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TALK BACK

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SPECIAL ISSUE: THE CIS CONFERENCE - NGOs STRENGTHEN CIVIL SOCIETY

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

This special issue of Talk Back looks at the work of NGOs in the former Soviet Union and how their efforts to help refugees and migrants are strengthening civil society in this important and widely under-reported region.

On May 30-31 1996, the international community launched a major initiative to help the CIS countries contain migratory pressures. UNHCR, the International Organisation of Migration (IOM) and the Organisation of Security and Cooperation in Europe (OSCE) held a major conference known as the CIS Conference on Refugees and Migrants. This resulted in an ambitious 5-year Program of Action.

This Program made several assumptions:

The problems of displacement in the CIS were region-wide and cut across national boundaries. As such, they could not be solved on a piecemeal, country-by-country basis.

Displacement was intimately linked to regional security. In a negative sense, it posed a threat to peace. Conversely, constructive solutions could also contribute to peace.

A comprehensive, across-the-board plan of action for countries emerging from the same common experience of Communism would have many advantages over national plans. It could create a region-wide system of

protection; attract funds that could be spent regionally instead of on favoured bilateral projects; address needs that might otherwise fall through the cracks (such as those of the internally displaced); and balance the needs of refugees and governments.

The CIS steering committee of governments met recently in Geneva (June 26-28, 1999) to review the Program. Prior to the Steering Committee meeting, a two-day consultation was held with NGOs from the region. The conference process is due to come to an end in June next year and thoughts are now turning to what comes next. While there was agreement to continue the process, the question remains as to what form the process will take after June 2000.

The View of Governments

On the one hand, many credit the CIS Program of Action with helping to avert a major crisis.

Over the last seven years, over 9 million people - one in every 30 inhabitants of the region - have left their homes in the CIS region. In some cases, this has been prompted by extreme violence and war (Tajikistan, Azerbaijan, Georgia, Chechnya). But the catastrophe has not happened, and the region has not as a whole disintegrated into war and bloodshed, like Yugoslavia. At UNHCR's June Standing Committee meeting, governments even spoke of "stabilisation" in the CIS region.

On the other hand, governments have also expressed concern over what they see as shortcomings in the Program.

First, there is a lack of money. In 1998 and 1999 donors contributed \$31.4 million to the Program of Action, but this has only covered a small proportion of the money spent by governments. For instance, the Russian delegation said that it received less than \$10 million through the Program of Action in 1998, against the \$230 million spent on refugees and displaced in Russia.

Second, governments feel that the CIS Program of Action has not prevented the spread of "illegal migration." CIS countries maintain open borders with each other for CIS citizens and with several refugee-producing countries, particularly Afghanistan. According to the Russian government, 700,000 "illegals" are residing in Russia alone. Echoing the concerns of Western Europe, they are asking why the Program of Action has not had more success in addressing such "irregular migration flows."

The NGO Perspective

The perspective of NGOs is very different.

The CIS Conference process has offered NGOs a much larger role than previous regional initiatives by UNHCR such as CIREFCA (the International Conference on Central American Refugees) and the CPA (Comprehensive Plan of Action for Indochinese boatpeople).

The first CIS steering committee meeting, in 1997, agreed to set up five NGO working groups on: reintegration; NGO legislation; conflict prevention; humanitarian assistance; and asylum legislation and protection. This year, the decision was taken to establish a sixth working group on formerly deported peoples.

UNHCR has invited well-known international NGOs to coordinate the working groups and provided each with an annual budget of \$60,000. The money comes from an NGO voluntary fund (for which donors have provided over \$2 million) that also has funded NGO projects in all twelve CIS countries and helped NGOs attend the CIS steering committee meetings.

The number of NGOs that have taken

advantage of the Conference process has grown steadily. 139 NGOs from the CIS region and 51 from outside the region are accredited. 98 NGOs attended this year's session of the CIS steering committee in Geneva (June 26-28, 1999) - 25 of them newcomers. A two-day session was held with NGOs before the official CIS steering committee meeting.

Merely by offering these NGOs formal accreditation, the CIS conference has contributed to the growth of civil society in Eastern Europe. But this is only part of the story. Many of the NGO participants have also used the conference to win access to sources of funding and to international NGOs. This has given them contacts, ideas, and opportunities.

Most importantly, appearing at an international conference alongside governments has redefined their own relationships with governments and given them enormous confidence. In evaluating the CIS Conference and Program of Action, NGOs need to pay as much attention to this - the quality of their involvement - as to the numbers accredited.

Follow-Up

With the Program of Action due to expire next June, governments, agencies and NGOs are all thinking of the follow-up.

Several different views were expressed by governments at the recent CIS steering committee. Angry that more has not been done to defuse the internal conflicts in Southern Ossetia and Abkhazia, and desperate for funds, the Georgians asked for a 5-year extension. At the other extreme, the United States argued that the formal CIS conference structure is too ponderous, expensive, and that just as much could be achieved by focussing on priority issues. UNHCR is now exploring the idea of setting up a working group to review the various suggestions. They will not find it easy to reach consensus.

It is vital that NGOs engage in this discussion, and make sure their interests are reflected in any follow-up. This requires that they clearly identify what has worked from their perspective and what they need in the future

from the CIS Conference process. During the NGO Conference it was decided that the lead agencies of the Working Groups, along with UNHCR, OSCE, and IOM, would meet to discuss the possibilities for the future of the Conference. Reference was also made to including development agencies, such as UNDP and the World Bank, in the discussions.

At first sight, it is far too soon to be terminating such a valuable experiment. The first five NGO working groups are only starting to develop programs. The sixth, on formerly deported peoples, was only created this year. The Lithuanian Red Cross, with the support of the Danish Refugee Council, will act as lead agency for the working group. If these working groups are as valuable as many have insisted, they clearly need more time to develop.

But more than this will be needed to convince the sceptics. What is the "value added" of the CIS Conference process for NGOs? Have the time and financial resources that have been invested in the process produced sufficient results? Or, would those resources have been put to better use if they had been channelled in different directions? Can it be shown that the CIS Conference process has helped to build civil society and strengthen democracy? If so, how much of this has to do with the comprehensive package approach? Has the Conference produced tangible benefits for the vulnerable - migrants, stateless persons and asylum seekers? Or has it simply spawned organisations that depend on foreign grants and service donors rather than communities? Is the theme of displacement strong enough to hold it together?

