



International Council of Voluntary Agencies
Conseil International des Agences Bénévoles
Consejo Internacional de Organizaciones Voluntarias

talk back

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Rehabilitation and Country Building — No Easy Task Facing East Timor

Donors will gather in Tokyo from 16-17 December to raise resources for the immediate and longer term needs of East Timor. Hosted by the UN, the World Bank, and the Government of Japan, representatives of East Timorese NGOs and of the three NGO networks on the UN Inter-Agency Standing Committee (ICVA, InterAction, and the Steering Committee for Humanitarian Response) will also attend to express their concerns for the needs of East Timor.

With the withdrawal of Indonesian forces and the handover to the United Nations Transitional Administration in East Timor (UNTAET), the process of building

an independent East Timor has begun. UNTAET is responsible for ensuring a smooth transition to independence for East Timor within two to three years. Under UNTAET, three pillars have been established, building on the lessons from Kosovo: civilian administration and governance; humanitarian and rehabilitation affairs; and the military. The donors' conference will allow the international community to pledge the support necessary to build an independent country.

The challenges for the people of East Timor and UNTAET are great. There are still some 100,000 East Timorese in refugee camps in West Timor. Many are being denied their right to return and are facing harassment and human rights abuses from Indonesian militias. UNHCR has started public information campaigns in the camps to counter the misinformation being disseminated by the militias. But, there is still not unrestricted access to several of the camps, in which many refugees are living in squalid conditions. Last week, UNHCR reported having only limited access to the more than 144 camps in the Kupang, Kefamananu, and Atambua areas of West Timor.

There are also reports of the militias training the refugees and attempting to form small armies. There is the risk that these groups may operate across the border in an attempt to destabilise the situation in East Timor. Such a contra style operation may require the establishment of an army in East Timor — something that the East Timorese have long expressed a desire to avoid.

With the long battle for East Timorese independence behind them, local NGOs are finding themselves in a position where their space to operate has been compromised, not only by the devastation inflicted by the Indonesian militias, but also by the international presence.

While international actors rightly stepped in to provide assistance to the East Timorese population during the
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Editorial

In the humanitarian business, talking about human rights has become the flavour of the month. An increasing number of humanitarian organisations have found great pleasure in portraying their work as 'rights-based'. It must be questioned, however, whether the implications of using this language are really understood. It is even a question whether all the implications are yet known.

The debate over the relationship between human rights and humanitarian assistance is not new. In fact, organisations such as the International Committee of the Red Cross (ICRC) and Médecins sans Frontières (MSF) have always maintained that the coin of humanitarian action has two sides: assistance and protection. Although the two agencies translate this in different working methods — public advocacy (MSF) versus silent diplomacy (ICRC) to denounce human rights violations — they view the two elements as inseparable in all their operations.

Several humanitarian organisations interpret the question of how to incorporate human rights in their work in two ways. Firstly, many humanitarian staff understand it as meaning they have to become human rights monitors — a role which meets heavy opposition as many claim that it would severely jeopardise their neutrality. Others take the approach that incorporating human rights means making their work rights-based or more practical and making explicit that their work is rights-based, i.e. the delivery of food fulfils a victim's right to food. In this respect, humanitarian workers acknowledge the rights of the beneficiaries and perceive them as rights-holders and aid becomes a rights-implementing act.

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So far, so good. But the problem is that very little work has been done to obtain a real understanding of what a rights-based approach to humanitarian assistance entails exactly. For example, many of those who have recently claimed that their work is rights-based appear to refer to a self-made selection of human rights.

One other problem that has so far been largely ignored is the fact that relief operations, in particular in refugee camps, deny certain fundamental rights such as the freedom of movement. Unresolved issues also include the question of the prioritisation of rights and the relationship between group or collective rights and rights of the individual. There is little understanding of whether protection includes a rights-based approach or whether a rights-based approach is a wider concept than protection. The latter point is, for example, claimed by UNICEF.

At the same time, whereas these fundamental issues have not been clarified, many of the humanitarian organisations that have started to use the language of a rights-based approach, feel an immediate need to train their staff in human rights. Similarly, many humanitarian organisations and staff have asked for manuals and guidelines on how to take a human rights approach. And, there is a whole set of different fora meeting on the subject.

