some other framework.

First, however, they will have to create their own focal points and structure. Two NGO networks have emerged directly out of the CIS Conference - the 75-member network created by the NGO working group on humanitarian issues and the 81-member network that has come from the working group on NGO legislation.

Already there are signs of competition between the two. This underscores the urgency of a common NGO position if the momentum is to be maintained.

Over the next year, the lead agencies are to have a series of meetings with UNHCR, OSCE, and the Council of Europe to discuss the future of the CIS Conference.

\* This article is extracted from a 20-page report on the CIS Conference. The full text will soon be available on the ICVA web site: <www.icva.ch> or can be sent by e-mail upon request <secretariat@icva.ch>.

\*\*

## **CONDITIONS DO NOT EXIST FOR FREE AND FAIR EAST TIMOR VOTE, SAYS AUSTRALIAN ICVA MEMBER**

*- Postponement urged as militia murders continue*

The forthcoming referendum on autonomy for East Timor should be postponed until the conditions are ripe for a free and fair vote, according to a prominent ICVA member that recently led a mission to the island.

In a report of the mission, the Australian Council for Overseas Aid (ACFOA) concludes that "the security situation remains extremely grave" in East Timor, and that intimidation during the recent presidential vote on the island was a "poor omen" for the scheduled referendum.

The island's humanitarian needs - including nutrition and health - are also "critical," says the report. Indonesian authorities have made a "concerted attempt" to deny the existence of internally displaced persons and denied access to relief agencies.

Given this, says ACFOA, more time will be required to establish the right climate for free balloting, although it does not specify a time. Any vote should not, however, be delayed "indefinitely."

The ACFOA report was issued before the United Nations postponed the date for the East Timor vote by two weeks from its original date of August 8.

Indonesian troops invaded East Timor in 1975, shortly after Portugal's precipitous withdrawal, triggering a long period of repression and violence. Under a plan worked out on May 5 at the United Nations by Indonesia and Portugal, the UN will conduct a "popular consultation" on "special autonomy." If the voters approve, Portugal and the UN will legally recognise East Timor as part of Indonesia.

But if the East Timorese people reject autonomy, the accord obligates Indonesia

to take the necessary steps to repeal its annexation of East Timor and transfer authority over the territory to the United Nations. The biggest flaw in the May 5 agreement is that it leaves security to the Indonesian authorities.

The agreements signed in May do not require disarmament, which most analysts see as a vital prerequisite for a ballot free of intimidation. The Indonesian government plans to replace its large military presence with a police presence in the near future and the agreement states that this force will maintain "absolute neutrality." It is difficult to see how Indonesian forces can be perceived as neutral in East Timor.

As many as 90% of the East Timorese are expected to reject the autonomy package, opening the way to independence. But, many first-hand reports have concluded that the Indonesian military is trying to subvert the vote. Violence against supporters has reached horrific levels over the last several weeks. The paramilitaries have killed more than 150 people since April and forced more than 50,000 people to flee their homes, often inflicting violence against random civilians to create a climate of universal fear.

Many of the suspicions were confirmed by the ACFOA-led mission, which visited East Timor between June 5 and June 12. Two killings were reported in Dili, the capital, during the visit.

Several hundred extra Indonesian police have been drafted and they will be helped by 280 UN civilian police advisors. But the ACFOA mission said that the police are not yet acting independently of the Indonesian military, paramilitary, or powerful local government officials. No public funds are supposed to be used in the campaign. But, says the mission, this is being flouted at all levels of the Indonesian controlled government.

The ACFOA mission urges the international community to mount a concerted humanitarian programme of aid, covering immunisation, nutrition, the

protection for orphans, and even NGO coordination.

It also calls for greater engagement from NGOs. At present, it says, international NGOs are operating as an informal network and developing ties with donors. International NGO volunteers with expertise in elections and computer skills are urgently needed.

\* Vanessa Johanson, ACFOA. ACFOA is the peak body for some 90 Australian-based aid and development organisations working all over the world. Many of its member organisations maintain close relationships and development partnerships with organisations in East Timor. e-mail: [acfoa@acfoa.asn.au](mailto:acfoa@acfoa.asn.au); web site: [www.acfoa.asn.au](http://www.acfoa.asn.au)

\*\*

### **NEW ILO CONVENTION DESCRIBES USE OF SOLDIERS UNDER 18 AS "WORST FORM OF CHILD LABOUR"**

*- Legal noose tightens around the use and recruitment of child soldiers*

In a move that many hope will deter the use of child soldiers by governments and rebels, the annual conference of the International Labour Organisation has adopted a new Convention which sets the age of 18 as the minimum age for involvement in armed conflict.

The new Convention, on the "Worst Forms of Child Labour," was adopted unanimously by the 174 member states of the ILO on June 16, 1999.

Under the Convention, anyone under the age of 18 is defined as a "child." The worst forms of child labour, under Article 3(a), include "all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict." The ILO itself will

now be involved in the implementation and monitoring of the Convention.

Since it was established in 1919, the ILO has drafted scores of legally binding conventions aimed at improving work conditions and protecting workers. Several of these seek to outlaw or curb child labour. But they also view the practice in terms of economic exploitation, which is difficult to establish in societies where children contribute to the family income. The new convention looks at child labour from a very different perspective and imposes an absolute prohibition on abhorrent practices - including the use of child soldiers under the age of 18.

This will bring the ILO's extensive human rights machinery to bear on the problem. Once a government ratifies an ILO convention, its performance is closely monitored by ILO committees and the agency's annual conference. Exceptionally egregious abuses (such as forced labour in Burma) can be investigated by special commissions.

Child rights activists hope that the ILO's involvement will open up a broad new front in their campaign against child soldiering, which is gathering pace. In April, the Save the Children Alliance and the International Coalition to Stop the Use of Child Soldiers organised a conference in Maputo, Mozambique on child soldiers. (The International Coalition to Stop the Use of Child Soldiers was formed last year by seven leading NGOs.)

A strongly worded declaration - the Maputo Declaration - was adopted by the participants from governments, NGOs, and international organisations, which insisted that under-18s not be recruited into armed forces. Mozambique is to present the Declaration at the 1999 Summit of the Organisation of African Unity (OAU). The Government of South Africa recently changed its legislation to make the minimum recruitment age to 18.

In spite of these advances, Africa also shows that much still needs to be done to

tighten and improve legal prohibitions against child soldiering. The 1990 African Charter on the Rights and Welfare of the Child prohibits the recruitment and use of children under 18 as soldiers. But only 13 countries have ratified and 15 are required to bring the Charter into force. During the course of the Maputo conference, several countries pledged to ratify.

Even when ratified, laws have to be obeyed. Most African states set 18 as the minimum for military recruitment. But the grim fact is that thousands of children are fighting in armed conflicts, from Ethiopia in the East to Sierra Leone in the West.

Another problem is the use of child soldiers by rebel groups like the RUF in Sierra Leone or the Lord's Resistance Army in Uganda, which are not formally bound by international treaties. Yet the Maputo conference pointed out that many of these rebels derive their support from other governments that are covered by treaties, and urged them to refrain from arming opposition groups that are recruiting or using children. The 250 participants also called on states not to provide sanctuary to any armed opposition groups.

Moves are also afoot to expand the scope of the Convention on the Rights of the Child, which defines children as under the age of 18, but allows recruitment over the age of 15. The International Coalition is campaigning for the adoption of an additional "optional" Protocol to the Convention on the Rights of the Child, which would prohibit the military recruitment and use of children as soldiers under the age of 18.

The draft Optional Protocol contains one glaring loophole - it is vague on military schools. Given the variety of military schools and academies, this may need further discussion and possibly redrafting of the Optional Protocol.

Rachel Brett of the Quaker United Nations Office Geneva expressed the hope that this would be clarified at a regional conference being held the first week of July in

Montevideo for Latin America and the Caribbean.