This special issue of Talk Back is intended to answer some of these questions. It is structured around five key themes. These are: formerly deported peoples; internally displaced and forced migrants; asylum seekers from outside the CIS; conflict prevention; and strengthening NGOs and their role in civil society.

In each case, we look at the problem, at how NGOs have contributed to a solution, and how the CIS Conference process has supported them. Particular emphasis is placed on the work of the NGO working groups.

In terms of ICVA's participation in the follow-up, ICVA is presently considering how it could best serve Eastern European NGOs and facilitate any follow-up, based on its recent restructuring and reaffirmed mandate. One modest contribution is to help the NGO working groups report on their progress to a wider audience. It is envisaged that the interactive elements currently available on ICVA's web site could be used in building a parallel web site on the working groups' work under the CIS Conference.

Another contribution could be to more actively facilitate the existing and developing NGOs and NGO networks connect with the Geneva-based agencies and fora, like any other ICVA member. However, as pointed out in this issue, the NGOs from the region have special needs and expectations, which must be taken into account. It has been suggested that ICVA might devote special time and attention in the near future to enable relations among and with the NGOs to develop further. ICVA is also very well placed to help keep UNHCR and IOM committed to the matter. However, UNHCR and IOM are not the only crucial counterparts: the Vienna-based OSCE and the Strasbourg-based Council of Europe are also international organisations that must be lobbied and kept linked to the process. New mechanisms should be developed in order to ensure this happens. ICVA stands ready to contribute.

The report was written for Talk Back by Iain Guest and Manisha Thomas.

(Ed Schenkenberg Van Mierop)

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FORMERLY DEPORTED PEOPLES

One of the most acute displacement problems in the CIS region has its roots in the Stalinist era. Between 1936 and 1944, over twenty ethnic groups, totalling over three million people, were subjected to forcible deportation. The reasons for the deportations varied, but among them was the fear that they might make common cause with the Nazis.

Long before the collapse of the Soviet Union, in post-Stalinist times, these mass deportations

were viewed in the region as a symbol of the cruelty and coercion of Stalinism. (In fact, they were the subject of Krushchev's first major denunciation of Stalin in 1956.)

According to one speaker at the meeting, over two million of these formerly deported peoples are still stranded outside their ancestral homes. Even though several generations have passed, many still want to return home.

There are strong political and humanitarian reasons to honour the claims of those who want to return. Many are still without citizenship following the collapse of the Soviet Union. Many are also deeply resented by these new countries, which are struggling to define their own independent identity.

The big success story in recent years has been the return of some 25,000 Crimean Tatars mainly from Uzbekistan to the Ukrainian Crimea, from where they were deported in 1944. This has been a long and complex process. The Crimean Tatars have demanded return for years, but the Ukraine refused to accept them back unless they renounced their Uzbek citizenship. (The Ukrainian Constitution prohibits dual nationality.)

Ukraine undertook a decree enabling the return of the Crimean Tatars, but there was no legal framework in place to address the problems of integration that the returning Crimean Tatars faced as a result of their non-Ukrainian citizenship or their statelessness. UNHCR and the OSCE's High Commissioner on National Minorities worked with the Ukrainian authorities to implement a series of amendments to ease the requirements for citizenship. As a result, all returning Crimean Tatars who were stateless were given Ukrainian citizenship. UNHCR also promoted bilateral negotiations between Ukraine and Uzbekistan that allowed the Crimean Tatars' acquisition of Ukrainian citizenship at the same time that they renounced their Uzbek citizenship. 25,190 Crimean Tatars returned back to the Crimea, with Ukrainian citizenship.

The current challenge involves some 200,000 Meskhetian Turks, who were deported from Southern Georgia in 1944. If the Meskhetian Turks were to return, many would find

themselves living next to ethnic Armenians (whose rivalry with Turks goes back centuries) which could create problems according to the Georgian government. The current legal framework in Georgia would leave the returning Meskhetian Turks stateless. It would also be expensive for the Georgian government, which has suffered from the financial crisis in Eastern Europe. Even the name - Meskhetian Turks - is controversial. The Georgian government considers the Meskhetian Turks to be ethnic Georgians who converted to Islam, but many of the formerly deported insist that they are not ethnically Georgian.

126 Meskhetian Turks have returned to Georgia, but according to the non-governmental Latifshah Baratashvili Foundation, only 25 received Georgian citizenship last year. The rest remain in legal limbo without legal status. In March this year, a busload of returning Meskhetian Turks was attacked in Georgia as they returned.

The Role of NGOs and the CIS Conference

International agencies and NGOs have played a prominent role in raising the profile of the formerly deported peoples and lobbying for their return.

The most prominent NGOs are entirely home-grown and many are led by strong, charismatic leaders. Mustafa Dzheimilev was less than a year old when the Crimean Tatars were deported to the Crimea. He remained faithful to the dream of return and was arrested and exiled for his activism. In May 1989, he was chosen to head the newly created Crimean Tatar National Movement. The Meskhetian Turks were led in exile by Latifshah Baratashvili whose son Marat, has since taken up the banner.

From the side of the international agencies, the OSCE's High Commissioner on National Minorities (HCNM), Max Van Der Stoel, was the first at the international level to insist that addressing the needs of formerly deported peoples would help stability in the region. Following a joint UNHCR/OSCE mission to the Crimea in 1996, UNHCR began a Program of material assistance to the Crimean Tatars while OSCE and the HCNM also began

activities on the political front. UNHCR also supported the Meskhetian Turks that returned to Georgia.

Last September, the Council of Europe made the return of the Meskhetian Turks one of the conditions for Georgia joining the Council of Europe. Georgia has agreed to prepare a legal framework within two years of joining (April 1999). UNHCR has assisted the Georgian authorities in developing that legal framework to prevent the statelessness of the returning Meskhetian Turks. The actual return would take place over the next twelve years.

But perhaps nothing has elevated the issue, and enhanced the status of the NGO advocates, like the presentation of UNHCR's prestigious 1998 Nansen medal to Mustafa Dzhemilev, the Crimean Tatar leader.

The NGO representatives acknowledge the importance of the CIS Conference in their struggle, and they were represented in force at this year's CIS steering committee. They included Kim En Um (representing Koreans of Russia) and Marat Baratashvili, president of the Union of Georgian repatriates. At the same time, many also feel that UNHCR has been too neutral and should intervene even more actively on the side of the deportees – even if that would involve confronting governments.