A serious attempt to link humanitarian assistance with fundamental human rights is the Sphere Project, which includes a humanitarian charter and a set of minimum standards and indicators on technical issues. By defining which are the minimum quantities and qualities that people should receive, or have a right to, Sphere could be seen as 'rights-refining'. But even Sphere could have been more successful in its rights-based approach. The ICRC, an observer to the project, opposed the translation of humanitarian law, which contains a set of principles and rules particularly designed for armed conflict, into concrete rights and standards articulated by Sphere. It would have been extremely innovative to determine how these rules could be concretised in terms of rights.

While it is a welcome development that many humanitarian organisations no longer see their work as distinct from human rights, it is clear that much work remains to be done to enhance the link between humanitarian assistance and human rights. Those humanitarian organisations that have expressed commitments in this regard must understand that using the new language is not sufficient. It is high time to address the more fundamental difficulties of how to adjust, or change, humanitarian programming and operations in order to make them truly rights-based. ♦

Ed Schenkenberg van Mierop

International Involvement Must be Stepped Up to Counter Burundese Regroupment Camps

Instead of pulling out, the international community must step up its involvement in Burundi, according to the outgoing UN Humanitarian Coordinator for the country, Kathleen Cravero-Kristofferson. The humanitarian operations in Burundi are under continued discussion, not only because of the insecurity for international staff, witnessed by the assassination of two UN staff in October, but also in light of the increased forcible displacement of civilians for military purposes, known as regroupment. Cravero-Kristofferson's remarks were made at the launch of the UN Consolidated Appeal for Burundi, which took place on 24 November in Geneva.

According to UN figures, since July 1999, another 250,000 people have been forcibly displaced in rural Bujumbura, adding to a total figure of 800,000.

Regroupment is not a new phenomenon. In Burundi, the government has used it as strategy to remove rebel forces from rural areas since the mid-1990s. The authorities claim that in transferring the villagers to camp sites, they assist the civilian population in finding safer places that protect them from the rebels. Many humanitarian and human rights organisations have consistently opposed the practice of regroupment as the government itself is a main factor in creating the insecurity. In responding to the humanitarian needs of the displaced, agencies have jointly emphasised the need for safe and unhindered access to the camps, while limiting their assistance in the camps to essential lifesaving services and supporting the infrastructure in the surrounding villages.

Recently, however, the French section of *Médecins sans Frontières* decided to no longer work in the regroupment camps. This year's Nobel Peace Prize Laureate felt that in the context of regroupment, it could have little impact on the improvement of the humanitarian situation. The agency added that the regroupment itself deprives the population of its most basic human rights.

The UN Humanitarian Coordinator seems to hold an opposite view. Although the sanctions regime, imposed by Burundi's neighbours after the coup in 1996, was suspended in January 1999, the effects are still being felt on food prices and the economy. The international community should step up its involvement to support the peace process, which is presently in a crucial phase.

At the CAP launch, Cravero-Kristofferson called for a comprehensive approach. There are inextricable links between humanitarian assistance, peace-building

and development. The consolidated appeal for Burundi therefore includes activities such as peace education, technical support for the reestablishment of the rule of law, and human rights monitoring. The human rights observer mission has been tasked with monitoring the situation of people forced to flee their homes. However, the mission, present since 1996 has never received the adequate funding for the observers to cover efficiently all provinces.

In addressing the insecurity for humanitarian personnel she said that the situation cannot be improved by technical measures such as armed escorts for humanitarian convoys or increased radio communications. According to her, the security of staff is directly related to the political context and can only be improved if there is a process that includes all parties to the conflict. A meeting in January 2000, convened by the Henry Dunant Centre for Humanitarian Dialogue and which will include leaders of the armed opposition, may be key in this regard. ♦

HIWG: Stability Pact must Involve Civil Society to be Effective

While "the Stability Pact for South-Eastern Europe [launched in June 1999] must be both welcomed and supported" because of its regional approach, ICVA remains "extremely concerned that the Pact remains largely rhetorical. Governments have been too slow in fulfilling their commitments and delivering required resources."

This message, delivered by ICVA at the Humanitarian Issues Working Group (HIWG) of the Peace Implementation Council on 8 December, was not one that was echoed by governments. They praised the Stability Pact as presenting a unique opportunity to ensure that a regional approach is taken in the Balkans to achieve peace and development. Governments did not seem overly concerned by the lack of progress made by the three Working Tables of the Stability Pact over the last six months.

NGOs have been increasingly concerned about their lack of involvement in the Stability Pact. There is no structured means of including NGOs in a process that seems to recognise the role of civil society on paper, but has done little to turn that rhetoric into action, as of yet. ICVA warned the HIWG of the fear of many NGOs that the Pact "risks becoming merely an academic exercise if it fails to include local structures and civil society groups in its work."