\* The Coalition to Stop the Use of Child Soldiers <<http://www.child-soldiers.org/>>

\*\*

### **UN MISSION FINDS DEPRIVATION, BUT NO CATASTROPHE, IN SUDAN'S ISOLATED NUBA MOUNTAINS**

A senior official from the UN's Office of the Coordinator for Humanitarian Affairs (OCHA) has visited the isolated East Nuba mountains of the Sudan and found serious deprivation but no signs of a humanitarian catastrophe, as many had feared.

Ross Mountain, the OCHA director in Geneva, spent four days in the region between June 21 and June 24 with a small UN team. This was the first UN visit for ten years and represents an important step forward in international efforts to reach those affected by Sudan's long-running wars.

The team visited five villages in the South Kordofan State, and walked for hours to reach them. Mr. Mountain told Talk Back that this had produced scattered impressions, rather than a detailed assessment.

Thierry Delbreuve of OCHA, who also went on the Mission, said there was no sign of serious food shortages and that the harvest appeared to have been good. On the other hand, water was scarce and poor and women were walking up to six hours to fetch it. There are health clinics staffed by dedicated paramedics, but health services are rudimentary and there appear to be almost no medical supplies.

The mountains are held by one of Sudan's rebel groups, the Sudanese People's Liberation Movement/Army (SPLM/A) who claim that 350,000 people live in the area. Relief agencies have been unable to negotiate access to the Nuba mountains under Operation Lifeline Sudan (OLS), the UN-led relief operation to rebel-held areas

in the southern Sudan.

The UN has been trying to assess the relief needs of the Nuba mountains for years, and this visit may prove to be the breakthrough. The government declared a ceasefire during and after the visit, listened carefully to the team's assessment, and seemed amenable to further missions. Government officials did, however, ask that any relief aid be shared between government areas and those held by the SPLM.

The UN now hopes to build on the mission and mount a more detailed assessment. But it may not be easy to mount a full relief mission. The government says that any international relief officials must register and enter through Khartoum, which may not be acceptable to the SPLM. The rebels, on the other hand said they would not accept Sudanese nationals.

Meanwhile, UN officials say that Western aid donors are pressing for a radical overhaul of Operation Lifeline Sudan (OLS) itself, so as to bring it under unified co-ordination. OLS was begun in 1988-89 following a severe famine in an attempt to provide relief aid for those cut off by the civil war in the south of Sudan. Under the tri-partite agreement (signed by the Government of Sudan, the UN, and rebel groups), relief aid is flown directly into needy areas through two operations – the northern sector and the southern sector. Lokichoggio, in northern Kenya, is the logistical base for the southern sector operation with coordination coming from Nairobi. Aid is also delivered from Khartoum and el Obeid in the north to garrison towns in the south and areas in the north where there are war-affected populations. The southern sector operation is led by UNICEF through a contractual agreement with other UN agencies and over 30 international NGOs. In the northern operation, the UN and NGOs have direct agreements with the government.

Although it has been repeatedly suspended and open to manipulation by both sides, OLS is considered to be the oldest and

best example of humanitarianism taking precedence over national sovereignty and many would be reluctant to tamper with the formula.

But Western donors are reportedly starting to look for an "exit strategy," and trying to shift from emergency aid to some kind of reconstruction. They are suggesting that the entire operation – north and south – be coordinated under OCHA, and broadened to include reconstruction.

While this might result in increased aid for the Sudan and stepped-up efforts to end Africa's longest-running crisis, it is not clear whether the SPLA, other rebel groups, or even the affected populations would accept having all aid to the south administered through Khartoum.

\*The International Advisory Committee on Operation Lifeline Sudan is holding a meeting on July 26, 1999. Visit the ICVA web site calendar for details <[www.icva.ch](http://www.icva.ch)>.

\*\*

### **THE HAGUE APPEAL - CIVIL SOCIETY LAUNCHES A PEACE AGENDA FOR THE NEW MILLENIUM**

Seven new international initiatives were launched by The Hague Appeal for Peace, which took place in The Hague between May 11 and May 15 (see Talk Back #1).

They include the International Action Network on Small Arms (IANSA), which will now serve as an umbrella for a number of initiatives to curb the use of small arms and ammunition against civilians, and a new global campaign to stop war.

In addition, the conference launched an action-plan, known as The Hague Agenda for Peace and Justice for the 21st Century. This contains 50 detailed programmes on conflict prevention, implementing human rights, peacekeeping, disarmament, and the root causes of war. Additional campaigns launched at the conference

include a call for a global ban on depleted uranium and an international economic conversion campaign.

The Hague conference attracted over 10,000 participants from over 100 countries and organised 400 workshops. Participants included Nobel laureates and high school students, a Queen and a novelist, musicians and foreign ministers, parliamentarians and peace marchers, city mayors and mine victims, athletes and artists.

This diversity - together with the fact that the conference was organised entirely by civil society - is a further demonstration of the importance of the "new diplomacy" - the collaboration of civil society, governments and intergovernmental organisations. This alliance has already brought about the treaty to ban landmines, the statute creating the International Criminal Court and the World Court opinion on the illegality of nuclear weapons.

Of the seven campaigns launched in The Hague, small arms will be of particular interest to humanitarian agencies. Many hope that IANSA will now help to impose greater coherence on the many different initiatives now underway to curb small arms. A pile of weapons was burned in The Hague city centre to mark the launch (although Dutch customs officials reportedly prevented some lethal guns from being brought in for the event).

200 groups and individuals have signed up and they now face the task of creating a single unified effort out of many different campaigns, while still encouraging diversity. While the International Campaign to Ban Landmines (ICBL) has managed to strike the balance, small arms is altogether more complicated. As yet, there is no consensus on the nature or dimension of the small arms problem, let alone solutions.

\* For information on the Hague Appeal: <[www.haguepeace.org](http://www.haguepeace.org)>.

**NGOs PLAY KEY ROLE AS DONORS  
PLEDGE \$9 BILLION FOR  
RECONSTRUCTION IN  
CENTRAL AMERICA**

NGOs from Central America and northern countries may have broken the mould of future donor meetings through their participation at the recent Stockholm meeting of the consultative group on the reconstruction of Central America, according to officials from the Inter-American Development Bank.

The Stockholm meeting brought together donors, governments and civil society for a week between May 23 and May 28, and resulted in pledges of \$9.1 billion for the four countries that were devastated by Hurricane Mitch last October.

But, in addition to this impressive sum, the meeting was also notable for the involvement of civil society. Largely at the insistence of donors, all four Central American governments consulted widely with civil society in drawing up their country plans in advance of Stockholm. Some ICVA members were involved, including COINDE (Consejo de Instituciones de Desarrollo) from Guatemala.

180 representatives from civil society then met for their own special two-day session in Stockholm May 23-25 and drew up proposals which were then handed to donors. All four government delegations included NGO members and NGOs also attended workshops on key themes.

Officials from the Inter-American Development Bank, which organised the consultative group meeting, described this involvement as "unprecedented" and long overdue. The question now is whether the NGOs can maintain the pressure back home.

There is still plenty for them to do to follow up on Stockholm. Of the \$9.1 billion pledged, \$5.3 billion will come from the IDB and the World Bank - much of it in the form of concessional loans.

Almost as important as the money, however, was the commitment to "transform and restructure" the past model of development, which left the poor highly vulnerable to Hurricane Mitch. Of the 9,000 who died, almost all were living in marginal communities or shanty towns.

The Stockholm Conference pledged to focus on the needs of the poor and on "reducing ecological and social vulnerability." It will also shift resources to local areas and encourage transparency in government.

This will offer a clear role for NGOs. Many donors feel that Honduras and Nicaragua will find it difficult to absorb such large amounts of reconstruction money and they will be looking to NGOs to make sure it is properly spent.

Three meetings are planned for next year to monitor the follow-up, in Managua, Tegucigalpa, and Madrid. In addition, five donor governments (Canada, the US, Sweden, the Netherlands and Germany) have offered to work with each of the four countries on implementation.

NGOs may find a role here, as well. But they are also hoping for a larger and deeper role in the transformation of their countries, which are still emerging from decades of war and dictatorship. This process is far from complete, as was witnessed recently when Guatemalans rejected a constitutional change that would have given more rights to the country's large indigenous population.

