

TALK BACK

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EDITORIAL:

INVOLVING NGOs: THEORY AND REALITY

Recent experiences with two international fora – the Stability Pact for South-Eastern Europe and the Fribourg Forum (see separate articles in this issue of *Talk Back*) – indicate that there is little understanding of what involving non-governmental organisations (NGOs) really means. Serious questions must be asked as to how sincere governments and international institutions are in making NGOs part of policy-making and standard-setting processes.

More than a year has passed since the inception of the Stability Pact for South-Eastern Europe, a comprehensive international plan to support the region in creating stability and peace. At two recent meetings with NGOs, the Stability Pact meeting organisers called on NGOs to set up networks that could work with the Stability Pact and suggested the creation of an NGO Charter. This first call belies their warped sense of reality. For years, NGOs have been forming extensive networks in the countries of the

region. The NGO Charter is meant to help governments understand how NGOs work – as if NGOs have not been present for the last 10 years in the region – and how they can work together with NGOs.

At the formal launch of the Fribourg Forum, another forum to coordinate humanitarian assistance in Europe, ICVA's presence was merely as the token NGO. It appeared that the participation was an afterthought on the part of the organisers, even though in creating "the conditions for effective coordination and cooperation in emergency humanitarian assistance in the broader European region" NGOs are crucial actors. Yet it is not rare that NGOs are seen as being hostile towards coordination.

At the same time, as if they have just made the discovery, many high-level officials of international organisations have started to preach the mantra of involving civil society, claiming that this term better reflects our interaction and place in society.

But while we are expected to represent civil society, the same officials urge NGOs to speak with one voice, suddenly forgetting the fundamental characteristics and values of civil society, including plurality and diversity.

It has also become the fashion in major international conferences to sideline NGOs and organise parallel events. Diplomats find the "informal debates" taking place in side meetings "so much more interesting and interactive." In fact, this development stresses nothing other than the failure of the same diplomats to discuss the real issues and make their meetings more effective.

But a note of caution should also be given to NGOs in deciding whether or not they should participate in certain international bodies and fora. NGOs must weigh their desire to influence international agendas against the often prevailing wish on the part of these bodies to appear as if they are involving NGOs. There is a tendency on the part of governments and international organisations, such as those forming and participating in the Stability Pact and the Fribourg Forum, to claim that their decisions have been made in consultation with NGOs. Having an NGO attend a meeting is not sufficient grounds for claiming that governments or international organisations have listened to NGOs.

(Ed Schenkenberg van Mierop)

IN THE NEWS:

A HUMANITARIAN COMMISSION TO PROTECT CIVILIANS

An independent UN Humanitarian Commission should be created to carry out "impartial humanitarian diagnoses" to protect civilians in armed conflict. The Commission, proposed by ICVA member Medecins du Monde (MdM), would "count the victims; assess humanitarian needs; and recommend effective protection measures."

The motivation behind the campaign recently launched by MDM for a Humanitarian Commission is the increased targeting of civilians in armed conflict. As the president of MDM, Dr. Jacky Mamou put it at a weekly inter-agency meeting in Geneva: “The purpose of war has changed. More and more we are witnessing the extermination of populations and their ethnic purification.” Combined with the tendency for the humanitarian response to be more politicised, MDM argues that the UN needs to play a more effective role in providing protection for civilians in periods of armed conflict and the Commission would help in this effort.

The proposed Commission would be unlike the Human Rights Commission or the existing human rights bodies. It would be a subsidiary body of the General Assembly, but would not report through the Economic and Social Council (ECOSOC). It would draw on information from NGOs, UN agencies, and human rights bodies.

Reporting would be to the Secretary-General who, under Article 99 of the UN Charter, “may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.” According to MDM, this placement in the UN system would provide the Commission, comprised of independent experts and persons whose moral authority is unchallenged elected by the General Assembly, with a closer link to the highest UN body: the Security Council, which is mandated to maintain international peace and security.

The “independent humanitarian diagnosis” would be carried out by the Commission, in periods of “armed conflict.” But would the Commission be mandated to apply its diagnosis in situations where there is no armed conflict, but where there is a failure in the protection and assistance of civilians? If not, how would the protection of those civilians be ensured?

The three tasks that form the basis of the “diagnosis” – counting the victims, assessing humanitarian needs, and recommending effective protection measures – are extremely focused – to the point of being too narrow, one might argue. In terms of “counting the victims,” it is not clear whether the identification of the victims should be understood as being included. While knowing the numbers of victims is important in providing protection and assistance, the broader identification of victims would obviously enable a better response.

The “assessment of humanitarian needs” is a task that could use clarification, especially in terms of linking it to the rights-based approach for humanitarian assistance. If the commission were to look solely at the humanitarian needs of the victims, there is the risk of taking a traditional, narrow approach of assisting the victims while ignoring the human rights context. However, the exclusion of the human rights perspective could have detrimental effects on the conflict and the protection of civilians.

In terms of the Commission recommending “effective protection measures,” how far reaching will the recommendations be? If the Commission goes as far as recommending an international intervention on humanitarian grounds, will governments be willing to adopt and take action on such recommendations? The fact that the Commission’s recommendations would be non-binding is a selling point with

governments, as far as MdM is concerned. But how effective will such a body, with no legal authority, be in terms of providing protection for victims?