During the NGO consultations prior to the Steering Committee, NGOs took the decision to establish a sixth NGO working group on formerly deported peoples. The group will look into the possibilities for return and for integration into the societies in which they are currently living. A flexible network of coordination centres was set up in Moscow, Tbilisi and Kiev. The Lithuanian Red Cross has taken up the leadership of the working group with the assistance of the Danish Refugee Council.

INTERNALLY DISPLACED AND FORCED MIGRANTS

Hundreds of thousands of people throughout the CIS have been displaced as a result of the upheavals over the past eight years. Some of the "root causes" of displacement, like the conflict over Nagorno-Karabakh (Azerbaijan), are relatively well known to international relief

agencies. Others have received much less international attention.

For example, over five million ethnic Russians have moved to the Russian Federation since they were stranded by the collapse of the Soviet Union. They were not necessarily expelled, but they are referred to by the Russian authorities as "forced migrants" and deemed worthy of compensation by the government.

The problem is that the Russian State is almost bankrupt. Social services of all kinds have been savagely affected by the economic crisis and only 1.2 million forced migrants and displaced Russians have received compensation. This leaves a huge number uncovered.

These forced migrants are also hampered by the system of propiska – a registration system based on residency. A holdover from Communism, it has been consistently declared unconstitutional. But this has been ignored by many city and regional authorities, particularly in the major cities of Western Russia, where there is fierce competition for work and housing. In Moscow, the city government uses propiska to keep out unwanted new arrivals – foreigners, asylum seekers, or forced migrants. Propiska is only granted to those with an address and an apartment. But without propiska, they cannot acquire either. It is, truly, a vicious circle.

In Eastern Russia, where there is plenty of space and a low birth rate, the authorities grant propiska within a matter of days.

Another largely ignored category is the ethnic Russians displaced by the devastating 1994-1996 war in Chechnya. While the international press wrote extensively about the heavy-handed Russian military intervention, very little attention has been paid to the 400,000 Russians who fled Chechnya to Stavropol.

According to the Russian government, only 5,329 families received compensation in 1998. NGOs say that in an attempt to limit compensation, the authorities have imposed a strict time limit for claims. Only those who left between December 12, 1994 and November 23, 1996 qualify. Those who do not qualify are

left in a desperate situation, which has even led to cases of suicide. Many others are treated like illegal migrants and are not granted propiska.

The NGO Role

Russian NGOs have stepped into the breach and provided humanitarian assistance to displaced Russians and forced migrants, and several were present at the CIS steering committee. They symbolise the growing confidence of Russian NGOs and the way that they are using the common goal of solving the problem of displacement to build civil society in the Russian Federation.

The war in Chechnya has been officially over for three years, but for Petr Slevazin of the "Stavropol Krai Children's Fund," Chechnya remains - like the Caucasus as a whole - a "time-bomb." There is, he says, no government in Chechnya, no rule of law, and no humanity - to judge from the fact that children have become targets for kidnapping. Twenty-three children are currently held hostage, according to Slevazin. One 9 year-old boy was held for six months, while his parents sold everything to raise the ransom.

The Krai Children's Fund was formed twelve years ago in the north Caucasus, as a UNHCR implementing partner. The Fund also does advocacy. Recently, seven hundred children from all over Russia attended a forum on the kidnapped children of Chechnya, and took the message back to their schools and local governments.

Lidia Grafova is a well-known Russian journalist who has been writing outspoken articles since the era of Leonid Breznev. She began writing about migrants, and in January 1990, she linked up with Svetlana Gannushkina, a notable Russian dissident, to form a new organisation known as "Civic Assistance to Refugees" to help refugees and forced migrants arriving in Moscow.

In April 1996 Lidia established another organisation to encourage self-help among the displaced and forced migrants. This is known as the "Forum of Migrant Organisations" and it has pulled together a huge network numbering 170 separate organisations,

200,000 volunteers and as many as 50,000 activists. The Forum has organised seven conferences and 13 seminars to help the migrants work together and present their demands in a concerted manner. "Working together makes them a real force and means they are listened to with respect," says Grafova. "The government is afraid of us."

Galina Negrustueva, an English teacher by profession, heads the "Partner Foundation" in Moscow. The Foundation has been working to strengthen the confidence and capacity of the refugee organisations since 1997. It is sophisticated in its approach, and has received over a million dollars in grants from USAID, UNHCR and the Open Society Institute, enabling it to help hundreds of different organisations.

The CIS Conference Contribution

How has the CIS conference process helped these NGO campaigns?

Lidia Grafova listed several examples. It has, she suggested, helped NGOs to network with each other and with international NGOs. It has given migrants and refugees a "positive image" in Russia. It has re-established ties among CIS countries that languished when the Soviet Union collapsed.

But the most important contribution of the CIS Conference, without any doubt, has been to build bridges between the Russian NGOs (and other CIS NGOs) and their own government(s). The importance of this for civil society cannot be overemphasised.

Since NGOs started appearing at the CIS Conference in Geneva, says Galina Negrustueva, the Federal Migration Service in Russia has started to take them more seriously "because it sees that we are recognised by the international community."

As a result, the FMS has agreed to provide free information on the latest developments, and given local refugee groups the right to monitor the way federal funds are spent on migrants - a huge breakthrough for the transparency of government. The Moscow parliament has invited Svetlana Gannushkina to sit on a new committee on migration.

But the real test is whether the government will allow NGOs to provide services. Russians are only entitled to social rights and services if they have propiska, and as noted above, forced migrants and internally displaced are denied propiska. This means that hundreds of thousands of families and their children are barred from enjoying health care. The children are also barred from attending school – a violation of the Convention on the Rights of the Child, to which Russia is party.

Gannushkina's group Civic Assistance is now starting to work more closely with the ministries of health and education in Moscow to get around this barrier. It seems to be working. The Minister of Health started talking to Gannushkina personally for the first time recently, and the Moscow government has designated three medical facilities where the migrants recommended by Civic Assistance can get free care for children and pregnant women, free medical exams, and even surgery. All this, says Gannushkina, has been greatly helped by their appearance before the CIS conference.

It is a different story with education. The Minister of Education is an "old-style Communist" and more difficult to work with. Relations between the NGOs and Ministry are not good. Children are only entitled to free education in Moscow if their families are registered under propiska.

Partly as a result, the NGOs want to be able to provide their own teachers and schools. But the government is opposing this – and using another bureaucratic tool in the process. The NGOs have to re-register under the civil code, and the authorities are insisting that Civic Assistance should "facilitate" instead of "provide" medical, legal and educational assistance to the migrants and internally displaced persons.