\* COINDE contact: Apartado Postal 590-I, 40 avenida y 2a, Calle Zona 7, Edificio Atanacio Tzui, 3er Nivel, Residenciales Valle del Sol, Guatemala 01 007, Guatemala

\*

**AGENCY REPORT: THE UNHCR  
STANDING COMMITTEE**  
**(June 28- July 1)**

**ICVA CHALLENGES MOOD OF  
COMPLACENCY AND SELF-  
CONGRATULATION OF  
GOVERNMENTS ON KOSOVO**

> UNHCR predicts that 50,000 refugees will remain in the camps

Even though Kosovar refugees are returning home in large numbers, the NGO community remains "extremely concerned" about the humanitarian situation in the region, according to ICVA's delegation to the recent UNHCR Standing Committee meeting.

In an address to the Committee on June 29, ICVA challenged the mood of complacency and self-congratulation that has permeated the international debate following the cessation of the war.

The ICVA statement expressed outrage at the "shocking crimes" committed in Kosovo, which it said had shown - yet again - how innocent civilians have become targets in war.

"This must not be allowed to happen again. The protection of civilians and the enforcement of international law must be placed at the top of the international agenda as a matter of urgency."

The statement also noted with concern that the Federal Republic of Yugoslavia is effectively barred from receiving humanitarian aid, even though it has one of the largest refugee populations in the world. The ICVA statement also warned against the mass praise for the UNHCR Humanitarian Evacuation Programme (HEP) and expressed concern at reports of reprisals against ethnic minorities in Kosovo itself.

The ICVA statement was drawn from the conclusions of a two-day meeting in Vienna of the joint ECRE/ICVA Reference Group on the former Yugoslavia. The meeting - which was

addressed by Neill Wright, Coordinator of UNHCR's South-eastern Operations - brought together more than 60 national and international NGOs.

The fighting in Kosovo had already stopped by the time of the Vienna meeting. UNHCR returned to the province on June 13 and began organised returns of refugees on June 28 - the day that the UNHCR Standing Committee met in Geneva.

The most dramatic development during this chaotic period was the return of large numbers of refugees under their own volition. This was entirely predictable and, as last month's issue of Talk Back (#2) warned, it created a whole new set of problems for UNHCR and the other agencies. One problem comes from the presence of large numbers of landmines and unexploded NATO ordinances. Several returning refugees have lost their lives to mines.

In his concluding remarks, Mr. Wright said that UNHCR had been powerless to restrain the mass returns as soon as NATO troops had given the word that the southern zone in Kosovo - Zone 1 - was empty of Serb forces. This, he suggested, was a strong argument for better coordination between the humanitarian and military components in repatriation.

Responding to another of the concerns raised by the ICVA statement - the likely presence of refugees in Macedonia and Albania well into the winter - Mr. Wright said that UNHCR's current estimate is that between 40,000 and 50,000 will in fact remain. Attempts will be made to integrate them locally.

The emphasis on Kosovo at the Standing Committee prompted several Third World governments to complain that the Kosovars were receiving special treatment at the expense of other refugee-receiving countries. In a strong comment, Tanzania said that this "made a mockery of international solidarity."

\*\*

## ICVA'S INTERVENTION ON KOSOVO - THE ISSUES IN DETAIL

### 1. Early warning:

ICVA: "The international community was caught short by the magnitude of the refugee exodus, which began after March 24 of this year. Without wishing to ascribe blame, we welcome the fact that several "lessons learned" studies are reportedly under way, including one by UNHCR itself. This review should also look at the many bilateral efforts and the involvement of NATO, which may have hampered UNHCR's lead agency role."

Governments: "The early warning system needs to be appraised." UNHCR: UNHCR had been hit hard by its funding crisis and found it difficult to find enough staff. Experienced officials were "exhausted."

### 2. Humanitarian Evacuation:

ICVA: "Many delegations - and UNHCR - have hailed this as an example of refugee burden-sharing and international solidarity, implying that an important precedent has been set. Yet the programme has also been full of inconsistencies and distortions, as UNHCR itself has conceded. The status and rights of the evacuees differed between countries. Even now that the war has ended, it is not clear when and under what conditions those evacuated will be able to return home and whether those who wish to remain where they are will be free to do so."

UNHCR and several governments referred to the HEP as a success. Bangladesh noted that "families must be reunified at all costs." UNHCR said that evacuations would likely be suspended in early July.

### 3. The impact of Kosovo on other refugee crises:

ICVA: "The exceptionally generous international response to Kosovars must not adversely affect the chances for other

refugees from other crises to achieve resettlement."

Several governments reminded the Standing Committee that all refugees, regardless of country of origin, should be afforded the same treatment. The response to Kosovo made the Korean delegate feel as though he was sitting in a "beauty contest of benevolence" as delegates told the Standing Committee how much they had done for the Kosovars.

UNHCR: Repeatedly emphasised that the other refugees must not be forgotten. High Commissioner Ogata's current visit to Africa is proof of her commitment to the global refugee crisis.

### 4. Protection for all those displaced:

ICVA: "A number of refugees may not return before the winter. Special attention must be given to the vulnerable. The right to continued asylum of those who need international protection must be respected and they must not be returned to Kosovo against their will. We would also support the limited and selective winterisation of refugee dwellings, with particular attention being given to the homes of host families. This form of winterisation could have a positive impact on the local infrastructure and economy in the former Yugoslav Republic of Macedonia and Albania through the employment of local contractors."

UNHCR: "Winterisation will probably remain a priority until the second quarter of 2000 AD. UNHCR will promote adequate investment in these countries."

### 5. Registration and Property disputes:

ICVA: "We understand that the Kosovo Liberation Army has compiled lists of those returning to Kosovo. As a matter of priority, all returnees, regardless of ethnic background, must be registered and given identity cards by UNHCR, for example to avoid property disputes. UNHCR must accelerate the process of registration."

UNHCR: "Returning refugees could abuse the property of others." The registration needs have changed with repatriation, said Mr. Wright. Refugees are returning without any documents, which will hinder the reclaiming of property and family tracing. UNHCR is adapting the registration system provided by Microsoft (see Talk Back #2) and creating a regional data base that will be linked by satellite.

#### **6. Landmines:**

ICVA: "Landmines have hampered other mass repatriation operations, including Cambodia and Afghanistan, and we can only hope that the international community will respond more decisively in Kosovo. We call on all states to urgently make resources available for the comprehensive clearing of mines. We have learned a great deal about the challenge of de-mining. It would be unpardonable if these lessons did not benefit the Kosovars."

UNHCR: The risks from mines are "unacceptable."

#### **7. Reprisals and retaliation:**

ICVA: "We are deeply concerned by the acts of reprisal taking place in Kosovo. Minority groups must be protected and the multi-ethnic character of Kosovo maintained. In particular, we are concerned (by) a number of incidents in which Roma have recently been attacked by returning Kosovar-Albanians. The international community and NATO have an obligation to prevent reprisals and protect civilians of all ethnicities."

Several governments also pointed to the need to ensure the protection of all those in Kosovo. UNHCR: Many returning refugees are "extremely angry and vindictive." But it is impossible to place a NATO soldier outside every house.

#### **8. Outside Kosovo, particularly FRY:**

ICVA: "Although the war may be over, we appeal to governments of the Standing

Committee not to lose sight of the very real and pressing humanitarian challenges remaining in the rest of the Balkan region. The situation in the Federal Republic of Yugoslavia (FRY) is particularly alarming. FRY is suffering from the effect of bombing and years of economic isolation. It has the largest caseload of refugees in the Balkans. Yet the country is becoming more isolated and its prospects for receiving reconstruction aid are uncertain.

"We understand the dilemma facing governments in deciding whether and how to resume aid to FRY. Many NGOs share these doubts. The government of the Federal Republic of Yugoslavia has arbitrarily convicted three relief officials from CARE Australia - a member of the ICVA family - on trumped-up charges following an unfair trial at which international observers were not admitted. This sends out a very negative signal to the humanitarian NGOs, which are, therefore, understandably deeply reluctant to operate or resume their operations in such an environment. But at the same time, it is also our duty not to lose sight of the humanitarian needs in FRY. We ask governments to join us in addressing this dilemma responsibly."