The exact details of how the Commission would work are “mechanics” that MdM feels can be sorted out once there is consensus on the concept. The campaign for the Commission has started in full force. The idea was presented to the Secretary-General a month and a half ago and it has been presented to the G8 countries and to the Security Council. The concept will also be presented during the Millennium Assembly of the UN General Assembly taking place later this year.

Admittedly, the G77 countries need to be approached and more NGOs need to be brought on board with the concept. MdM’s proposal has received backing from a few NGOs so far, including Handicap International and the *Groupe Urgence, Réhabilitation, Développement* (URD) and has the support of some human rights organisations and academics. There are plans to approach more NGOs to garner support for the idea.

MdM has set itself no time frame in which to see the Commission created. The process of creating consensus around the concept is one that will take time. While a campaign such as the Landmine Ban Treaty achieved results relatively quickly, this effort will require more work. The concept, which requires more clarification, is one that is even more politically charged than the landmine issue. Building strong coalitions to back the proposal seems essential in order to move forward.

* Medecins du Monde, 62 rue Marcadet, 750 18 Paris, France, tel: +33 1 44 92 15 15, fax: +33 1 44 92 99 92, e-mail: medmonde@medecinsdumonde.org, website: www.medecinsdumonde.org

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UNHCR WANTS GOVERNMENTS TO REAFFIRM THE REFUGEE CONVENTION

How realistic is it to expect governments to reaffirm the centrality of the Refugee Convention when many of those governments have been responsible for putting the Convention under enormous pressure in recent years?

This crucial question was asked at a meeting of NGOs with the Director of the Department of International Protection (DIP), Erika Feller, during the UNHCR Standing Committee in early July. At the Standing Committee, which dealt mainly with protection, UNHCR launched a proposal to hold consultations with governments that should lead to a reaffirmation of the 1951 Convention relating to the Status of Refugees. According to the DIP Director, the time would be right to hold consultations since governments have realised that it is politically incorrect to touch the Refugee Convention. “To ask governments to reaffirm the centrality of the Refugee Convention is not as difficult as we feared a couple of months ago,” Feller said.

This is a remarkable position considering that the Refugee Convention has come under serious threat recently. European governments, in particular, such as the UK

and Austria, have claimed that the Refugee Convention has become outdated and irrelevant in the present global context. In June, at an EU meeting on asylum in Lisbon, Britain's Interior Minister Jack Straw openly stated that it was time to examine ways to modernise the Refugee Convention. From their perspective, modernising the convention would imply nothing other than legitimising the trend of tighter border controls and restrictive asylum policies that have been put in place since the early '90s.

In their statement to the Standing Committee, NGOs expressed their deep concern over this development: "Ironically, on the eve of the 50th anniversary of the Refugee Convention, several governments are considering renegotiating the Refugee Convention in order to be able to legitimise their present violations."

Feller's proposal for consultations comprises a concept of three concentric circles. According to Feller, "the inner heart would represent the basic, globally agreed framework principles of the 1951 Convention." In her view, these are principles, including the right of non-*refoulement* and non-discrimination. In the second circle, issues would be identified on which there have been differences in interpretation, such as persecution by non-state agents, cessation, and gender-based violence as persecution. The outer circle would be filled with the gaps in the Convention, including status determination, situations of mass influx, etc. The consultations on each of the circles would have a different purpose: the first circle would reaffirm the fundamentals of refugee protection; the second circle aims to come to an agreed understanding on the interpretative issues and gain consensus on higher standards than currently exist; and the third would seek a further development of standards regarding the issues, preferably resulting in an additional protocol or a UN Declaration.

At the DIP-NGO meeting, Feller said that it had been the intention to float the proposal, and that the agency did not have concrete, preconceived ideas on how the consultations would take place. She did not further specify what role would be given to NGOs in the consultations. However, there are good indications coming through the grapevine that plans for the consultations are well down the road. DIP has produced a concept paper, in which apparently a role for NGOs has been laid out.

But there are many other questions from the side of NGOs. Obviously, UNHCR wants better standards but how ambitious will it be? Reaching an agreement on circle 1 should not be problematic. It would be serious, if it was. Circle 2 may be more contentious. However, as one NGO representative pointed out, starting from the premise that non-state persecution is not a non-negotiable principle "opens up areas which have been under discussion for far too long and where we have achieved a large level of success in getting governments to move." He suggested that HCR should merge circles 1 and 2.

In this scenario, circle 3 would be the focus of the consultations, while knowing that here the hardest fights will have to be fought. Contrary to Feller's statements, the climate does not seem particularly conducive to negotiating a protocol on situations of mass influx or on temporary protection.

Another issue is how do these consultations differ from earlier similar processes, for example, the reach out on international protection? The purpose of the reach out to

States, which started in 1997, was to seek reaffirmation of UNHCR's protection mandate. What were the results? Did UNHCR succeed?