In Belgrade, NGOs are being largely left out of the process of the Stability Pact. While individual NGOs

Stability Pact and Civil Society

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may be contributing to the Working Tables or task forces because of personal connections, there has been no concerted effort to truly make NGOs part of the process — a key element for the Pact to be effective.

High Commissioner for Human Rights Mary Robinson brought attention to the role of NGOs: “perhaps the greatest hope for social and cultural transformation in Southeast Europe comes from the courageous and visionary work of civil society actors — those who take stands which may not be the easiest paths to political power.”

Many delegations noted their concern over the slow rate of return of refugees and displaced persons in the Balkans and, in particular, of minority returns. High Commissioner Ogata in her opening statement announced a series of tripartite consultations that are to take place between governments and UNHCR in order to formulate “concrete action plans, with measurable timeframes” in order to facilitate return. UNHCR will then seek support for the plans among member States of the Stability Pact and organisations.

While there was much support voiced for refugee return, the “deliberate and hasty withdrawal” of ECHO (the European Community Humanitarian Office) from Bosnia-Herzegovina was pointed to by ICVA. ECHO, which has been flexible in its approaches and supportive of refugee return, has surprised many NGOs with its decision to withdraw and there is concern that there will not be adequate transition time before the Director General for External Affairs takes over.

In reference to the political and economic crisis in the Federal Republic of Yugoslavia (FRY), ICVA reminded the audience of the hundreds of thousands of refugees and displaced persons caught in the crisis. High Commissioner Ogata, in her closing remarks, expressed her disappointment over the relatively few government delegations that made reference to the humanitarian crisis occurring in the FRY.

The need to urgently continue the process of winterisation in Kosovo and the need to ensure the protection of minorities were raised by many delegations. The inclusion of the Kosovars in rehabilitation was also pointed to as being key for the future of the province.

At the end of the day, it was clear that there is wide support for a regional approach to work for stability in the Balkans and that the Stability Pact seems to be the means to achieve that approach. Whether the hope that is put in the Stability Pact can be translated into meaningful results remains to be seen. ♦

For the ICVA statement, see: www.icva.ch

Challenges for East Timor

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upheaval following the independence referendum, local NGOs have returned to East Timor to find that their ability to provide assistance has been hampered. They are feeling somewhat sidelined by the approximately 40 humanitarian agencies in the newly independent state and feel a sense of powerlessness.

Prior to the crisis in September, East Timorese NGOs had formed the East Timor NGO Forum, which acted as an umbrella group. During the crisis, the NGOs were dispersed as their staff fled the terror to various areas in Indonesia or elsewhere.

Now that the NGOs have returned to East Timor, and several new ones have been created, local NGOs find they must speak with a collective voice in order for them to be heard by the international community.

Efforts are underway to form a new umbrella group of the 24 East Timorese NGOs. The NGO Forum is basically being regrouped, but will be able to be more robust under a less restrictive environment for NGOs under UNTAET than was the case under Indonesian rule.

The frustration of being sidelined that is felt by NGOs is similar to that felt on the political level by members of National Council for Timorese Resistance (CNRT) (a coalition of political forces) in relation to the UN presence. But, efforts are being made by the recently appointed UN Administrator, Sergio Vieira de Mello, to address this concern.

The National Consultative Council, which will act like a Cabinet, will hold its first meeting on Saturday 18 December. The Council of 15 people will have 11 East Timorese (7 of whom will come from CNRT, 1 will be a church representative, and 3 will be from non-CNRT political parties) and 4 UNTAET representatives. At the donors' meeting in Japan, CNRT and UNTAET will be attending as a single delegation.

UNTAET has several tough issues facing it, including language, currency, and property matters. Whether there will be a need for 9,000 military troops under the military pillar is a question that is already being asked by some even though the force will only replace the International Force in East Timor (InterFET) by January 2000 at the earliest. ♦

Incorporate Protection Concepts into Assistance, NGOs tell UNHCR

Margaret Green, International Rescue Committee

NGOs called for the incorporation of protection concepts into UNHCR's assistance programmes during a "Reach Out" meeting in Bangkok. One NGO representative even suggested that UNHCR should select its implementing partners on the basis of the NGO's capacity to provide and promote refugee protection in given field situations.

Representatives of 26 humanitarian and human rights NGOs based in the Asia and Pacific region met with senior officials of UNHCR in Bangkok, Thailand on 11-12 November 1999. The first of four planned regional "Reach Out" meetings, its purpose was to discuss ways to improve collaboration in support of the international refugee protection system.