UNHCR, governments: no comment.

#### **9. Coordination:**

ICVA: "We welcome the creation of the UN Mission in Kosovo (UNMIK), which provides a framework for the international community to work in Kosovo and we call on member states and international organisations to work within this framework. Coordination was not one of the strongest points of the international response to the refugee crisis as many states took their own bilateral initiatives in establishing camps."

UNMIK has four components: humanitarian (headed by UNHCR under Dennis McNamara); Civil Administration (on July 2, the UN Secretary-General Kofi Annan appointed Dominique Vian as Deputy Special Representative for interim civil administration); reconstruction

(European Union); and Human Rights and Democracy (OSCE). OCHA and UNHCR have established an inter-agency coordinating unit (under Randolph Kent). UNMIK's mine action team has started to set up the mine action project for Kosovo with the establishment of the United Nations Mine Action Coordination Centre (UNMACC), with the support of the United Nations Mine Action Service and the United Nations Office for Project Services (UNOPS).

#### 10. The Role of NATO:

ICVA: "We recognise the logistical contribution of NATO forces and national military contingents to the humanitarian effort in the former Yugoslav Republic of Macedonia and Albania. Nevertheless, many members of the NGO community are concerned that the military's participation in humanitarian action...continues to compromise the independence of relief operations."

UNHCR: If UNHCR did not seek military support, many refugees would have suffered and died. Coordination between KFOR and UNHCR could have been better in the first days of repatriation when refugees were encouraged to return by NATO's declaration that areas were free of Yugoslav troops. Military assistance – e.g. in providing shelter – will be needed until civilian reconstruction can take over.

#### 11. NGOs in Kosovo:

ICVA: "We appreciate the efforts of NGOs in Kosovo to assist UNHCR in its task of humanitarian coordination and we commend them for establishing a central coordinating NGO Council in Pristina involving national and international NGOs. Many NGOs have considerable experience and expertise in the area. We encourage UNHCR and others to take this into account in determining their implementing partners."

Governments: UNHCR should coordinate NGOs and ensure there is no duplication. Furthermore, NGOs should not be selected on the basis of nationality. UNHCR: Such

a hope is probably idealistic because many NGOs will have national agendas. But sectoral expertise should be more important than nationality.

#### 12. Rebuilding Civil Society:

ICVA: "During the 1980s, Kosovar civil society began to establish remarkable parallel structures based on non-violence and tolerance. To a large extent, civil society has survived the trauma of the last two years and it could still play a role in the reconstruction of the province. Once again, however, this will require constant effort and attention from the international community."

UNHCR: There were "no local NGOs in Kosovo before the air strikes." Reconstruction will depend on international NGOs.

\* Consult ICVA's web site for the complete text of the Former Yugoslavia statement <[www.icva.ch](http://www.icva.ch)>.

\*\*

#### NGOs PUSH ALTERNATIVES TO DETENTION OF ASYLUM SEEKERS

> *Research is planned on innovative reporting pilot schemes*

Refugee advocates have renewed their push to persuade governments that there are realistic alternatives to the abusive and widely condemned policy of detaining asylum seekers.

This emerged from an informal meeting between NGOs and several government delegates during the UNHCR Standing Committee meeting. It was hosted by a number of ICVA members and partners: the Jesuit Refugee Service, the Lawyers Committee for Human Rights, the Lutheran Immigration and Refugee Service and the Women's Commission for Refugee Women and Children.

As part of the follow up, NGOs will explore the possibility of reviewing pilot programs that are using reporting

combined with some form of parole as an alternative to detention.

Detention has caused tremendous controversy in recent years. Asylum seekers who arrive without documents are viewed by many governments as illegal and are detained. But advocates and UNHCR point out that many are forced to abandon documents in flight, or - as in the case of the Albanians expelled from Kosovo - have them taken.

Horrible stories have emerged from some countries where asylum seekers are detained along with common criminals in crowded conditions. This can last for years if the individual's request is rejected but the country of origin is unwilling to take the asylum seeker back.

NGOs have also argued that one of the advantages of finding alternatives to detention is that it is cheaper. Nonetheless, governments have maintained stringent detention policies and practices.

While human rights campaigners plan to keep up the pressure against such policies, more and more advocates feel that governments might be more convinced if workable alternatives can be shown to exist.

UNHCR has recently revised its guidelines on detention and these include a number of alternatives: the use of reporting and residency requirements, release on bail, sureties (which could be provided by family members, churches, NGOs) and allowing asylum seekers to live in open centres where their presence can be monitored.

The same message is also starting to come from the UN human rights bodies. The UN Human Rights Committee has issued a ruling and expressed its views in general comments against detention and the Working Group on Arbitrary Detention of the UN Human Rights Commission has also started studying the issue. Last year the Group visited detention centres in Romania and the United Kingdom, where the governments work with NGOs to find

alternatives. Belgium was also praised for its efforts to avoid detention.

The UN Working Group has drawn up fourteen criteria for defining "arbitrary." A UN official told the briefing that the detention of asylum seekers may eventually be called arbitrary if reasonable alternatives are clearly available, but not used.

In response, governments say that public opinion remains strongly opposed to illegal immigration, even though the appalling experience of Kosovar refugees evoked considerable sympathy for asylum seekers.

In spite of this, some governments are also starting to experiment and apparently with positive results. Mechanisms include reporting requirements and the creation of incentives for asylum seekers to remain in contact with the authorities.

The meeting agreed that these practices should be reviewed more thoroughly and used in a larger discussion with governments. Although no focal point was designated, several NGOs are working intensively on detention and can be contacted.

\* Email: JRS  
<international@jesref.org>; web  
site <www.jesuit.org/refugee>

\*\*

#### **NGOs SEEK REASSURANCE FROM UNHCR ON EUROPEAN MIGRATION SUMMIT AND "SECRETIVE" HIGH LEVEL WORKING GROUP**

UNHCR officials have said that European governments are making more of an effort to involve UNHCR in their controversial attempts to "harmonise" asylum policies. In spite of this, UNHCR will wait to see whether the protection of refugees is afforded enough priority by the forthcoming summit of European Heads of State in Tampere, Finland, before it

decides whether to endorse any action plan that emerges.

These comments came in a briefing for NGOs by Erika Feller, UNHCR's Director of Protection, and her colleagues.

Europe's asylum policies have angered and confused refugee advocates in recent years. In their efforts to develop a single policy and deter "illegal immigrants," Western European governments have taken a series of measures that are clearly at odds with the 1951 Refugee Convention.

The latest and most serious came last year, when a European plan to divert Iraqi asylum-seekers into a reception centre in Eastern Turkey was developed in secret and without UNHCR's involvement. Discussions continue with Turkey on this matter. As a result of the plan, known as the "Action Plan on Illegal Migration from Iraq and the Neighbouring Region," border restrictions have been implemented in several European countries affecting Iraqis seeking asylum or trying to migrate.

The Plan was met with harsh criticism from international NGOs and from the European Parliament which passed a resolution on February 23, 1999 condemning the plan on every aspect. The resolution even went so far as to call the Plan "unlawful" because the Parliament had not been consulted when it was being drafted.

European governments are now moving ahead with a much more comprehensive and ambitious package that will also need careful monitoring by UNHCR and NGOs. The Treaty of Amsterdam, which amends the Treaty establishing the European Community, came into effect on May 1, 1999. Under the new Treaty, the European Union has committed itself to an agenda to develop binding European measures on asylum policies over the next 5 years. The Treaty, in combination with the March 1999 European Commission paper, "Towards common standards on asylum procedures," will allow for such measures to be adopted.

A High Level Working Group (HLWG) was set up by the European Council in December 1998 to look into the establishment of a "common, integrated, cross-pillar approach targeted at the main countries of origin and transit of asylum-seekers and migrants." The HLWG was tasked with analysing the causes of influx, proposing means to strengthen "the common strategy for development with the countries concerned," and providing suggestions on the possibilities for reception and protection in the region.