It is a not so subtle way of re-asserting control over the NGOs, and making sure they do not set up parallel services to those of the state.

ASYLUM-SEEKERS FROM OUTSIDE THE CIS

In the initial years of the CIS, the main migratory pressures came from the inside. But over the last two years, attention has increasingly turned to asylum seekers entering the CIS countries from outside the region.

The CIS borders on Afghanistan, which produces refugees. Afghanistan has an open border with the Central Asian republics and, once inside the CIS, Afghans have easier access to other CIS countries since no visas are required between CIS members. Some also use these countries as a means of transiting to Western European countries.

What are the numbers? The Russians claim to have 700,000 what they call "illegals" (because of their reluctance to give them access to asylum procedures). UNHCR has registered only about 10,000 asylum seekers and continues to register asylum seekers pending implementation of refugee laws by the Russians. Belarus said it has 30,000 asylum seekers.

Kazakhstan has 3,000 asylum seekers, which does not sound like much for a vast country. But almost 200,000 ethnic Kazaks have returned from abroad since 1992 and many more are expected. This increases the pressure on government services and makes the government less willing to provide asylum to non-Kazaks.

As in Western Europe, asylum seekers arriving in the CIS are faced with growing xenophobia and angry, impatient reactions from governments. In language reminiscent of West Europe, governments are now demanding that the CIS Conference should do more to contain and "manage" these "illegal movements." In June, the government of Turkmenistan unexpectedly imposed visas on Tajiks, in an effort to deter asylum seekers from Tajikistan.

Asylum seekers are regularly stopped on the street and asked to show identification. Many are detained for indefinite periods of time, but many are simply fined because of a shortage of detention facilities. Even deportation is often too costly. Oxana Kharitonova, from "Equilibre Solidarity," a Moscow-based NGO

which works with asylum seekers, said that some have been living in limbo on the steps of Moscow's international airport for two years.

Sometimes the reaction is quick and brutal. One NGO representative said that the bodies of Tajiks who left for Russia sometimes return in a coffin, bearing terrible bruises.

It is a sadly familiar story. In an effort to deter new arrivals, the Moscow authorities are creating a new underclass of people with nowhere to go - Afghans who supported the Najibullah regime and worked with the Russians; Zairian students who studied in Russia and cannot now return to the Congo. They are now trapped in a legal limbo, highly vulnerable, and denied the chance to claim asylum.

Yet it has been difficult for UNHCR to engage governments on their behalf. Russia joined the 1951 Refugee Convention in 1991, keen to show that it would be a responsible member of the international community. But it had neither the money nor the legal capacity nor the political will to build a system of implementation, and a new, more restrictive law on refugees was drafted in 1997.

Many of those who won refugee status under the earlier law have been deprived of the status have and been unable to acquire it without propiska. The authorities have also taken away refugee status for the vague charge of "misdemeanour."

UNHCR and the CIS Conference

If nothing else came out of the 1996 CIS Program of Action, UNHCR hoped it would establish a regional system of refugee protection in line with the 1951 Convention.

This has been the clearest argument for the comprehensive regional approach. It requires all twelve CIS governments to enact their own national laws and establish twelve national systems for determining refugee status and hearing appeals. But for each to be effective, all of the governments would need to comply, and each system would have to conform to the 1951 Convention. Given the open borders that exist within the CIS, even so much as one absentee would create a loophole and distort protection throughout the entire CIS.

It has been no easy task to develop a regional system of refugee protection. The Soviet Union and its allies had looked with suspicion on the 1951 Convention, which had been used by the West to assist refugees from Communism. As noted above, the Russian Federation rushed to ratify the Convention in 1991 but was unable to provide the resources to fulfil its obligations. A new law, passed in 1997, was considerably more restrictive. This underlined the importance of having money, technical expertise, and the political will to back up laws.

Since the 1996 CIS conference, Kyrgyzstan, Kazakstan, and Georgia have all acceded to the Convention. Moldova, Ukraine and Belarus have yet to ratify. Five CIS governments have adopted refugee legislation; another five are drafting or revising a law.

The acid test of all this is in the numbers of non-CIS nationals granted asylum. Even though it has not ratified the 1951 Convention, Ukraine has recognised around 3,000 persons, followed by Russia (300) and Belarus (150). Armenia recently recognised its first non-CIS refugee.

The big breakthrough in Russia occurred last September, when the Federal Migration Service began to hear applications in Moscow. But the rate of acceptance is still negligible, according to Oxana Kharitonova, of Equilibre Solidarity. Also, the Service has suffered a 20% budget cut because of the economic crisis and only has two officials hearing cases on two days a week. On average, said Kharitonova, they can hear four cases a week.

The experience of Russia and the Ukraine has caused some to rethink the value of pushing ratification of the 1951 Convention over all else. The Ukraine has given status to ten times more refugees, even though it has yet to ratify. However, if the Ukraine were to ratify the Convention now, there would have to be several changes to its refugee policies. For example, the Ukraine has adopted a safe third country policy and has designated Russia as such a country - a policy that is under dispute as to whether it is reconcilable with the 1951 Convention. Yet for many, the Ukraine's record for according refugee status suggests

that more refugees will receive better protection if UNHCR and its NGO partners work patiently with communities and local governments, than if legislation is forced through at the national level. Such a strategy might weaken the argument for the comprehensive regional approach. This is close to heresy for many at UNHCR who see the adoption of the Convention as providing UNHCR and NGOs with a legal basis to argue for improved refugee legislation in a country. Since last year, UNHCR has embarked on a campaign to promote accession to the 1951 Convention. Simply promoting accession to the Convention is not enough though – there needs to be real promotion of what needs to be done once the Convention is adopted so as to ensure that refugee policies are put in place.

The Role of NGOs

NGOs are helping to support UNHCR, and build the system for refugee protection based on the 1951 Convention in the CIS, much as they do elsewhere in the world.

Mavjzhuda Rakmanova heads the "Centre for Refugee Children and Vulnerable Citizens" in Dushanbe, Tajikistan. Most of her work is with Afghans, who are treated generously by the Tajik government. They get a temporary white card and then full refugee status after three years. This entitles them to equal rights with Tajiks.