UNHCR kicked off the Reach Out project in 1997, in response to the growing protection problems facing refugees around the world. In launching the project, UNHCR stated: "The international refugee protection regime is facing fundamental and far-reaching challenges at a time when there is a global increase in population movements. Basic changes in the international environment... coupled with the increasing tendency of states to take unilateral action in refugee matters — often in open disregard of agreed treaty obligations — have given these challenges a new dimension and resulted in a confluence of factors which threatens the foundations of this regime."

The first stage of the Reach Out involved consultations with governments. During the second stage, UNHCR approached its historic allies, the NGOs, to seek their support and views on how best to strengthen refugee protection. The first meeting, held in March 1999, was attended by leading international humanitarian and human rights NGOs. In addition to the Bangkok meeting, three other regional meetings are planned for Kenya, Latin America, and the Middle East.

Participants at the Bangkok meeting agreed that more collaboration was essential for NGOs and UNHCR to strengthen refugee protection in the Asia and Pacific region. To do so effectively, NGOs called for the creation of a regional information network connecting the NGOs within the region, as well as with NGOs and other entities outside of the region. Participants also voiced interest in receiving more refugee protection-related training, as well as more frequent opportunities to meet directly with UNHCR protection staff to discuss current problems and possible, joint solutions. Both UNHCR and NGO participants acknowledged that the cultural differences between them were significant, but that by understanding one another better, each could benefit from the other's strengths, and take measures to overcome institutional weaknesses. This commitment is especially important in countries where government authorities have prohibited UNHCR from accessing refugee populations, leaving to NGOs play a particularly significant role. But to be effective, participants felt that NGOs in the Asia and Pacific region needed more information, training, and support from the larger NGO networks.

There was a general consensus that NGOs should get much more involved in advocacy and the promotion of refugee protection principles. Although some participants questioned the value of pursuing an accessions campaign, a majority of NGO participants supported the need for such a campaign in the region.

The need for regular meetings with UNHCR staff was deemed critical to the success of UNHCR/NGO collaborative efforts.

Throughout the meeting, the discussion was frank and often charged with emotion. While the participants did not always agree with one another, there was general consensus that the discussion was useful and could lead the way to stronger collaboration in future. ♦

Next Step for UNHCR's Kosovo Evaluation?

"Eerily reminiscent" of previous evaluations is how one UNHCR official described the preliminary findings of the independent evaluation of UNHCR's emergency response in Kosovo. So how seriously have the recommendations of past evaluations been taken by the organisation? And how much impact will the results of this evaluation have on the future operations of UNHCR?

The five member evaluation team, which began its work in September, is looking at the period from the end of March 1998 to the end of June 1999 and is examining UNHCR's preparedness and response. It is also looking at "the role and impact of other actors involved in the crisis, to the extent and insofar as they affected UNHCR's operations." Yet the team had consulted only a limited number of NGOs by mid-November.

see over

UNHCR's Kosovo Evaluation

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An informal consultation with the members of the Humanitarian Liaison Working Group and the Inter-Agency Standing Committee took place in Geneva from 11-12 November with the evaluation team. The team presented its preliminary findings orally, not wanting to risk giving their initial observations any "finality" by putting them on paper.

The team focused their observations during the meeting on six areas: early warning, contingency planning, emergency response management, protection, external coordination, and the military-civilian relationship.

The results seem to point to several institutional weaknesses on the part of UNHCR. But, at the same time, the large number of bilateral efforts and financial constraints compromised UNHCR's capacity to coordinate and ability to effectively respond.

Despite having contingency plans, there was an unwillingness or incapability on the part of UNHCR to think beyond the ceilings it had set for refugee influxes into Albania and the former Yugoslav Republic of Macedonia (FYROM).

UNHCR's emergency response management was restricted by the lack of experienced mid-level managers. In addition, the high number of government delegations visiting the region mean that UNHCR staff were distracted from their work by the need to engage in external relations.

The first days of the crisis in no-man's land near Blace, FYROM posed the most fundamental protection problems when the FYROM authorities closed the border from Kosovo. There was a difference of opinion within UNHCR as to whether emphasis should be put on the FYROM authorities' obligations under international law or whether it should be put on other governments' obligation to "share the burden" and except the evacuees.

It was clear that the team needed to do more research and analysis on some key issues, including the politics of the relationship with the military. In relation to the protection response, the preliminary findings did not seem to sufficiently address the dilemma between a principled and pragmatic approach. Several issues, not least amongst which is the protection of refugees' rights, the humanitarian evacuation programme, the humanitarian transfers programme, and the subsequent return needed further elaboration and evaluation. The question of camp security is also one that requires more reflection. The team did not provide much insight into how financial constraints affected UNHCR's response and it was not clear to what extent the final evaluation will address the issue.