The Iraq Action Plan formed the basis for the HLWG's preparation of similar reports on other refugee and migrant producing countries. HLWG members have prepared country reports on Afghanistan and Pakistan, Albania and the neighbouring regions, Morocco, Somalia and Sri Lanka. Consultations were held with national NGOs in Europe, several international NGOs, and UNHCR while the reports were being prepared. The results of those reports were discussed privately by the HLWG at the end of June.

The HLWG has also been working on an assessment of the results of the Iraq Action Plan, to which UNHCR has contributed. The evaluation has not yet been made public.

The HLWG is now in the process of preparing its final report for presentation at the Tampere Summit in October 1999 where Heads of States will discuss asylum and migration issues. The report will suggest means by which to link asylum and migration with preventative measures in each country. By providing countries with assistance, it is hoped that outflows of migrants and refugees will be reduced or prevented.

The Dutch Government is one of the only governments to share its plans for Tampere with its Parliament. It has presented a White Paper to Parliament that, among other recommendations, proposes the extension of the mandate of the HLWG and requests it report on more countries.

UNHCR's Bureau for Europe Director, Anne-Willem Bijleveld, referred to the Working Group in positive terms in his comments to the Standing Committee, but NGOs are still uncertain whether the HLWG will recommend deterrence or protection. "The positive potential will not be realised if the High Level Working Group's sole objective is to curb the arrival of 'illegal' migrants and asylum seekers to the European Union and if its approach is thus primarily control-oriented," said Peer Baneke, General Secretary of the European Council on Refugees and Exiles (ECRE) in the NGO Statement to UNHCR's Standing Committee.

UNHCR, which has been working closely with the HLWG, will consider working with the EU on the implementation of the Action Plans for the individual countries if protection is included and if UNHCR's recommendations on reception in the region are included. Reception in the region is one of the major pillars envisioned for common European asylum procedures.

A recent white paper produced by the Ministry of Justice in The Netherlands suggested that "reception in the region" is legally and practically unfeasible and, therefore, it would be inappropriate to develop such a policy. Yet, at the same time, the Dutch Ministry of Foreign Affairs has been proposing reception in the region is ideal for European asylum procedures.

Part of the problem with the EU initiatives is the lack of available information. The Tampere process has also been far from transparent. It is still not clear when the country reports will be publicly available. The broad goal of Tampere is to reduce the outflow of migrants and refugees, but even with more development and other forms of assistance, it is not clear whether this can be achieved without coercion and deterrence. What the relationship is envisioned to be between such increased assistance and the effects on asylum seekers and migrants also remains unclear.

As a result, NGOs are keen that UNHCR is involved and arguing the case for refugee protection. UNHCR's protection officials said that UNHCR has contributed to the country papers and been assured that UNHCR's recommendations would be attached to the reports for Tampere. UNHCR had also given advice on operational aspects to the drafters and commented on "five or six" country drafts.

Overall, however, UNHCR appears to be reserving judgement. Ms Feller said that there needs to be a "balance between control and protection" in any eventual European plan. If that can be achieved, she said, the plan would be feasible, thereby implying that if there is too much emphasis on control, UNHCR will not get involved.

\*European Council on Refugees and Exiles (ECRE): <ecre@ecre.org>; web site: <www.ecre.org>

\*\*

#### **NGOs RAISE NEED FOR A SUPERVISORY BODY FOR 1951 REFUGEE CONVENTION**

In a number of recent meetings, NGOs have raised the need to establish an independent body to monitor adherence to the 1951 Refugee Convention or develop monitoring mechanisms based on Article 35 of the 1951 Convention. Publicly, the call for a compliance mechanism was made in the NGO statement on the Note on International Protection (UNHCR's annual and global review of the state of refugee protection) at the recently held meeting of the UNHCR Standing Committee. It was also brought up at a meeting with UNHCR officials under UNHCR's "Reach Out" process, and again at a protection briefing during the Standing Committee.

In response, UNHCR has informally encouraged NGOs to debate the possibility of a supervisory body that would force governments to better fulfill their obligations under the 1951 Refugee Convention. It was said that UNHCR had

prepared a paper on a possible supervisory process some years ago, but that governments had not responded with any interest. There might be even less interest today, UNHCR officials said, because of the cost of any supervisory committee and reporting. Nonetheless, they said, if NGOs feel the issue should be resurrected, they should "give it some thought."

The fact that NGOs are even referring to more supervision reflects their anger at States that are in open violation of their treaty obligations. Many of them are instituting regulations or taking administrative measures, which, for example, impede or pre-empt access to refugee status determination procedures or effectively result in refoulement. In a detailed statement to the Standing Committee on behalf of NGOs, Rachael Reilly of Human Rights Watch called on governments to show the kind of concern for 14 million refugees world wide and 22 million IDPs, that they have shown to the Kosovars. Among the concerns that she raised were security of camps, refugee women and girls, and such unresolved refugee problems as the Palestinians, Burmese, and the Bhutanese in Nepal. These indicate a serious "failure by States to comply with their existing obligations under international refugee law," she stated.

"We stress the need for an independent, international monitoring mechanism to ensure State compliance and accountability, and we urge the (UNHCR) Executive Committee to give serious consideration to this matter."

Unlike other human rights treaties, the 1951 Refugee Convention does not have a formal supervisory committee, and does not require states parties to report regularly on their implementation. While the Conclusions adopted by UNHCR's Executive Committee (EXCOM) complement and elaborate the Convention, EXCOM is not the forum where States' failures to comply will be exposed explicitly.

UNHCR has encouraged NGO skepticism by criticising the poor quality of EXCOM Conclusions and the protection policies of governments. The Note on International Protection stated "the distinct trend in an increasing number of states to move gradually away from a law or rights-based approach to protection towards more discretionary and ad hoc arrangements, that give greater primacy to domestic concerns rather than to their international responsibilities."

Yet, others hold the view that the absence of a formal body supervising the Convention leads to several flexible tools which have major advantages over the strict, legalistic mechanism of reporting to a committee. Many of the UN human rights committees (e.g. on racism, children, torture) have found that governments do not report on time. It is also difficult to generate the kind of publicity that forces governments to change.

In spite of this, NGOs including, for example, Human Rights Watch and Amnesty International, are increasingly frustrated by the present EXCOM formula, which they feel puts very little pressure on governments. They want to see much greater NGO involvement in the work of EXCOM and the Standing Committee, including formal participation in the process that leads to the adoption of the Conclusions.

But Erika Feller, UNHCR's Director of International Protection, flatly stated that this would not be acceptable to EXCOM governments. Personally, she also seemed lukewarm to a supervisory procedure for the 1951 Convention and predicted that governments would shy away from the cost.

At this stage, however, NGOs seem prepared to consider any alternative. It was also pointed out that NGOs played a large part in the drafting of the 1951 Convention itself, which makes it all the more reasonable that they play a greater role in its implementation 50 years later.

## **GOVERNMENTS THREATEN THE RIGHT TO FAMILY PROTECTION, WARNS WOMEN'S COMMISSION**

By refusing to accept and promote the right to family reunification in their refugee and asylum policies, governments are undermining the family's right to protection, according to the Women's Commission for Refugee Women and Children.

Speaking on behalf of the Commission and other NGOs facilitated by ICVA, Mary Diaz told the Standing Committee that governments insist that they agree with the right to family protection, but do not act on this through their actual policies.

Ms Diaz said that family protection should "complement but not supersede" the rights of individual family members, but that the family is also the best form of protection to those caught up in a refugee crisis.

The NGO statement noted that many governments are not granting refugee status to those who qualify, but are granting individuals a temporary or lesser status, which does not permit family reunification.

The US and Canadian delegations at the Standing Committee made clear in their statements that they do not see family reunification as an essential right of a refugee. At the same time, the Canadians say they are trying to speed up family reunification by allowing refugees to include family members on their applications for permanent residence or through the regular sponsorship programme in place in Canada. However, those family members must undergo a medical examination and a background information check before they will be admitted into Canada.