Like so many humanitarian advocates, Rakmanova has proved to be an excellent entrepreneur, picking up small grants where she can – \$1,500 from the French government, rice from CARE, and soap from UNICEF. She has also started a new organisation for street children, with help from Counterpart International, the US-based NGO. As a result, her reputation with her own government has risen. The local authorities have provided her with a 2-storey building and a local Tajik firm donated 500 pairs of shoes.

It is a familiar story. Many governments in the CIS resent NGOs and see them as competitors for foreign money. But at the same time, governments also recognise that NGOs can perform an important service in assisting asylum-seekers and foreigners, who may be politically unpopular. As a result, they are inclined to be more tolerant to service-

providing NGOs.

NGOs are taking advantage of this throughout the region. Several attended the CIS conference for the first time, including three from Turkmenistan, the little-known Central Asian republic.

Oguisona Kryyeva, a scientist, worked with ethnic Turkmans in Tajikistan when it was still part of the Soviet Union. When war broke out in Tajikistan, 3,500 Turkmans fled to Turkmenistan, which was by then independent. Two years ago Kryyeva and five other prominent professionals created a voluntary agency known as "Achyk Gapy" (Open Door) to assist the exiled Turkmans with information and other support. Achyk Gapy is currently applying for NGO status, which is hard to get in Turkmenistan. But it has the enthusiastic support of the UNHCR office, which arranged for Kryyeva to attend the CIS Conference steering committee meeting in Geneva.

"Ynam" (Trust), is another young NGO in Turkmenistan that provides legal support for the ethnic Turkmans from Tajikistan. The organisation received NGO status in 1997 and operates on a budget of \$8,000 annually. Lyudmila Petukhova, the director, has been surprised and worried by the recent government decision to demand visas of Tajiks and said that her office had been flooded by worried inquiries. It is a sign of the times – and of government impatience with asylum seekers.

Alfyia Sharipova runs an NGO named "Hayot Yullary" in the Central Asian republic of Uzbekistan. Formed in 1996, Hayot Yullary became a UNHCR partner in 1998. Today, 90% of its beneficiaries are Afghans and Turkmans.

In Moscow, "Equilibre Solidarity" is serving as a bridge between the Federal Migration Service and UNHCR by helping to make sure that the claims of asylum seekers are registered and monitoring the success rate. The organisation was created as an offshoot of the French NGO Equilibre, with which UNHCR had a relationship since 1994. The new Equilibre Solidarity was taken on by UNHCR as an implementing partner in 1998.

While providing important services, Russian NGOs are also ready to advocate on behalf of asylum seekers, and to criticise their larger partners. UNHCR, says one NGO representative, is much too cautious, and only supports appeals that cannot lose. The Russian Federal Migration Service, while much improved, puts too little money into determining the status of asylum seekers and rejects virtually everyone.

All these NGOs, in their own different way, are using the CIS Conference process and the support of UNHCR to force their governments to treat them as a partner. This shows that building a refugee protection system can be a powerful catalyst for developing civil society. As UNHCR officials said, even hearing an appeal opens another avenue to civil society - because it allows UNHCR to train judges in legal procedures.

But at the same time, these NGOs are also dependent on the energy and initiative of individuals like Rakmanova, Kharitonova, Kryyeva, and on the continuing support from UNHCR.

CONFLICT PREVENTION

As noted above, the CIS has not disintegrated into chaos and bloodshed, like Yugoslavia. Moreover, all of the conflicts that erupted in the last decade and caused huge numbers of people to flee are now "frozen," but could easily explode again.

There has been no political solution to the war over Nagorno-Karabakh, the ethnic Armenian enclave in Azerbaijan, and the so-called "Minsk Group" of negotiating governments (Russia, America, Azerbaijan and Armenia) has inspired very little confidence by its slow and secretive process.

Tensions continue between the government and opposition in Tajikistan, and many fear a breakdown in the 1997 peace accords. In Georgia, where 400,000 have been displaced by the two secessionist wars in South Ossetia and Abkhazia, UNHCR has formed a quadripartite commission in an attempt to broker peace between the Abkhaz and Georgians. Last year, 200,000 Georgians returned to their homes in Abkhazia, with

UNHCR assistance, only to be expelled again. Their homes were burned and \$3 million of relief material destroyed.

In Chechnya, the Chechens show no sign of taking advantage of the agreement with Russia to create a responsible government. In (Russian) North Ossetia, no sooner was the UNHCR delegate Vincent Cochetel freed from kidnappers, than another foreign relief official, Geraldo Cruz Ribeiro from the International Committee of the Red Cross, was kidnapped on May 15 this year. Fortunately, Ribeiro's release came much more quickly than Cochetel's - on July 21, just over 9 weeks after his capture. Ossetia is considered so dangerous that no international agency is prepared to deploy officials in the region.

The Role of NGOs

This depressing analysis explains why conflict and conflict prevention remain high on the agenda of the CIS Conference. Is there a role for NGOs?

At first sight, it would appear not. NGOs in the region are young and relatively experienced. It is hard to imagine them inserting themselves into such vicious disputes, which seem to tolerate no impartial.

But governments are very much part of ethnic conflicts, and it is this fact, combined with the failure of conventional peace-making, that has created a role in peace-making for NGOs - further enhancing their credibility with governments and solidifying their contribution to civil society.

One of the six CIS NGO working groups deals with conflict prevention and is led by the UK-based International Alert and the Centre for Conflict Management in Kazakhstan. The working group has offered valuable support to the peace-making efforts of local NGOs, particularly in the Caucasus. Georgia offers an excellent example.

Refugees hold the key to the bitter dispute between the Georgians and the breakaway region of Abkhazia. The Abkhazians are insisting on a political resolution before repatriation, while the Georgians feel that expelled Georgians should return home first.

In 1997, the Norwegian Refugee Council provided funds for NGOs from Georgia and Abkhazia to meet on neutral territory in Austria, under the auspices of the UN Volunteers to exchange views and work out some common programs. On their return home, both have attempted to influence public opinion in favour of a peaceful settlement. Marina Murvanidze, one of the founding members of MAG, a leading Georgian NGO, says that Georgian NGOs have spoken out against an economic blockade of Abkhazia. On the other side, she said, Abkhazian NGOs are trying to soften public opinion in favour of Georgian refugees who want to return.

One prominent Georgian NGO, "Domus Mobilis" (Mobile Home), was created in 1991 to provide housing for victims of a large earthquake. It now comprises a loose association of experts, and when UNHCR put out a tender to build houses for returnees in Abkhazia last year, Domus Mobilis won the contract. Unfortunately, the returnees were expelled again and the project never materialised. But, said Malkhaz Chemia of Domus Mobilis, this established the NGO more firmly with the Georgian government.