Remarkably, the team had approached only a limited number of NGOs during their data collection. Many of the NGO staff approached was in Kosovo. Yet the field staff with which they met were not necessarily the same ones who were on the ground during the emergency response. ICVA raised this point with the team, as well as expressing concern over the lack of consultation with NGOs, and the team has subsequently agreed to approach interested NGOs.

During the Humanitarian Issues Working Group (HIWG) meeting of UNHCR's Peace Implementation Council on 8 December, ICVA commended UNHCR for the independent evaluation in its statement [see separate article in this issue]. ICVA expressed the hope that the evaluation would be transparent and seek broad input from NGOs. The concern was raised that "many evaluations are used for raising a smoke screen and that the real issues, including strong political interests, remain unaddressed. The international system for refugee protection is surely at risk if the evaluation is used to scapegoat one player while ignoring more fundamental problems."

How UNHCR, as an institution, will be able to turn the final recommendations into meaningful improvements in the manner in which it responds to humanitarian emergencies remains to be seen. That task, however, is not one that can be accomplished by UNHCR on its own. At the HIWG meeting, ICVA called on "governments and UNHCR to design effective mechanisms to learn the lessons being drawn."

The draft report is to be presented to UNHCR and a panel of experts in January. The final report is to be submitted to the High Commissioner by mid-February and will be on the agenda of the Standing Committee meeting at the end of February/beginning of March. ♦

Global IDP Database Officially Launched

Marc Vincent, Norwegian Refugee Council

It's official! After months of preparation, software development, and many, many hours of research, the Global IDP database <www.idpproject.org> was fully launched on 10 December 1999, the 51st anniversary of the Universal Declaration on Human Rights.

With profiles of 14 countries online, the database is accessible to anyone interested in information on internally displaced persons (IDPs). In the database, agencies will have access to the necessary information take action to advocate on behalf of the displaced, to fight against further displacement against displacement, and to better assist the displaced.

In addition to comprehensive profiles on various crises of internal displacement, the website provides training materials on IDPs, thematic information on, for example, the mandate of the Representative of the Secretary-General on internally displaced persons, plus other useful IDP-related links and information.

The 14 countries currently available on the website are: Afghanistan, Angola, Azerbaijan, Bosnia/Herzegovina, Burma/Myanmar, Burundi, Colombia, Democratic Republic of Congo, Peru, Sierra Leone, Somalia, Sri Lanka, Sudan, and Uganda.

In September 1999, ICVA member the Norwegian Refugee Council (NRC) made an initial limited release of the database in order to evaluate its operation and gauge initial user reaction. Even with only a few months of operation one of the clear added values noticed by users is that the database acts as an

information management service that screens, sorts, and displays information in an accessible manner and does not act as just an electronic archive.

As the database enters 2000, NRC is pursuing several new avenues of development, including: an increase to 35 countries covered by the end of the year (including Armenia, Croatia, China, Ethiopia, Eritrea, Iraq, Liberia, Nigeria, Philippines, Republic of Yugoslavia, Rwanda, Russian Federation, Tajikistan, and Turkey); regular updating of the profiles already in the database; the development of information sharing arrangements with selected organisations that have established information networks; and the development of regional information networks devoted to the coverage of IDP issues with national NGOs and research institutions.

One of the stated advantages of the UN Inter-Agency Standing Committee "outsourcing" the database to an NGO was to encourage an active information exchange with NGOs who may otherwise be reluctant to share information with the UN. In order to facilitate the search for information, NRC proposes to develop regional information networks to bring together national NGOs, research institutions, and individuals with information on internal displacement.

As Francis Deng remarked on the initial launch of the database, this is a dream come true. It is hoped that the database becomes a useful tool in promoting the assistance and protection needs of the internally displaced. ♦

Global IDP Database: www.idpproject.org

IDP Training in the Philippines

Marc Vincent, Norwegian Refugee Council

From 22-24 November, the NRC co-hosted a workshop on the Guiding Principles on Internal Displacement in Quezon with the Ecumenical Commission for Displaced Families and Communities (ECDFC). Some 30 participants from NGOs, the Commission on Human Rights, and staff members within the legislative branches of the Philippine government participated in the workshop.