In essence, the question is whether UNHCR will be able to convince governments that higher protection standards for refugees are in their interest at a time when asylum systems and migration are increasingly intersecting. It is unfortunate in this respect that governments perceive the Refugee Convention as an instrument for controlling migration. However, to quote Feller, "the 1951 Convention is an asylum tool, not a migration tool."

** Feller's statement to the Standing Committee is on file with ICVA. An earlier statement of the DIP Director made at the EU meeting in Lisbon on 15-16 June can be found at www.unhcr.ch/issues/asylum/lisbon.htm. The NGO statement on the Note of International Protection can be found on the What's Hot! Page of the ICVA website.*

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US MILITARY ASSISTANCE PACKAGE TO COLOMBIA WILL EXACERBATE CONFLICT AND LEAD TO GREATER DISPLACEMENT THAN PLANNED, SAY NGOs

Many Colombian and international NGOs have consistently opposed the US aid package to Colombia as further agitating the conflict, targeting innocent civilians, and substantially increasing internal displacement in Colombia. The assistance package, approved by the US Congress for US\$1 billion, will involve aerial herbicide spraying in the Putumayo Department of Colombia intended to eradicate coca crops and will provide military assistance in the region. Both will result in large-scale displacements.

The US government is using a planning figure of 10,000 newly displaced, but NGOs warn that the number could be much higher. The funds allocated for humanitarian assistance to those who will be displaced by the US-funded aerial spraying are clearly inadequate. These concerns were expressed in the NGO statement on the Americas during UNHCR's Standing Committee meeting at the beginning of July.

Additionally, there are serious ethical questions regarding the practice of a "war on drugs" that leads to further large scale displacement in an already unstable country instead of addressing the root causes of the narcotics problem within the US.

The package of US military assistance primarily contains hardware and training for the Colombian armed forces. NGOs argue that providing military aid will only fuel the conflict. They also say that the Colombian armed forces should not be the recipients of increased resources as they have consistently demonstrated a disregard for the respect of human rights. The armed forces have continued to tolerate, and have even actively supported, paramilitary organisations. NGOs cautioned that "Increased military aid is likely to result in a further outsourcing of the 'dirty work' by the security forces to the paramilitary groups."

Under the plan, it is foreseen that many of the newly displaced will be moved into government-controlled “temporary” camps to receive assistance. But NGOs are not convinced that the newly displaced will feel adequately protected or seek assistance in these government-controlled settings. The camps are to be controlled by the government, which is essentially responsible for the actions causing people to flee. Given the strong paramilitary presence in many of Putumayo’s urban areas, it is unlikely that rural persons (who are viewed as “guerrilla sympathisers” by members of paramilitary groups) will seek assistance in camps near these urban areas. Also, NGOs believe that these camps will not be temporary, but will require greater time and resource commitments.

Instead, many more displaced will likely seek safety in neighbouring countries and particularly Ecuador. Yet, there are already reports in the press that the Ecuadorian government may not be sympathetic towards these refugees. There is concern that tens of thousands of refugees from Putumayo may provoke a negative reaction on the part of the Ecuadorian authorities towards these new arrivals and the 30,000 Colombians who already enjoy a modicum of *de facto* protection in Ecuador. There are indications that governments in the region are labelling Colombians fleeing violence in their home areas as “economic migrants.”

There is a need for UNHCR to increase its international presence and monitoring on the border with Ecuador to ensure that those fleeing receive adequate protection. UNHCR should work closely with the Government of Ecuador to ensure that Colombian refugees are not involuntarily returned, as has happened with the governments of Panama and Venezuela in recent years.

In addition, in order to maintain its credibility with the displaced in Colombia and its non-political character, UNHCR must avoid being directly involved in the planned camps in the Putumayo Department that will accommodate those displaced as a result of the US-funded military offensive and aerial spraying.

** The NGO submission on the Americas and other agenda items are on the “What’s Hot!” page of the ICVA website: www.icva.ch.*

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THE EROSION OF THE ASYLUM SYSTEM IN AUSTRALIA

While the new wave of arrivals present Australia with a challenge, refugee advocates dispute the government’s assertion that it is a major threat. The government’s efforts to portray it as such to the public is generating fear in the community and fuelling xenophobia.

The trend until mid-1999 was that asylum seekers predominantly arrived in Australia by plane, with valid documents that allowed them to remain while their claims for refugee status were assessed. Arrival numbers had stabilised around the 8,500-9,000 per year. The largest caseloads were from countries where it was unlikely that any, or many, would succeed in their claims. Overall determination rates were between 15 and 20%.

Since the middle of 1999, however, Australia has seen a marked shift in this trend. It has become the destination for people out of the Middle East, mostly from Iraq and Afghanistan. They do not come directly from these countries, however, but from countries of first asylum (mainly Iran and Pakistan) where asylum is breaking down. The services of smugglers are being used to organise their journeys – usually by air to Indonesia and then by boat to Australia. Australia is not the only destination for this movement – in fact 34,000 Iraqis sought asylum in Europe in 1999 – but the movement to Australia has resulted in a marked shift in the profile of asylum-seekers.