Chemia himself was in the Georgian Army, and was surrounded by Abkhazian troops behind their lines for several days in September 1993 before managing to escape back to Georgian territory. In March, he and other former Georgian soldiers met with ex-combatants from Abkhazia in Nalchik (Russia) to exchange views on the war and discuss possible joint projects. The workshop was organised by International Alert under the auspices of the CIS Conference.

Nationalism runs high on both sides of this conflict, but the workshop helped these ex-combatants understand the value of diversity and consensus. It also introduced many of the former soldiers to NGOs for the first time. Two follow-up meetings are now being planned for outside the region.

Domus Mobilis is an intriguing example of how a group of technical experts can evolve into a highly influential NGO with a solid role in conflict prevention. One of its members is an expert in energy, and when the South Ossetians refused to link up with the Georgian

electricity grid, preferring to join the Russian (North Ossetian) grid, he was sent to explain that this would not, actually, be to their economic advantage.

Another prominent member of Domus Mobilis has a special expertise in political confederations. Malkhaz Chemia believes that a confederation might be the solution to the crisis in South Ossetia, but only once the Ossetians know what a federal system entails. So Domus Mobilis has started to explain.

This has won Domus Mobilis the trust of the Georgian government, so much so that Chemia himself now serves as a government adviser. "Two years ago, they barely talked to us," he said.

STRENGTHENING NGOs - AND THEIR ROLE IN CIVIL SOCIETY

Civil society has expanded dramatically in Eastern Europe since the collapse of the Soviet Union, and NGOs are one of the beneficiaries. But NGOs also face a wide range of legal, financial and administrative obstacles. This section looks at how the CIS Program of Action has helped NGOs, in three different ways: NGO legislation, networking and building NGO capacity.

Legislation

If NGOs can operate freely at home, the chances are that they will find it easier to play a constructive role in the Conference process.

The CIS Conference framework called for the creation of an "enabling environment" for NGOs. UNHCR had been promoting NGO legislation in accordance with international standards since the adoption of the Program of Action, but was looking for other partners. The Council of Europe is now playing the leading role in the promotion of NGO legislation. This is one of the more innovative, and important, aspects of the Program with obvious implications for civil society as a whole. How successful has it been?

139 NGOs are accredited to the CIS Conference, and their widely differing experience since 1992 shows how differently

governments have responded to the concept of an independent civil society.

Natalia Ablova, from Kyrgyzstan, runs the "Kyrgyz-American Bureau on Human Rights and the Rule of Law" in Bishkek, Kyrgyzstan. She recalled how Communist rule was swept away in 1991 and how public organisations were allowed to register with very few restrictions. All that was required were 10 members and a small fee. The result was an explosion in the number of NGOs. 1,500 now exist in the Central Asian countries, of whom over 30% are active.

Other CIS countries also opened the door to NGOs in the early 1990s. Gradually, however, governments began to reassert control. All of them have drafted new civil codes, which also established rules for the non-governmental sector.

Whether the rules are liberal or not tends to depend on the confidence of the government, its sophistication, and its openness to the outside world. Of all the CIS countries, Georgia makes it easiest to form an NGO. According to Malkhaz Chemia of Domus Mobilis, it takes at most a month to register, at a cost of between \$40 and \$50.

The Ukraine has also made it relatively easy. The first law on "unions of citizens" in 1992 required only three members to register. Under a 1997 law on charities, any one person can form a charity as long as 80% of the income goes to programs. Azerbaijan is also drafting a reasonably permissive law.

Kazakhstan however, continues to view NGOs with some suspicion - and requires that a government representative be present at all meetings. Armenia appears concerned that opening the door to NGOs would invite religious cults.

Many other governments have taken their cue from Russia, and initially many Russian NGOs were able to register in the aftermath of the fall of Communism. But a new law was passed in 1995, and all non-governmental groups have since been submitting applications to re-register. Technically, this is not required, but without registration it is impossible to open a bank account, and receive funds from abroad.

According to Galina Negustueva, of Partner Foundation in Moscow, there are 14 different categories of NGO under the 1995 law. It can cost as little as \$20. Negustueva's Foundation has had little trouble. Others, however, have found that the 14 categories overlap, and the paper work is formidable. Without legal advice it is almost impossible to find one's way through it all. It can take a Russian organisation several months to register, said one participant. Russian NGOs with foreign contacts can wait much longer.

It is clear that in spite of its relatively progressive intent, the Russian legislation can be used to deter NGOs that seem likely to challenge the authorities. The "Memorial Human Rights Centre" in Moscow has been trying to re-register for almost two years. According to Svetlana Gannushkina, from the Centre, one environmental group was recently turned down and appealed the decision in court. The Justice Ministry was allowed to introduce facts that had not even been applied to the original application. As was noted earlier, Memorial itself is applying for the right to hire teachers for the children of forced migrants who cannot attend state schools. But this is opposed by the Justice Ministry.

Many feel that the hardening attitude of governments has to do with money as much as politics. Many governments view NGOs as both competition for, and a channel to, foreign money, particularly after the 1998 economic crisis. (In fact, many Russian NGOs saw their own reserves wiped out last year in the savage devaluation and banking crashes). As a result, governments are tempted to impose stiff taxes. In Tajikistan, it can cost as much as \$450 to register as an NGO - 45 times the average monthly salary. Georgia appears to be only country where NGOs are exempt from all taxation.

The CIS Conference established an NGO working group on NGO legislation in 1997, under the coordination of the New York-based Forced Migration Projects. In 1998, the working group met three times (in Strasbourg, Kiev, and Almaty). The Council of Europe was involved in the workshops to provide assistance and continues to play a leading role in the promotion of NGO legislation with governments.

This back-up has clearly helped the working group, but some feel it is also open to manipulation by governments that want to increase control over NGOs. According to Natalia Ablova, from the Kyrgyz Human Rights Centre, a new law on NGOs constitutes a huge step backwards from the progressive 1991 law. The first draft even required NGOs to report regularly to the government, she said. Although this was taken out after protests, it is still not clear whether registration will be granted quickly. Natalia and others fear that the government may drag its heels, so as to prevent NGOs from being able to monitor sensitive upcoming elections. "It is a catastrophe for civil society," she said.