After two and a half days of discussions and deliberations, some 25 recommendations were approved by the workshop, including a recommendation to re-establish a sectoral committee on internal displacement with the Commission on Human Rights. Other recommendations included requesting that the Philippine Government invite Francis Deng, the Representative of the UN Secretary General on internally displaced persons to discuss internal displacement in the Philippines and plans for further training for members of the Philippine Armed Forces on the Guiding Principles.

The training workshops are a regular part of the Global IDP Project/NRC's advocacy work for internally displaced. Training modules on the Guiding Principles are available on the website <www.idpproject.org> and NRC welcomes requests to conduct workshops from NGOs and governments alike. ♦

Tampere Summit: Crucial for EU Asylum Policy

Peer Baneke, European Council on Refugees and Exiles

The European Council on Refugees and Exiles (ECRE) broadly welcomes the Conclusions of the Tampere Summit, held in Tampere, Finland from 15-16 October. The Summit reaffirmed the need for the "absolute respect of the right to seek asylum" and provided the impetus to develop harmonised asylum policies with "guarantees to those who seek protection in or access to the European Union." These guarantees are crucial to ensure that asylum, and access to asylum, is never subordinated to control measures.

The Summit brought together the Heads of State and Ministers of Foreign Affairs of the 15 member States of the European Union to set the tone for the development of an EU asylum policy as committed to in the Amsterdam Treaty. It is envisaged that the development of the whole package of new measures, which will be binding on the EU states, will take five years.

European refugee supporting organisations have been working towards this Summit for most of 1999, fearful that European states might undermine the Refugee Convention and chart a course towards further closing the EU to asylum seekers and refugees. Coordinated by ECRE, agencies lobbied national governments while ECRE focused on the EU Presidencies (Germany and Finland during 1999) and advocated on three key demands:

1. Reaffirmation of the importance of the 1951 Geneva Refugee Convention;
2. Guaranteed access to protection in the European Union;
3. Confirmation that immigration and asylum are distinct issues and assurances that in any measures on irregular migration, the right of, and possibilities for, those in need of protection to seek asylum in the EU are safeguarded.

UNHCR also made its views about the preferred outcome of the Summit clear to EU governments as did international NGOs such as Amnesty International and MSF.

ECRE organised a public Parallel Summit in Tampere on 15 October to underline the key objectives together with staff from UNHCR, members of the European Parliament, and European Commission officials. It was attended by 300 participants, including 100 media representatives and many of ECRE's member organisations. The Parallel Summit focused on the

EU Action Plans on migration and asylum issues (see below) and discussed the possibilities of a principled approach to the Amsterdam Treaty.

It was agreed at the Summit that the Common European Asylum System will be based on a "full and inclusive application of the Geneva Convention." The result is that incorrect interpretations of the Convention by Member States, such as not covering persecution by non-state actors, should be changed. It also means that asylum policy must be gender-sensitive and child-centred.

However, there are concerns that some of the Conclusions of the Summit, particularly on readmission agreements, may be used to return asylum-seekers to countries of origin or transit without providing sufficient safeguards against refoulement, as has been the case to date. ECRE has been particularly concerned by the inappropriate use of re-admission agreements on a so-called "safe third country" basis. But taken with the strong commitments outlined above, ECRE believes that readmission agreements must in future provide sufficient safeguards to ensure that this does not remain the case. ECRE will certainly work very hard for this.

Action Plans on migration and asylum issues have been drawn up by a so-called EU High Level Working Group in relation to Afghanistan, Iraq, Morocco, Somalia, and Sri Lanka. In principle, ECRE welcomes that those plans also consider root causes of migratory movements, including refugees. However, ECRE worries that in practice, they seem very much oriented towards keeping refugees out of Europe. ECRE will, therefore, try to influence their implementation as much as possible.

In short, if the Tampere Conclusions are implemented in the spirit in which they have been written this will be a step towards a protection-oriented asylum policy. All refugee organisations in Europe (and beyond) must remain vigilant as the key is in the fulfilment of the commitments made in the Conclusions. We will also closely follow the implementation of the so-called Action Plans to make sure that these do not prevent access to the EU for those needing protection. ♦

See the ICVA website <www.icva.ch> for the full text of the Conclusions of the Summit and for the full "Observations by the European Council on Refugees and Exiles on the Presidency Conclusions of the Tampere European Council," 15 and 16 October 1999. ECRE represents some 68 refugee assisting NGOs from 25 European countries.