In a note to the Standing Committee, UNHCR argues for a "flexible definition" of the family, which should even consider economic and emotional dependence. The note recommends that family members of a refugee should be given refugee status,

unless they fall under the exclusion clauses of the 1951 Convention.

The note also says that in considering refugee claims, the main claimant may not always be the head of the family. In recent years, several states have recognised the unique forms of persecution suffered by women and children. Increasingly, asylum seekers are fleeing family abuse, trafficking, and genital mutilation.

In the NGO statement, however, Ms Diaz said that UNHCR needs to do much more to protect refugee families in the field. For example, in refugee camps UNHCR regularly registers male heads of household as the recipients for relief aid – a system that is neither efficient nor effective and can even create physical risks for women and children.

Some male refugees use ration cards as "tools of power" over women, while some men may leave camps – leaving their families without assistance.

\* Women's Commission for Refugee Women and Children: e-mail: [wcrwc@intrescom.org](mailto:wcrwc@intrescom.org)

\*\*

### **BRIEFLY NOTED:**

#### **REFUGEES KILLED IN COLOMBIA**

Civilians have been attacked and killed by paramilitary groups while trying to flee Colombia and "intimidated" into returning home by Colombian army officials, according to the Latin American Institute for Alternative Legal Services (ILSA).

In a statement to the Standing Committee, ILSA urged UNHCR to focus more attention on the war in Colombia, which it described as "the most serious in South America."

ILSA was particularly concerned by attacks against civilians in the Department of Northern Santander, near the

Venezuelan border. During the last week of May, eight refugees were killed as they crossed the border. The rest succeeded in reaching the municipality of Casigua del Cubo, in Venezuela.

Between June 5 and June 6, 2,229 Colombians returned home from Venezuela. But during the same period, 615 peasants also left Colombia. All were persuaded to return after Colombian government officials visited them in Venezuela. But two hundred have been placed far from their family or friends, adding to the more than one million displaced in Colombia.

ILSA said that NGOs are seriously concerned at the way this second group was "intimidated" by Colombian military officials, who implied that the refugees were hiding guerrilla members. ILSA also complained that the peasants did not have access to UNHCR officials.

ILSA e-mail: <silsa@coll.telecom.com.co>; web site: <www.ilsa.org.co>

\*\*

### **UNHCR FACES \$60 MILLION SHORTFALL FOR 1999 GENERAL PROGRAMMES**

UNHCR has received only 62% of the \$413 million for which it has asked to fund its general programmes, officials told the Standing Committee.

As a result, UNHCR is projecting a shortfall of \$60 million by the end of the year. While cuts can reduce this by \$40 million, UNHCR will still need \$20 million to maintain core programs and avoid emergency measures.

UNHCR's special operations are also facing a budget crunch. These have been costed at \$482 million – excluding Kosovo. But only 40% of the requirements for the Horn of Africa, 20% for Burma, and 21% for Sri Lanka have been raised. Normally, at this stage,

UNHCR would expect to have met 80% of its special programme needs.

These figures are likely to fuel concerns that Kosovo is eating up an inordinate amount of emergency funding and also distorting UNHCR's budget.

Since March, UNHCR has appealed for \$520 million for Kosovo. \$190 million has still to be pledged, but the fact is that UNHCR has received \$330 million in less than three months – equivalent to 75% of the agency's entire general programme needs. UNHCR is also spending \$10 million a week on Kosovo – an extraordinary outflow.

\*

### **DILEMMAS:**

#### **THE SPHERE PROJECT**

> **From the Coordinator:**

At the end of this year, a major NGO initiative in the humanitarian field will come one step nearer fruition when the Humanitarian Charter and associated set of Minimum Standards in Disaster Response of the Sphere Project are published following ongoing reviews. Currently, 5,000 copies of a preliminary edition have been distributed and are being used and edited.

The Sphere Project was initiated in 1997 by the Steering Committee for Humanitarian Response (SCHR) and InterAction following the highly critical evaluations of many NGOs that were present during the Great Lakes crisis in 1994.

Sphere aims to "improve the quality of humanitarian assistance and the accountability of humanitarian agencies to their beneficiaries, their members and their sponsors." With this in mind, a minimum set of standards covering five separate sectors has been developed: health services, shelter and site planning, food aid, nutrition, and water supply and sanitation. Over 700 individuals and 228 agencies were involved in developing the

standards, which represent broad-based agreement among sector specialists.

A Humanitarian Charter has also been drawn up. Like the Standards, it is to apply to "any situation where people's normal means of support for life with dignity have failed, whether as a result of a natural or man-made disaster, in any country, on any continent."

The Charter commits agencies to a rights-based approach in humanitarian assistance. It highlights the importance of three key principles: the right to life with dignity, the distinction between combatants and non-combatants, and the principle of non-refoulement. While the primary responsibility for providing humanitarian assistance falls on the state, when NGOs intervene, they should do so with a certain level of responsibility. Sphere attempts to define these minimum responsibilities.

Each Standard is accompanied by key indicators as well as guidance notes and critical issues. While the Project is designed primarily for humanitarian agencies and their staff, it is also hoped to be useful for those affected by disasters and other stakeholders, such as donors.

Humanitarian agencies committed to the implementation of the project will test The Standards' application and evaluate the usefulness of the document as a working tool in a variety of emergency settings. Implementation methods, training modules and complaint-handling mechanisms are in the process of being developed.

The Sphere initiative is one of several new standard-setting initiatives that have been developed in recent years in an effort to rationalise and improve the delivery of humanitarian aid. One of the most notable is the 1994 Red Cross and Red Crescent Movement Code of Conduct. The new Sphere Humanitarian Charter follows from the Red Cross and Red Crescent Code as a technical articulation of the principles laid out in the Code.

All this would seem reasonable. NGOs should certainly not be exempt from criticism and the lack of conformity and

coordination among NGOs is often remarked upon in humanitarian emergencies. But not everyone agrees that codes of conduct are the answer. In a recent letter, a group of French NGOs raised a series of concerns about the Sphere project in particular and the growing tendency towards standardisation and technalisation in general.

We present some of these concerns to ICVA members in the hope of promoting a dialogue and getting the Sphere Project more widely debated, including among NGOs from the South and East.

### **1. Universality of Standards:**

Can there or should there be universal Standards in humanitarian assistance? How realistic is it to apply the same Standards in different areas of the world? For example, what is deemed to be a minimum requirement of refugees in Europe (e.g. in the Kosovo crisis) may be not feasible in Africa. Sphere makes no distinction. If standards were to be different, what would be the implications?

### **2. Applicability:**

The Sphere Standards may only apply in situations involving stable, camp-based populations and during the first 6 weeks of an emergency. They would seem less appropriate in situations where resources are short or where there is a lack of access to the affected population to provide assistance. What should be done if the Standards cannot be met? Do such conditions mean that populations should not have minimum standards of assistance?

The Standards were developed for working in emergency situations. Would the Standards be best applied to emergency situations or might they be better used in more stable environments, such as in the post-conflict period? Would they be applicable in newer areas of humanitarian assistance, such as in the assistance of urban refugees? Would they be more useful in situations of development and rehabilitation?

### **3. Practicality of the Standards:**

What would the effect be if agencies were to use the Standards in their programming? Is it practical to implement the Standards in project planning and programming? How feasible is it to ensure that all practitioners know and apply the Standards? How practical is it to conduct humanitarian interventions without common standards or benchmarks? On what basis should NGOs measure their effectiveness?

### **4. A Trend Towards Increasing Standardisation and Technalisation:**

One part of the criticism made of the project is that Sphere enhances the tendency to standardise and technalise humanitarian aid and transform it in a service-delivery act taken out of its context. The Standards do not go into the philosophy of what makes aid humanitarian, especially if they are read not in conjunction with the Humanitarian Charter.