Networking

"Civil society" means many things to many people. To many of those present at the CIS steering committee, it means developing an ever-expanding network of NGOs that complement each other but do not overlap. "It's almost as if there is safety in numbers," said one.

NGO networks have been the most evident - some would say the most successful - product of the CIS Conference process. Each of the NGO working groups has spawned its own network.

In one example, the working group on humanitarian assistance (coordinated by the Norwegian Refugee Council) has established a network of 75 focal points of existing NGOs throughout the CIS region. Depending on their expertise, these have been invited to meetings on key humanitarian issues such as older refugees, urban displaced, psychosocial, microcredit, and community mobilisation. These are now beginning to develop programs. One week before the CIS steering committee meeting in Geneva, UNHCR's office in Belarus agreed to fund a workshop on elderly displaced.

The Forced Migration Projects has also established a network - in this case comprising 81 individual experts - to help its coordination of the working group on NGO legislation. The FMP is soon to wind down, and its organisers are proposing to establish the 81 member-network as a new NGO, named the

International Non-governmental Partnership on Migration. One of its tasks would be to take over coordination of the working group.

To a greater or lesser extent, all of the six NGO working groups have helped to create NGO networks. The end result is a web that extends from Ukraine in the west to Kazakhstan in the east.

This is a remarkable achievement, but it is also open to a familiar criticism - that networking has become an end in itself with far too little attention paid to the outcome.

Asked about this, NGO participants at the CIS steering committee replied that civil society is still so vulnerable and underdeveloped in Eastern Europe that networking is still valuable in its right - regardless of what it yields.

Luydmila Petukhova, from "Ynam" in Turkmenistan, said that her young organisation is deriving concrete benefits from its access to the CIS process - for example, computers from Counterpart International. Upon her return home from Geneva, she said, she would give lectures, show photos of her stay in Geneva and use the information she had obtained about other situations. In terms of her personal education, and the confidence of her young organisation, this had been a profoundly successful experience.

One of the best examples of networking is the network of 170 community-based migrant organisations that has been drawn together by the Forum of Migrant Organisations in Moscow, under the leadership of Lidia Grafova. These organisations have formed out of the migrants' own needs and sense of desperation. These are people who find themselves at an overwhelming disadvantage in discussions with the state, and have no political representatives. The Forum has organised seven conferences and 13 seminars to help the migrants work together and present their demands in a concerted manner. "Working together makes them a real force and means they are listened to with respect," says Lidia. "The government is afraid of us."

Capacity building

By providing access to international NGOs and funding sources, the CIS Conference has offered accredited NGOs the chance to develop different skills, technical and otherwise. All of this comes under the broad heading of "capacity building."

Some NGOs specialise in training, which can mean training other groups in how to be NGOs - raising funds, writing projects, working around laws, working with governments, and developing information.

The Counterpart Creative Centre, in Ukraine, grew out of a US-funded organisation in Kiev that serviced NGOs in Belarus, Moldova and the Ukraine with help from USAID. The Centre was established in 1996 to train trainers and channel funds to smaller NGOs. When UNHCR realised it needed more local help in Ukraine, it asked the Counterpart Centre to conduct a survey of groups in ten regions. Although it is based in the Ukraine, the Centre has projects in several different countries.

Information is vital to the development of NGOs, and as they are drawn into the CIS process many have become much more adept and sophisticated in the way they use information.

"Horizonti" began in 1994 in Georgia as an ecological group. On December 5, 1997, it became the first NGO in Georgia to register under the new Civil Code. Drawing on funds from outside sources such as the Winston Foundation in the United States, Horizonti has helped to create 200 smaller NGOs and offered training courses to more than 500 NGO officials. It also produces a sophisticated magazine every three months in Georgian and English, which is distributed to 200 international NGOs and agencies, and 600 NGOs in the region.

Horizonti is using its skills to keep one step ahead of the needs of NGOs with an ambitious survey of everything from NGO management to relations with governments. It runs a video centre where NGOs can make videos, film clips and advertisements free of charge. A Horizonti press expert helps NGOs to place articles in the press and develop partnerships with key journalists and media outlets.

Horizonti typifies the entrepreneurial spirit that is building civil society in the young democracies of the CIS. But it also thrives in Georgia's progressive political environment. Georgia's new generation of young progressive politicians, in turn, see the advantages of working with Horizonti. The president of the parliament, who is also leader of the Greens in Georgia, has asked for a concept paper on relations between the state and NGOs.

Horizonti's exposure to the CIS Conference has also allowed it to link up with the Forced Migration Review, published by the Refugee Studies Program at Oxford University. Using funds from the Norwegian Refugee Council, the Review recently published its first issue in Russian - with the translation provided by Horizonti.

CONCLUSIONS - AND FOLLOW-UP

If one looks at the Conference through the eyes of NGOs, how does it appear? To what extent has it strengthened civil society in Eastern Europe during the critical transition from Communism to democracy?

The number of NGOs accredited - 139 - is impressive but hardly decisive. Many are closely linked to governments. Many have been established by UNHCR and Western donors to help spend their money. Although many were originally service-oriented, many have increasingly become involved in lobbying and campaigning.

In terms of results, they have been more successful at creating networks and other organisations than in effecting social and political change. But the political change effected has not been enough to solve many frozen conflicts that could erupt at any moment. Meanwhile deep problems persist and even worsen: refugees and migrants face growing intolerance. Asylum is under growing pressure, in spite of accession to the 1951 Refugee Convention by most of the CIS states.

The achievements of the different CIS NGO working groups have been extremely uneven, and dependent on the resources available. It certainly helped the group on humanitarian issues that Norway was prepared to fund a full-time coordinator with considerable

experience with the region. It did not help the working group on conflict prevention when it was abandoned by the OSCE in 1998 and almost collapsed.

One could also argue that the achievements of recent years, like the return of the Crimean Tatars, would have happened regardless of the CIS Conference, especially since their situation falls under the mandates of UNHCR and the High Commissioner on National Minorities. The Crimean Tatars themselves would have permitted no other result. Whether the Crimean Tatars would have received as much support from the international community without the Conference process though, is debatable.

As for the root causes of displacement, it could be said that the CIS Conference has made little impact on propiska and statelessness. As noted earlier, propiska is the system of residency registration that is a holdover from Communism and is still widely used by regional and city governments to control free movement. Propiska was an issue not included in the Program of Action. At the follow-up meeting in Kiev in 1996 on Freedom of Movement, the framework of the CIS Program of Action was used in an attempt to address propiska at the regional level. Further to the meeting, UNHCR offices in the region continue to address the issue at the country level.