There have been approximately 5,000 unauthorised boat arrivals in the last year – almost 50% of asylum seekers during this period. Further, given that unauthorised entrants must be detained, the numbers in detention have skyrocketed. Curtin Centre at Derby (Western Australia) has been recommissioned and a new centre was opened at Woomera. Both these sites, and the other major facility at Port Hedland, are isolated, thousands of kilometres from major centres. On 11 May there were 3,652 people, including asylum seekers, in immigration detention. It is probable that the vast majority (over 90%) will be granted refugee status.

In June, close to 1,000 detainees broke out of these centres to protest the length of time they had been in detention, the lack of information they received, and the isolation of the centres. The protesters remained in the towns for a few days, but were cordoned off by authorities and denied food.

Since the government has numerically linked the onshore and offshore refugee programmes, the substantial increase in the number of onshore grants will mean a commensurate reduction in the number of visas granted to refugees and humanitarian entrants (including others in refugee-like situations, e.g. coming from a country of origin where they faced lesser forms of discrimination, but have links in Australia). The planning figures for the 2000-2001 offshore programme are down by 20% this year.

In an effort to stop the arrivals, the Government has responded in a number of ways. Australia has entered into an agreement with the Indonesian Government, UNHCR, and IOM to intercept people destined for Australia and have UNHCR consider claims in Indonesia – a remarkable decision on the part of UNHCR as it seriously undermines the right to seek asylum. If those intercepted are determined not to be refugees, they are returned to the country of origin. If they are found to be refugees, resettlement places will be sought, but not in Australia.

The Minister for Immigration has made visits to the Middle East to talk with the governments of the first asylum countries about ways to ensure ongoing protection and has visited European countries to encourage them to provide more assistance to the first asylum countries. The recent budget included many related initiatives, including additional funds for humanitarian processing; \$A5m per year for aid contributions to build a coordinated response to the situation of Afghan and Iraqi refugees; and an additional \$A12.4m over four years to upgrade security procedures to combat people smuggling.

In Australia, unauthorised arrivals (those who arrive without documents or are not cleared by immigration) who are found to be refugees are no longer granted

permanent residence. Instead they are being given three-year temporary protection visas (TPVs) as of October last year that: give them permission to work and Medicare; limit access to welfare benefits; deny them access to most government-funded settlement services; do not entitle them to the free English classes, which refugees can normally access; do not guarantee re-entry if they leave Australia; and deny them family reunion rights.

Further, TPV holders must reapply for refugee status after 30 months (to enable processing before their three-year visa expires). If they are refused refugee status, they will be required to leave the country. While the reapplication requirement has not yet been applied, the new Border Protection Legislation Amendment Act 1999, which enshrines the concept of “safe third countries,” might result in these applications being rejected if arrangements can be made to return these refugees to the first asylum countries they left. The border legislation also raises the real possibility that asylum-seekers will be subjected to indirect or chain *refoulement*.

In the six weeks following the mass action in June by detainees, 1,700 were granted TPVs. The result has been large numbers of people entering cities with minimal entitlements for support. The TPVs have been creating massive problems for the refugees and also for the services that are either having to support them “surreptitiously” or use other funding to do so as federal funding is not to be used for this purpose.

The government’s domestic response to the arrivals has created friction within, and between, ethnic communities, threatening to undermine the multiculturalism that has been such a positive and productive feature of Australian society in recent decades. Sadly, in this and other areas, such as indigenous policy, Australia can no longer be held up as the “land of the fair go.”

** Based on information from the Refugee Council of Australia, 37-47 St Johns Rd, Glebe, NSW, 2037, PO Box 946, Glebe, NSW, 2037; tel: +61 (02) 9660 5300; fax: +61 (02) 9660 5211; e-mail: rcoa@cia.com.au; website: www.refugeecouncil.org.au and Jesuit Refugee Service e-mail: international@jesref.org, website: www.jesuit.org/refugee.*

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THE FRIBOURG FORUM: CREATING ANOTHER LAYER OF BUREAUCRACY?

Europe and the Newly Independent States (NIS) now have a process that should establish “the conditions for effective coordination and cooperation in emergency humanitarian assistance in the broader European region.” The “Fribourg Forum,” held in mid-June in Fribourg, Switzerland, consolidated political commitments from governments and international organisations to improve humanitarian emergency assistance.

While coordination is a much needed effort, there is a risk that the “Fribourg process” could turn out to be yet another political talk shop. The German delegation cautioned

that “We ought to be careful...that we do not add one more institution to the range of institutions currently active in this field.”

The adoption of the “Fribourg Communiqué and Framework for Action” by representatives of 52 countries and 22 international organisations came partly as a result of a 1998 Interlaken seminar. Organised by the UN Office for the Coordination of Humanitarian Affairs (OCHA) and NATO’s Partnership for Peace programme (PfP) on “Lessons Learned and Best Practices for Decision Making and Coordination Aspects of Crisis Management in Civil Emergencies,” the Interlaken seminar identified areas in humanitarian assistance that required “immediate attention.”

Yet it took two years before the Fribourg Forum was convened to move these issues to the policy level and gain the political support needed to move the process of coordination forward. The Swiss Minister of Foreign Affairs, Joseph Deiss, in December 1999 declared to the Euro-Atlantic Partnership Council (EAPC) in Brussels that the Fribourg Forum was being held “to set up the political framework of an aid coordination procedure in the event of a disaster in Europe or the CIS.”