### **5. Stifling Innovation and Flexibility:**

A concern raised in the French NGOs' letter, similar to the previous one, is that the Standards might stifle innovation and flexibility in humanitarian work and warns against humanitarian practices being "killed by a bureaucratic, normative, standardisation process, even if it is coming from a good will." They liken the Sphere process to ISO 9000 and other standardisation and certification systems. Some of these, they say, have put an end to imagination and innovation, resulting in a levelling rather than an improvement in standards. Can standards and innovation coexist?

### **6. Compliance:**

What are the implications of this standardisation on smaller NGOs, especially Southern and Eastern NGOs, many of whom who will not have the capacity to perform their activities on the level that the Standards require? Will NGOs that cannot meet the Standards be

prohibited from providing assistance in emergencies? Is good will enough of a basis for providing humanitarian assistance?

While NGOs are already starting to discuss whether the Standards are being met, will they help with the competitiveness that exists between agencies?

There is currently no compliance mechanism. The Project does not aim to be a policing force for the Charter or Standards. But to whom can complaints of non-compliance be directed?

### **7. Funding implications:**

Will donors insist that NGOs use the Sphere Standards before providing funding? Will donors use the Standards punitively or will they understand the contexts in which NGOs are working? Will NGOs ask for increased assistance from donors in order to be able to meet the Standards?

### **8. Possible Alternatives?**

While concerns have been raised about the standards, the commitment remains to improving the standards of NGO work. What are other ways of ensuring that this improvement occurs?

Let us know your views by visiting the ICVA discussion forum on the ICVA web site (What's Hot! Page) <[www.icva.ch](http://www.icva.ch)>. The forum provides an ideal setting for ICVA members to openly discuss these and other concerns about the Sphere Project. ICVA members who do not have passwords for the members' site should e-mail <[secretariat@icva.ch](mailto:secretariat@icva.ch)> with their names and e-mail addresses.

RECOMMENDED READING: "CODES OF CONDUCT - WHO NEEDS THEM" IN THE RELIEF AND REHABILITATION NETWORK NEWSLETTER, NUMBER 13, MARCH 1999. (OVERSEAS DEVELOPMENT INSTITUTE, LONDON)

\* SCHR is an alliance for voluntary response and is comprised of Care International, Caritas Internationalis, the International Federation of Red Cross and Red Crescent Societies, International Save the Children Alliance, the Lutheran World Federation, Medecins sans Frontieres International, Oxfam International, and the World Council of Churches.

\* InterAction is a coalition of over 150 US-based non-profit organisations.

In addition to these two bodies that form the Project Management committee, there are three non-voting members of the Committee: Voluntary Organisations in Co-operation in Europe (VOICE), the International Committee of the Red Cross (ICRC), and the International Council of Voluntary Agencies (ICVA).

\*The Sphere Project: e-mail: [sphere@ifrc.org](mailto:sphere@ifrc.org); web site: [www.sphereproject.org](http://www.sphereproject.org)

The quarterly Sphere newsletter is available by e-mailing The Sphere Project. The training modules for the Standards will be available on the web site by the end of the year.

\*\*

#### **IN BRIEF:**

#### **FOOD SECURITY COALITION LAUNCHED IN AFRICA**

In an attempt to unite their efforts for food security and sustainable development, 25 African countries have established a pan-African platform – The Coalition of African Organisations on Food Security and Sustainable Development/Coalition des Organisations Africains pour la Securite Alimentaire et le Developpement Durable (COASAD). The idea was conceived during the World Food Summit and the Global NGO Forum on Food Security in Rome in November 1996. The Coalition was officially launched in Dar es Salaam, Tanzania on 25 November 1998.

COASAD acts as an umbrella group for African NGOs and civil society

organisations that are active in the fields of nutrition, food production, and sustainable development. It provides a unified forum for its members to exchange experience and address their concerns at the national, regional, and international levels. The overall objectives of COASAD are to help achieve food security and sustainable development in all African countries through mutual co-operation between its member organisations and other actors in African societies, including governmental and non-governmental entities.

Headquarters: ERB, University of Dar es Salaam, P.O. Box 35096 Dar es Salaam, Tanzania; tel: 255 51 41 01 34/41 05 00; fax: 41 02 12/41 03 95; e-mail: <erb@erb.udsm.ac.tz>

International Representatives in Geneva: c/o Ousmane Dianor,UUED, 24 rue Rothschild, 1211 Geneva 21, Switzerland; tel: +41 22 906 59 66; fax: +41 22 906 59 47; e-mail: <dianor@uni2a.unige.ch>

\* \*

#### **NORTH AMERICAN CHURCH AGENCIES ISSUE JOINT STATEMENT ON REFUGEES AND MIGRANTS**

North American governments are forcibly separating families through deportation and restrictive visiting policies, say church agencies and religious bodies from Canada, Mexico, and the United States that met in Texas from February 10-12 to consider regional issues of concern relating to refugees and migrants.

Five major concerns were highlighted by the agencies. In a joint statement, governments were urged to respect children's rights as current deportation and exclusion policies are resulting in family separation. Agencies expressed support for the provision and extension of some viable form of protected status to those affected by Hurricane Mitch. The increasing association in public discourse of migrants and refugees with criminals and criminal activities was condemned. Such associations are being allowed to continue unchallenged by governments.

In some cases, governments are actually initiating, supporting or condoning such representations. Parallel to these representations has been a fall in legal standards and safeguards for refugees and migrants. Governments were urged to uphold the highest legal standards and to find humanitarian alternatives to immigration detention. Finally, the agencies expressed their solidarity with the community of El Paso from where long-term residents were removed as the result of the United States' 1996 immigration legislation. They recommended that such policies be corrected to ensure that families are not further divided and driven apart.

Several agencies signed onto the joint statement, the full text of which is available on the ICVA web site <[www.icva.ch](http://www.icva.ch)>.

**THE MEMBERS' PAGE:**

> **From the Coordinator:**

ICVA's new information policy is intended to give members a forum not just to exchange views, but also to let fellow ICVA members and partners know about their own work. No one expects this to happen overnight, but we are pleased that after less than three months, members are starting to take advantage of this. In this issue, we present messages from three of the world's trouble spots: Belgrade, Addis Ababa, and Beirut.

> **ICVA BELGRADE**

[ICVA has existed in the countries of the former Yugoslavia since 1993. ICVA's role in the region is to support the NGO community, both international and national. It does this through a variety of means, including: servicing forums; providing and exchanging information; providing an interface with donors and the intergovernmental community; providing a link with the broader NGO community in the rest of Europe and the other parts of the world; and providing a link with the military and the government. We do this through a network of 3 offices in Sarajevo,

Banja Luka, and Belgrade. The ICVA Belgrade office remained operational throughout the NATO action and was able to coordinate a network with the NGO community remaining in Serbia. The question of the coordination of NGO activities in Kosovo is obviously key. ICVA is exploring ways to do this and is also looking at national NGOs.]

ICVA opened an office in the Federal Republic of Yugoslavia in October 1998. While NGOs, both national and international, face common challenges in providing efficient and equitable assistance to those affected by the war in the Former Yugoslavia, coordination and collaboration are of particular importance to the overall effectiveness of assistance efforts in the region.

Since its establishment, ICVA has sought to address the needs of the NGO community as a whole, supporting concerted NGO action across a broad range of programmatic, policy, and legal issues. These efforts include, among other things, creating and supporting mechanisms for information sharing and joint policy formation and facilitating a coherent interface with major institutions such as UNHCR and other agencies.

ICVA in Yugoslavia found itself working in a precarious environment during the war in Kosovo as its grave humanitarian consequences challenged the overworked and under-resourced aid agencies that remained in the country. The plight of over half a million refugees from the Former Yugoslavia has been somewhat overshadowed by the events of recent weeks with the large scale displacement in and outside Kosovo. The constant daily bombardment of the country has left a trail of destruction, civilian casualties and economic collapse.

Due to the latest crisis in the area, international efforts will have to focus on the considerable challenges associated with the distribution of humanitarian aid, shelter, medical assistance, rehabilitation, reconstruction, resettlement, return and reconciliation. Recognising this, ICVA

Belgrade plans to foster greater communication and collaboration among NGOs.