The issue of statelessness was not included in the Program of Action because states did not want to address the issue in a comprehensive manner. UNHCR is trying to get statelessness back onto the international agenda as millions of persons in the region still do not have citizenship. But it is also extremely political - citizenship being one of the strategic tools that has been employed (and withheld) by the newly independent CIS states. As a result, UNHCR has worked with individual governments and tried to exploit openings where they occur (as in the return of the Crimean Tatars). UNHCR has often worked in close co-operation with the Council of Europe, which adopted a Convention on Nationality in 1997.

The contribution of international agencies has been another disappointment: on paper the

process looks extremely imaginative, but in practice it has not fulfilled its potential. The OSCE High Commissioner on National Minorities exploited several openings and made the running on several key issues, like the Crimean Tatars and Meskhetian Turks. The Council of Europe has shown interest in NGO legislation (taking over the leading role from UNHCR) and related human rights issues, but little else. IOM has focused on migration management, but there is little real co-operation between IOM and UNHCR.

This has left much of the institutional burden with UNHCR, and led to a sense of unfulfilled expectations from the international system.

The Optimist's View

In spite of the scepticism, many would say that the CIS Conference and Program of Action have been an unusually successful experiment.

Many NGOs receive funds from governments and work closely with governments. But this close co-operation with governments does not necessarily lessen the value of the NGOs, their independence, or their contribution to civil society. Some of their leaders, like Lidia Grafova and Svetlana Gannushkina from Moscow come from a long and honourable tradition of opposition to Communism, and have an impact far beyond their organisations. Others are prominent lawyers or members of an Academy of Science. Their relationship with government is pragmatic - sometimes tense but not automatically confrontational. This is a measure of maturity, rather than weakness.

It is also true that the CIS Conference has been more about process - about networking - than about advocacy or politics. But networking still has a role to play at this juncture in the development of civil society in Eastern Europe, as argued above. It generates confidence to know that others are facing the same pressures, and that one will get a sympathetic hearing in Geneva.

Having displacement as a unifying theme also helps because it offers NGOs a chance to evolve and adapt. Many of the NGOs accredited to the CIS Conference have moved from being "service providers" to "advocates" for asylum seekers.

Indeed, rarely are organisations content simply to deliver relief aid, without delving deeper into the issues. Initially, Petr Slevazin, of the "Stavropol Krai Children's Fund" was content to deliver humanitarian aid to victims of the fighting in Chechnya: he is now holding conferences for children from all over Russia to draw attention to the plight of kidnapped children. This kind of advocacy could itself broaden out into other campaigns on behalf of children's rights, or against racism. The more NGOs can remain flexible, and exploit opportunities, the more they will help to build civil society. The CIS Conference process provides the perfect umbrella.

The NGO component of the CIS Program of Action has had one other major advantage: it has helped to educate UNHCR and advanced its relationship with NGOs. This was borne out by a recent UNHCR evaluation of the 1997 fund that was set up to help NGOs. At the same time, says the report, UNHCR managers could still run the fund more effectively. UNHCR will work better with all NGOs - and not just those from the CIS - if it seriously implements the recommendations of the evaluation.

Perhaps the strongest argument of all in favour of the CIS Conference process - and the one that has emerged repeatedly in this report - is that it has given NGOs the confidence to deal with their own governments and demonstrated to governments that NGOs can make a positive contribution. This alone should be enough to justify some kind of extension. There is, after all, nothing else comparable on the international scene.

Follow-Up

If governments decide to scale down the larger CIS conference process, it is not at all clear how this would affect NGOs. The unit in UNHCR that deals with NGOs has not been active until recently in the CIS process. A special unit dealing with CIS NGOs was established within the Bureau for Europe. The idea is to integrate the CIS NGO unit within the normal UNHCR NGO unit. It has been proposed that the six CIS working groups be brought within the framework of UNHCR's PARInAc Program.

That makes sense institutionally for UNHCR, but there is a clear risk that the six groups lose the common cohesion and purpose that is presently provided by the CIS Conference. On its own, UNHCR might find it difficult to find a substitute for a full-fledged governmental meeting and the unique sense of NGOs having a place at the table. Based on their performance so far, the IOM, OSCE, and other partners involved in the CIS Conference, such as the Council of Europe, may provide input on their areas of specialty, but they are not necessarily committed or able to contribute to a larger framework.

The critical thing is that NGOs demand a role in the debate and make their views known quickly and convincingly. First, however, they will have to create their own focal points and structure. NGOs must ensure that the very real achievements of the last four years continue to be built upon. ICVA is well-positioned to assist in this effort.

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Many of the organisations and agencies featured in this report can be contacted by e-mail:

Forum of Migrant Organisations (Moscow):

forum@migrant.ru,

Partner Foundation (Moscow):

gpartner@cityline.ru,

Equilibre Solidarity (Moscow):

eklsolidar@glasnet.ru,

Centre for Refugee Children and Vulnerable Citizens (Dushanbe, Tajikistan):

RCVC@tajik.td.silk.org,

Achyk Gapy (Open Door - Turkmenistan):

nature@cat.glasnet.ru,

Ynam (Trust - Turkmenistan):

ayal@cat.glasnet.ru,

Domus Mobilis (Mobile Home - Georgia):

chermiamalkhaz@usa.net,

Kyrgyz-American Bureau on Human Rights and the Rule of Law:

rights@imfiko.bishkek.su,

International Non-Governmental Partnership on Migration (INPM) contact Marina

Murvanidze: murvanidze@yahoo.com,

Memorial Human Rights Centre and Civic Assistance to Refugees (Moscow):

sgannush@glasnet.ru,

Forced Migration Projects:
refugee@sorosny.org,
Counterpart Creative Centre (Ukraine):
Lyuba@cpciev.freenet.kiev.ua,
Horizonti (Georgia):
inform@horizonti.organisation,
<www.horizonti.org>,
Forced Migration Review (Refugee Studies
Program at Oxford University):
www.qeh.ox.ac.uk/rsp/fmr/html,
Norwegian Refugee Council: nrc-
no@online.no, <www.nrc.no>
International Alert (London):
gtergabrielian@international-alert.org,
UNHCR - NGO Unit (Geneva):
torbjorn@unhcr.ch
UNHCR NGO Policy Officer for the CIS:
floor@unhcr.ch

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How To Reach Us

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

Editors:

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