It is ironic that many areas of concern in humanitarian assistance were identified more than two years ago, but these did not seem to be put into practise during the Kosovo crisis. When it came to Kosovo, several governments involved in the Fribourg process paid little respect to coordination. Especially during times when governments decide to work through bilateral channels, coordination of their efforts is of crucial importance. A huge failure during the Kosovo crisis last year was the lack of coordination as governments chose to go bilateral. While there were no deaths as a result of this lack of coordination, the result was a veritable circus where political interests took the lead. Even now, while the Fribourg Communiqué notes the need for coordination, it encourages, at the same time, bilateral responses in emergencies without paying attention to the tension between the two.

The Communiqué commits parties to review their collective emergency response capacities and identifies issues that require attention. They have also committed themselves to looking at means of ensuring coordination. Other than their commitments at the Forum and the Framework for Action, which proposes post-Fribourg activities, there is nothing to ensure that governments and international organisations will follow-up on the recommendations.

A diagram with overlapping circles showing where 16 organisations fit into civil protection, emergency response coordination, civil emergency planning, natural disaster, crisis management, and technological disaster had many falling into more than one circle. A table illustrated the overlap of mandates of several organisations and had a note at the bottom saying that some organisations “had been operating at times outside of their mandate.” If the Forum really results in a process, than it should bring about better coordinated humanitarian assistance, but the challenges are great considering the overlap in mandates, the sheer numbers of those involved in humanitarian assistance in the region, and geo-political considerations.

The Forum was organised under the European Coordination Programme (ECP) that has been led by OCHA and is on the calendar of the PfP. The ECP aims to create “a

favourable environment for effective international humanitarian action within existing regional structures and networks.”

However, the structures and networks on which the ECP focuses are limited to governmental organisations and do not take into account the work of NGOs. While the process of improving coordination in humanitarian assistance in the region has been ongoing for some time, the inclusion of NGOs was non-existent. The Fribourg Forum was the first time that NGOs were involved in the process. But, one might say, that ICVA’s presence was merely as the token NGO. The Czech Republic, in light of the Kosovo experience, advocated for a “broader involvement of civil society (national and international NGOs) in international humanitarian programmes.” In its statement, however, the Czech representative leaned largely to promoting its national NGOs.

While the current process focuses on Europe, there are plans to export it to other regions, such as Asia, Africa, and Americas. But before it is exported, it remains to be seen how effective the process will be and how far the political commitments made at the Forum will be transformed into reality.

** ICVA’s statement to the Fribourg Forum, as well as an Information Note on the Forum, are available on the ICVA website: www.icva.ch*

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STABILITY PACT NEEDS TO FIND ITS IDENTITY

More than a year after its inception, the Stability Pact for South-Eastern Europe remains largely an enigma. With only broad objectives and several essential elements missing, the Stability Pact seems to be a political creation that is having an identity crisis.

Dropped into a complex situation without any funds to disburse, it is left to act as an intermediary between organisations and governments. The Stability Pact offices, through the rather mysterious “vetting process,” choose projects of a regional nature that hopefully appeal to donors. The staff from the lead sponsor agencies are sometimes involved in the vetting process, which often includes project proposals from the same agency – a rather questionable practice.

Created in June 1999, the Stability Pact is meant to strengthen countries in the region in their efforts to foster peace, democracy, respect for human rights, and economic prosperity: key elements to achieving regional stability. It marked the beginning of what could play a crucial role in bringing stability to a region that is often referred to as a “black hole.” Yet, the complete exclusion of Serbia, one of the most troubled areas in the region, from the Pact will make the goal of regional stability impossible to achieve (see separate article in this issue of *Talk Back*).

The Pact has not developed a real plan as to how all these “quick start” projects will fit together or how civil society will be involved in the process – essentials if the Pact is to succeed in its aims. While there is recognition that the process of regional

stability requires a long-term commitment, the long-term planning and implementation of the idea are lacking.

Once governments created the Pact, it has seemed slightly perplexed as to how exactly it should move forward. Little has been provided in terms of resources or direction for the Stability Pact to carry out its work. Governments and international organisations have provided staff to the offices, but coordination among the Working Tables and with other organisations has been limited.

The Stability Pact could play a crucial role in promoting regional stability if it were to define itself and take the lead in suggesting ways that it could truly be used as a vehicle for donors. As it is used now, largely as a means of vetting certain projects for donors, the Pact has little added-value.

The validity of the vetting process itself is debatable. Each of the three Working Tables (human rights and democratisation; economic reconstruction, development, and cooperation; and security issues) has its own method of deciding which projects are presented to donors. Whether there are objective criteria used in the process, beyond the general criteria, is not clear. The process seems to be rather *ad hoc*.

The involvement of civil society has only been marginal and existing networks in the region are barely taken into consideration. Working Table I made a recent effort to increase the participation of NGOs in its work. A consultative meeting was hosted by the Greek government in early June that brought together approximately 100 local, national, and international NGOs. After informing NGOs of the activities of Working Table I, NGOs were asked to provide input and suggestions to each of six task forces, which would then be presented to governments at the donor meeting.