NGO Council in Kosovo Well-Placed to Provide Advocacy and Coordination Channels

Paul Currion

Imagine that you travelled today to Kosovo to assess the humanitarian situation. To do the assessment, you decided to meet each and every organisation working in the province. If you arranged to meet all these organisations at the rate of one per day, it would take you until Christmas 2000 to meet them all.

Given such a huge number of humanitarian actors, it should be no surprise that the coordination of humanitarian assistance is an equally huge challenge. This does not just apply to the NGO community — important actors such as the UN agencies or OSCE face similar difficulties — but the problem for NGOs is to balance their own individual contributions with the need to take a wider perspective.

In a field so crowded with humanitarian organisations, this is not an easy task. Yet even before the terrible events of this year, efforts were being made to bring NGOs together to discuss common problems and present a unified voice. Key to these efforts was the International NGO Council, a body created by NGOs themselves early in 1999.

In January, when the Council first developed its guidelines, there were less than 20 NGOs working in Kosovo. During the NATO bombing campaign, the Council relocated to Macedonia; when the NGOs returned to Kosovo, they returned to an entirely changed environment.

Not least among those changes was the increase in the number of NGOs and, unsurprisingly, Council membership has also increased in size. However, only 20% of the total number of NGOs active in Kosovo are members of the Council. Perhaps the biggest challenge the Council faces is to develop its structures and activities to ensure that it can effectively represent the interests of NGOs while still acknowledging the diversity of interests among the NGO community.

The original purpose of the Council was “mutual discussion, the sharing of information, and reviewing potential joint action”. There are possibilities for “joint action” in two main areas. The first is in relations with governmental and UN agencies (which now essentially means the UNMIK interim administration), particularly in advocacy on key issues. These

issues might be administrative — what should the process be for registering NGOs? — or thematic, on issues such as protection.

The response to NGOs differs depending on which section of the UNMIK administration one approaches. UNHCR, the lead agency of the humanitarian pillar, has much experience of dealing with NGOs. Other agencies are not so experienced, however, and there is much work to be done in simply building the dialogue necessary for cooperation.

The second area where “joint action” is possible is coordination among NGOs themselves. This is an area that has always been the subject of controversy. It is common to confuse coordination with control, yet coordination should not mean giving up the initiative and creativity which are the most valuable aspects of NGO work.

On the contrary, coordination should instead mean that NGOs have more resources available for their projects and more space in which to pursue those projects. Successful coordination leads to a more effective use of resources, and the avoidance of the duplication of work and inappropriate interventions that have sometimes occurred in the past.

Both coordination and advocacy depend on communication. So while there is the will among NGOs to ensure that the delivery of assistance is made as effective as possible, it is not easy to identify the channels and mechanisms through which communication can be turned into action.

The International NGO Council can provide those channels and develop those mechanisms — but it will be a difficult task, and one that will continue as long as there are NGOs in Kosovo. The Council is well-placed to have a positive impact, but it will depend on the members of the Council themselves to ensure that this impact is felt throughout Kosovo. ♦

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Private Sector Must Comply with Humanitarian Principles Red Cross Conference discusses relations with the business community

The compliance of the business community with rules of international humanitarian law is urgently needed. In several African countries, private companies have become the largest economic entities, while the control over economic and natural resources is a reason for waging wars. Corporate behaviour influences conflicts, according to Paul Grossrieder, Head of Operations of the International Committee of the Red Cross (ICRC).

The question of how to make companies' behaviour conform to humanitarian law was one of the issues that received attention from a workshop discussing relations between humanitarian actors and the business community during the Red Cross Conference held in Geneva in early November.

It is commonly known that oil, the diamond trade and, obviously, arms sales are crucial factors in prolonging wars in countries such as Angola, DRC, and Sierra Leone. However, it is only rather recently that the ICRC, traditionally seen as the guardian of international humanitarian law (IHL), has started to look at mechanisms for making private companies comply with IHL.

So far, several large international companies have introduced internal codes of conduct, some of which refer to the Universal Declaration of Human Rights. Unlike their human rights, environmental, and developmental colleagues, few humanitarian NGOs have looked at these codes. A first issue to be addressed is to define the humanitarian rules that apply to companies. A next step would be to ask companies to develop an audit system based on a checklist that incorporates these rules.

Yet, as mentioned above, in a number of African countries, private money flows greatly exceed the public money flow. Fred Phaswana of British Petroleum-AMOCO in southern Africa, pointed out at the workshop that his company is the largest economic entity in 20 countries. He opposed the view, however, that companies find it more convenient to work in the relative stability of repressive regimes. In the practice of his company, he said, the short-term objective of making profits does not outweigh the long-term vision of sustainable economic and social development.