ICVA's support to NGOs engaged in human rights promotion, conflict resolution and reconciliation, and local capacity building will facilitate the exchange of ideas to strengthen NGO networks.

**> CHRISTIAN RELIEF AND DEVELOPMENT ASSOCIATION (CRDA), ETHIOPIA**

In 1972/73, severe famine and drought hit Ethiopia, causing the death of tens of thousands. A group of 13 church-based agencies and NGOs joined together to co-ordinate their relief assistance through information exchange. The group established itself as the Christian Relief Fund which later evolved into the Christian Relief and Development Association (CRDA). CRDA was thus established in response to the need to co-ordinate relief assistance exerted by several bodies.

Today CRDA is the oldest and one of the largest national NGO umbrella organisations in Ethiopia as well as in Africa. It has 148 international and indigenous NGOs and religion-based agencies as members operating throughout Ethiopia - two-thirds of the NGOs operating in the country.

Although CRDA was established basically to attend to emergency problems, a gradual shift from relief to development brought about changes in the strategies and vision of the Association. In 1997, CRDA carried out a Strategic Planning exercise, which helped to identify the two Strategic Aims: increasing the capacity of members to more effectively plan and implement development projects and programmes and creating an enabling environment for members to increase their contributions to sustainable development.

Accordingly, today, CRDA's vision is contributing to the alleviation of poverty by improving the socio-economic

condition of the poor in Ethiopia and empowering them to bring about change. To fulfil this Vision, CRDA, as a support-giving rather than an implementing agency, provides four major support services. These services involve funding, training, mentoring and information.

Its activities range from funding development projects and providing training programmes on specific issues, to disseminating information, networking and undertaking or supporting research work.

CRDA works to promote specific sectoral issues and policy advocacy through small networks, or "Working Groups and Task Forces." Currently, there are seven Working Groups in CRDA: Health; HIV/AIDS; Water and Sanitation; Agricultural and Natural Resources; Urban; Children and Youth; and Gender Working Groups.

To carry out specific tasks recommended by the membership, Task Forces and ad-hoc groups are also set up. At present, there is an NGO-Government Task Force working to improve NGO- Government relationships. An NGO Code of Conduct Ad-Hoc Group has been established by CRDA together with other networking and support-giving organisations. The Ad-Hoc Group worked on drafting a Code of Conduct for NGOs in Ethiopia. Currently, it has been replaced by a Code Observance Committee that will ensure that each signatory abides by the Code and sees that what has been enlisted in the document is properly implemented. The Code Observance Committee is chaired by the CRDA Executive Director.

CRDA's networking is not limited to within Ethiopia but extends to various development agencies found in different parts of the world. It represents its membership on various national and international fora to advocate on or promote certain issues of common interest to NGOs. Research undertaking or support is one of its new areas of focus which will strengthen its advocacy and information sharing activities.

CRDA is motivated by a basic commitment to serve all its members. It seeks to work with all people of Ethiopia regardless of nationality, belief, sex or colour by respecting these differences and approaches.

#### > AMEL ASSOCIATION (BEIRUT)

The ongoing reconstruction of Lebanon has been set back by the recent bombing by Israel. In the heaviest raids since April 1996, Israel attacked south Lebanon on June 24. Israeli bombers destroyed two major electricity power plants and three main bridges, isolating south Lebanon from Beirut, along with other infrastructure facilities. Eight civilians were killed and more than 80 were wounded in violation of the April 1996 Ceasefire Understanding.

The damage caused by the bombing is estimated to be US\$60 million, not including potential losses from tourism. Lebanon continues to face a severe economic situation as the country continues the effort to rebuild after the civil war. ICVA member, Amel Association, reports that the situation is only likely to worsen and last longer "due to the shortage of governmental financial resources and potential decrease in the individual productivity, which will result from the destruction of transportation channels and electricity cuts."

Amel Association is responding to the Lebanese Government's call for civil society to assist in the implementation of relief through the following efforts:

- Assisting the government rebuild infrastructure and power plants by mobilising youth as volunteers;
- Providing, through Amel's community based primary health care centres, free primary health care services, medication, diapers and milk powder; and
- Providing post-conflict trauma counselling for children, youth and mothers through the Amel centres spread around the country.

AMEL ASSOCIATION: Abou Shakra Street, Amel Bldg, P.O. Box 14-5561, Beirut, Lebanon. (tel: 00961 1/ 317 293/4, 304 910; fax : 603 227 e-mail : <amel@cyberia.net.lb>)

\*\*

#### CALENDAR:

For further details and events taking place later in the year, visit the Calendar on the ICVA web site at <www.icva.ch>.

#### **FOR ICVA MEMBERS:**

SEPTEMBER 28:

ICVA Executive Committee Meeting, Geneva

OCTOBER 2-3:

ICVA General Assembly Meeting, Geneva

#### **ICVA INPUT REQUIRED:**

SEPTEMBER 17: IASC Working Group Meeting, Geneva, Switzerland

#### **GENERAL INTEREST:**

AUGUST 12: 50<sup>TH</sup> Anniversary of the four Geneva Conventions – Commemoration events organised by the ICRC to take place in Geneva. web site:<www.onwar.org>

SEPTEMBER 21-24: CIVICUS World Assembly, Manila, Philippines. The third bi-annual global meeting of non-profit organisations, foundations, charities, business leaders, governmental officials, and others. This year's theme deals with the changing relationships between civil society organisations, business, and government. Shared discussion and deliberation will focus on three tracks: governance, corporate citizenship, and social capital. Contact: Assembly Coordinator: tel: (63-2) 372.4889; e-mail: <civicus@csi.com.ph>; web site: <www.civicus.org>

SEPTEMBER 28-OCTOBER 1: UNHCR Standing Committee Meeting, Geneva, Switzerland

SEPTEMBER 29-OCTOBER 1: Pre-EXCOM Meeting for NGOs, Geneva, Switzerland

OCTOBER 4-8: UNHCR Executive Committee Meetings, Geneva, Switzerland

OCTOBER 10-16: 1999 Seoul International Conference of NGOs; Theme: The role of NGOs in the 21st century; Participants: World Wide NGOs, Related Organizations, and individuals; Goals: 1) To assess commitments made by governments at recent UN world conferences; 2) To advocate fulfillment of these commitments; 3) To engage in policy dialogue with the United Nations and government agencies, with an opportunity for enhanced communication and collaboration among a diverse grouping of NGOs; 4) To build networks for more effective implementation of NGO activities in support of the world conference recommendations; Location: The Olympic Park, Seoul, Korea; Contact: Korea Organising Committee, tel: +82-2-762-2323; fax: +82-2-762-9833; e-mail: <kocngo@ngo99korea.org>; web site: <<http://www.ngo99korea.org>>

OCTOBER 26-NOVEMBER 17: UNESCO General Conference, Paris, France

OCTOBER 31-NOVEMBER 6: 27th International Conference of the Red Cross and Red Crescent, Geneva, Switzerland. The International Conference will be preceded by meetings of the Executive Council, the General Assembly of the International Federation of Red Cross and Red Crescent Societies and the Council of Delegates of the International Red Cross and Red Crescent Movement. The expected output from the Conference will be: a solemn declaration; a Plan of Action; pledges on action individual members will undertake. Contact: Secretariat of the Standing Committee of the Red Cross and Red Crescent, Villa Moynier, 120b Rue de Lausanne, 1202 Geneva 19, Switzerland.

NOVEMBER 15: International Committee of the Red Cross annual seminar for NGOs. This year's theme will be closely connected to the celebration of the 50<sup>th</sup> anniversary of the four 1949 Geneva Conventions. Location: The International Red Cross and Red Crescent Museum, 17 Avenue de la Paix, Geneva. More details will be available in the autumn.

\*

### **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](mailto: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](http://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](mailto:secretariat@icva.ch)

#### **Editors:**

Iain Guest: [iain@advocacynet.org](mailto:iain@advocacynet.org)  
Manisha Thomas: [manisha@iprolink.ch](mailto:manisha@iprolink.ch)