There still seems to be a lack of understanding on the part of the Pact that convening large meetings with NGOs (selected on the basis of unknown criteria) is not enough by itself. What is required is an ongoing dialogue with civil society that will, admittedly, require more effort on the part of the Stability Pact and governments. This effort will be made easier if the Stability Pact chooses to work with the existing NGO networks in the region. But without including civil society in the work of the Pact, stability in the region will be difficult to achieve.

The recent suggestion of Working Table I to adopt an NGO Charter in the framework of the Stability Pact is one attempt to increase NGO involvement. An initiative that is being led by the Romanian government, the Charter is to “constitute a political benchmark for governments in the region for their commitment to freedom of operation for NGOs. At the same time, it will set out guidelines for greater NGO involvement in the Stability Pact activities.” While the effort is commendable, the Stability Pact with its limited resources might be better served to actually engage governments and NGOs in a dialogue instead of trying to convince governments to sign onto yet another document.

The potential of the Pact lies in its regional span. It needs to get governments to follow through on their commitments made under the Pact. As it stands now, the commitment of donors to the Pact is hardly convincing given that they continue to fund projects bilaterally or through other governmental organisations, such as the

European Union. If the Pact were to have the genuine commitment from governments and truly involved all aspects of civil society, it could have a chance of achieving its goals.

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ONE YEAR ON IN SERBIA

The Yugoslav government celebrated the defeat of the western military powers on the first anniversary of the end of the NATO bombing. One year on, as Western governments continue to wait for a change in government, there is little sign that Milosevic will be removed from power anytime soon. Instead, the effects of the bombing and the economic and political isolation of Serbia are having devastating effects on the population – especially on the refugees and internally displaced.

The support from the EU and other governments to cities controlled by the opposition is not having the desired outcome. The similarities to Iraq and Saddam Hussein are becoming increasingly apparent as time passes. The stronghold of these leaders is not effectively being weakened through sanctions and political isolation.

The situation in Serbia is grim. The prospects for return of the over 200,000 Serb and Roma minorities displaced from Kosovo are very remote. Combined with the “old caseload,” the 700,000 refugees and displaced in the Federal Republic of Yugoslavia survive in a state facing social, economic, and political crisis.

Combined with the influx from Kosovo in June 1999, the Federal Republic of Yugoslavia currently supports the largest refugee and displaced populations in Europe. Yet Serbia has been completely excluded from the Stability Pact for political reasons. Governments are either ignoring, or are oblivious to, the central role that these displaced play in the attainment of regional stability.

The economy in Serbia is near collapse and the consequences of war and international economic sanctions and the effects of the NATO bombing between March and June 1999 have laid waste to industry and devastated local purchasing power. There are shortages of basic food items and medication is difficult to find, even at inflated prices.

The national infrastructure suffers from the lack of investment in the last ten years and the effects of the NATO bombing. The social and economic crisis in Yugoslavia has dire consequences for the protection of refugees and internally displaced people. They have little support in accessing education, health facilities and other services. Most refugees are “hosted” by families whose economic conditions are rapidly declining, which puts the abilities of the host families to provide shelter and food in doubt.

In Serbia it is difficult to distinguish between the “old caseload” refugees from Croatia and Bosnia and those who arrived last year from Kosovo. The quality of living conditions is dictated more by people’s own resources and if they have relatives in Serbia willing to assist. In general, those living in collective centres appear, at least on the surface, to be worse off than those living in private accommodations. Most are dependent on humanitarian aid with little prospect for durable solutions.

Roma, who were caught in the middle of the ethnic conflict in Kosovo, are the most marginalised group in terms of national and international attention to their plight. Security after return cannot be guaranteed for minorities in Kosovo and many express their willingness to return only with the Yugoslav Army. They argue that the Albanians returned to Kosovo with the assistance of the army and therefore they should also be granted that right.

Last year's influx from Kosovo only added to the continuing movement of refugees and displaced persons throughout the region over the last nine years. Ethnic Serb refugees started entering the Federal Republic of Yugoslavia in 1991 and following the war that broke out in Bosnia in the spring of 1992, more refugees fled to Serbia and Montenegro. The largest influx of refugees into Serbia occurred in August 1995 when the Croatian army swept through the Krajina region causing 200,000 Serbs to flee in a week.

The strategy of isolating and essentially ignoring Serbia is not working. Waiting for a change in government is only having disastrous effects on the population. But how long will this policy be upheld?

** With information from ICVA Belgrade, Vuka Karadzica 7a, 11000 Belgrade, e-mail: icva-bgd@eunet.yu.*

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RETURN REQUIRES TIME AND PATIENCE

NGOs and international organisations working in South-Eastern Europe fear that donor fatigue is setting in just as conditions for return are starting to fall into place in many parts of the region. They called on donors to allow time and provide adequate resources to ensure that returns are sustainable and can take place.

NGOs reiterated that multi-ethnic and multicultural societies must provide the framework for return, reconciliation, and reintegration. The hope is that all European states will remain committed to ethnic diversity. Yet such societies will only become a reality if minority returns happen.

These concerns and perspectives were voiced during a conference of the ECRE/ICVA Reference Group on the former Yugoslavia held in Montenegro on "Refugee Return in South-Eastern Europe: Rights and Realities" in June. The two day meeting brought together operational and advocacy NGOs from the region, other parts of Europe, and North America.

There was consensus that forcible and premature return is not only counterproductive, but does not last and can have destabilising effects in the region. In the first four months of this year, the number of minority returns was four times greater than during the same time period last year. Yet several obstacles still stand in the way of minority returns. While many improvements have been made, there is much work to be done to ensure that return can take place. The biggest obstacle identified by participants at the meeting is the lack of security for minorities.

In some cases, minority returns have helped to improve the security conditions, while in other areas, the return of minorities has led to increased ethnic tension. However, participants felt that encouraging return to areas where security is problematic was unacceptable. Security should be ensured prior to promoting return.

Other problems blocking minority return include the lack of housing and often the lack of a legal framework to ensure that houses are returned to their owners. The attitudes of politicians in many areas have discouraged the return of minorities. Currently, many of the returnees are elderly. Without the creation of job opportunities, the incentive to return for the younger generation is minimal.

Yet the question of regional stability will remain unanswered as long as Serbia remains isolated in the region (see separate article in this issue of *Talk Back*). With the largest caseload of refugees and displaced persons, there will be no hope of sustainable peace without the return of those displaced living in Serbia. There is also a need to have a political resolution to the situation in Kosovo. With an undefined political future, much uncertainty remains.

Several Western governments are forcing return to take place prematurely. Such impatience does not take the protection of the refugees into consideration, but instead reflects internal security concerns and the views of more hostile sections of the population. Such actions could contribute to destabilisation in the region and increased numbers of displaced. In one example, the German government returned Muslims to Sarajevo, but they could not return to their communities. The result was that they were forced to live as displaced persons in Bosnia.

Often, foreign ministries are aware of the problems that premature return can bring. However, in many countries, decisions concerning return are taken by interior ministries. There is a clear need for government ministries to have more coordination between them in order to ensure that return takes place in a planned manner and that the best interests of the refugees are of primary consideration.

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CIS CONFERENCE PROCESS TO CONTINUE

The continuation of the CIS Conference (CISCONF) to address issues of displacement and population movements was affirmed with the adoption of a follow-up plan by the Steering Group on 14 July. Under the follow-up, the Conference process will move to the working group model used by NGOs involved in the CISCONF.

Four thematic Expert Working Groups will be organised focusing on: groups of concern; migration management; NGOs and civil society; and legislation. But such a structure runs the risk of issues being compartmentalised within each working group when there are many cross-cutting issues to be addressed. One of the most crucial cross-cutting issues, which is not explicitly included in the theme of any group, is the protection of refugees and internally displaced persons. The basis of the work of the migration management group in particular should be protection. Yet no reference is

made to protection and UNHCR's involvement is seemingly limited in this working group.

Each expert working group will be led by an international organisation and is to involve governments, NGOs, relevant experts, and interested parties, allowing for issues in the region to be tackled in a more practical manner. Several of the issues dealt with by the NGO Working Groups cut across all four Expert Working Groups, but the question of how the Expert Working Groups will relate to each of the NGO Working Groups has to be clarified.

One of the biggest achievements of the CISCONF has been the development of the NGO sector in the region. Over the last four years, the NGO process within the CISCONF has helped to improve the operational capacity of NGOs, has made the legal environment more conducive for NGOs, and has increased the role of NGOs in terms of working with governments on migration issues.

The meeting of the Steering Group, held in Geneva on 13-14 July, was largely a formality. A Working Group had been appointed last year by the Steering Group to look into the issue of the follow-up to the CISCONF as it was due to end this year. An assessment of the "Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States" (CISCONF) from 1996 to 2000 formed the basis of the Working Group's recommendations to continue the process. The Programme of Action, adopted at the 1996 Conference, which has formed the basis of the activities under CISCONF, will continue to guide the work through the follow-up process. (For more information on CISCONF, see the special issue of *Talk Back* 1-4.) Most governments had already agreed to the recommended follow-up plan during meetings of the working group.

While the inclusion of NGOs in the Expert Working Groups has been generally welcomed by NGOs, there is concern as to how local NGOs will realistically be able to participate in the work of these groups. Questions of funding and how the working groups will function at a practical level have yet to be fully addressed. Little has been done yet to ensure that cross-cutting issues are addressed by all four Expert Working Groups. The meeting ended with a commitment to further discussions between the lead agencies to discuss future work plans.

One of the sub-themes of the Expert Working Group on "sustaining the achievements and activities of the NGO sector and civil society and promoting further participation by international and national NGOs" is the NGO-UNHCR Partnership in Action (PARinAC) process. The process, while just newly introduced to the region, is one way for NGOs to work in cooperation with other NGOs and UNHCR to address the issues and groups of concern to the CISCONF – not only in operational terms, but also in terms of advocacy. As PARinAC is not only limited to NGOs that are implementing partners of UNHCR, the process provides an opportunity for CIS NGOs to become more involved in providing input to the more general protection work of UNHCR.

MEMBER PROFILE:

NNGOC – NATIONAL NGO COUNCIL OF SRI LANKA

For the past twenty years, the National NGO Council of Sri Lanka (NNGOC) has served as an umbrella organisation for development NGOs in Sri Lanka. The Council brings together the NGOs that represent the various religious and ethnic groups that constitute Sri Lanka's population and takes "all such actions as necessary to strengthen the NGOs and promote their effectiveness as partners in development."

Traditionally focused on issues, such as agrarian and land reform and food security, this year, the Council has decided that the time has come to also turn its attention to peace issues. By undertaking several internal organisational reforms, NNGOC hopes that the organisation's functioning will be improved and that the changes will contribute to increased understanding between the country's communities.

The Council's focus in the past was based on its roots. Following the World Conference for Agrarian Reform and Rural Development in 1979, a regional NGO workshop the next year decided that each Asian country should form a national NGO umbrella organisation. As a result of that decision, NNGOC in Sri Lanka was formed.

The Council aims to promote and strengthen communications, cooperation, and collaboration among the more than 90 life-member organisations and between the NGOs and the Council itself. Approximately 35 of these (such as Sarvodaya, All-Ceylon Buddhist Congress, National YMMA (Muslim), National YMCA, Hindu Congress) are themselves federations, giving the Council an affiliated membership of nearly 500 organisations.

The views of NGOs are represented by the Council to the Government of Sri Lanka, to UN agencies, and to other international organisations, and donor agencies. The Council also works on obtaining support from these bodies for the development programmes of its member organisations

While sponsoring research by NGOs in their respective fields of specialisation, the Council also encourages and supports the exchange of such information and expertise among its members. It also works on developing new approaches, strategies, and mechanisms for people's participation in development. Capacity-building is provided through the support of workshops, seminars, and training programmes. Skills training is provided to promote income generation through self-employment programmes.

The Council has recently created the Civil Society Movement on Violence with the National Peace Council and the Marga Institute. The establishment of three commissions (for police, elections, and the public service commission) was suggested to the government in order to ensure independence, to increase accountability, and to hopefully contribute to an improvement in the ongoing conflict.

The overhaul of the Council's internal structure under the new Chair is meant to ensure that minorities are represented, that there is a better gender balance, and that "youth" will be able to participate. Following a recent evaluation of NNGOC's

performance, a decentralised structure for the Council has been put in place that will attempt to make changes at the local level to help promote community stability.

Each of the nine provincial branches is in the process of forming District Coordinating Committees on Peace and Community Stability. Organised on the basis of government administration districts, each Committee will make a concerted effort to ensure the involvement of minorities and will work on promoting mutual understanding to try to prevent problems related to tensions between communities.

Each committee is also responsible for forming youth committees, which will be a way of training youth in leadership and also in organising language classes in Sinhalese and Tamil to encourage better communication between the communities.

To encourage better government-NGO relations, a five-member advisory committee for each provincial branch, consisting of the Chief Minister of the province, the opposition leader of the province, and three other government representatives is being instituted.

The new governing Board of NNGOC will consist of 15 members, nine of which will be the directors of each of the provincial branches' management boards and who will act as ex-officio members. The other six members are elected from among NNGOC's general membership every two years. Of these six, there must be at least one representative from each of the Tamil, Muslim, and Sinhalese communities. In addition, there must be a minimum of 40% of either men or women on the Board to ensure a gender balance. The management boards of each provincial branch must also include at least one Tamil and Muslim representative, as well as 40% youth (broadly defined as those under 40). These changes to the organisation's structure were all unanimously adopted at the Council's General Meeting at the beginning of July and are in the process of being implemented.

An NGO Code of Conduct was also presented at the same time that will be distributed to members and promoted through training workshops. A disciplinary committee for NGOs, as a means of ensuring transparency and accountability, has also been created. Headed by a retired judge, the committee also has two others from the civil service or reputed persons that are not from NGOs. The committee accepts complaints in writing or verbally against NGOs that are members of NNGOC. The Code of Conduct will provide certain guidelines for the disciplinary committee.

While NNGOC has made many changes that will hopefully help in promoting understanding, it is the members of the Council that are involved in more concrete activities on the ground. For example, the Sri Lanka Youth Council, to whom NNGOC's Chair belongs, is trying to dispel many of the myths with which youth under the age of 19 have grown up. The NEST (North East South Triangular) of Pen Pals programme, which requires relatively few funds, should have long-lasting effects. Addresses of young people (under the age of 19) are exchanged so that they can write to others in different regions and communities. The programme started just before the recent hostilities between the government and the LTTE making it difficult now to get mail to the northern areas. By writing to youth in other areas, the Youth Council hopes to be able to break the stereotypes of the communities that currently exist.

** National NGO Council of Sri Lanka, 50 Haig Road, Colombo 4, Sri Lanka, tel: +94 1 599 395/581 028/72 283 850; fax: +94 1 514 122/599 395; e-mail: nngoc_sl@visual.lk; Secretary: Mr. Deepthi de Mel; Chair: Mr. Saman Amarasinghe.*

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