In view of the increasing world-wide demand for energy of 2-3% per year and the growth of the global population, BP-AMOCO was right in its search for

new reserves. But, said Phaswana, we need NGOs to tell us about our behaviour and to engage us in a systematic effort in not only producing financial reports, but also social and environmental reports.

The chairman of the workshop, Baron Georges Jacobs, President of the European Industrials and Employers Confederation, however, warned that NGOs should be aware of the danger of moving too quickly on these issues.

The more traditional view of the relationship between humanitarian organisations and the business community looks at how the former can receive money from the latter. In arguing that humanitarian organisations should accept donations from the private sector, Jean Freymond, head of the organising agency of the Business-Humanitarian Forum pointed out that, "the victims have a right to the maximum use of resources." The Business-Humanitarian Forum is a meeting that brings together the heads of humanitarian agencies and CEOs of the private sector. Freymond said that it should help companies find out which humanitarian organisations to support. As an excellent example of collaboration, he used the Kosovo crisis in which Microsoft helped UNHCR to develop new software for the registration of refugees. A high level UNHCR representative added that in view of the declining government contributions, private sector fundraising had become a necessity.*

Martin Griffiths, the director of the revitalised Henry Dunant Centre for Humanitarian Dialogue, concluded on this point that humanitarian organisations should take advantage of the expertise of the corporate sector in management by receiving training. He felt that there should be a systematic engagement leading to a mutual, two-way exchange of experiences. "It is not about the corporate sector becoming red or blue [being the colours of aid organisations and the UN]," he said. The humanitarian organisations have little choice but to engage in relations with the business community.

The pragmatic "whether we like it or not" approach of the workshop set aside the fundamental differences and animosities. In fact, it was agreed at the workshop that the question was not whether there should be a link, but how the relations should be shaped and what they should be about.

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Alain Destexhe, president of the International Crisis Group, who had been asked to present these fundamental differences, indicated that his presentation did not conform to his own views, which led to the marginalisation of the debate over the issue. Reluctantly, using his MSF experience, he gave three reasons why the two should stay away from each other. Firstly, from a principled point of view, humanitarian norms and values diametrically oppose those of the business sector. He recalled the existence of a feeling of superiority in humanitarian organisations. Secondly, the reason why companies are willing to fund humanitarian operations is only to improve their own public image. And, lastly, in practice the two do not meet in the field. Unfortunately, none of these issues were further elaborated on in the debate — as if the two were already partners.

Yet, it was also said that humanitarian organisations have to determine and set their limits in receiving funds from the business sector. Paul Grossrieder, mentioned that the ICRC applies the same principles for receiving funds from the private sector as from institutional donors. In the ICRC's practice, these include freedom of choice to act and an independent assessment of needs and control over operations. ♦

** As reported in Talk Back issues 7 and 8, UNHCR is developing plans for raising funds from other sources than governments and is particularly looking at the corporate sector. Most recently, at a conference in Turin, Italy, the High Commissioner made some far-reaching statements on a what she called "newly emerging partners," including business sector. "Governments, business and humanitarians have a common goal: meeting the needs of people. We look at people from different perspectives, but the dynamics of our relationships can boost everybody's ability to deal more effectively with people," Ogata said. She also remarked that UNHCR staff and staff of businesses often are in close contact in the field, which "creates a common proximity with deprived and suffering people." ("Can Business Help? Partnership and Responsibilities in Humanitarian Work", Lecture by Mrs. Ogata, UN High Commissioner for Refugees for the "Martedisera" speech, Series of the Corporate Union of Turin, 30 November 1999. Available from Relief Web, www.reliefweb.int).*

DILEMMAS

UN Consolidated Appeals Process: Should NGOs be Involved?

There is keen interest on the part of some UN officials to get NGOs involved in the United Nations' Consolidated Appeal Process (CAP). In some appeals, the inclusion of NGOs has worked well, providing a means for coordination and the consolidation of efforts, as was the case in the East Timor Flash Appeal. In other cases, the attempts of NGOs to contribute in a largely unstructured process has led to both wasted time and resources.

The consolidated appeals are a means for UN agencies to request additional funds from donors for major complex emergencies. The appeal process is led by the UN's Office for the Coordination of Humanitarian Affairs (OCHA). When the CAP was first introduced in the early 1990s, it was largely a compilation of funding requests from various UN agencies. Now, instead of just putting together individual agencies' requests, there is an attempt to develop a common humanitarian strategy that then forms the basis for the funding requests. UN Humanitarian and Resident Coordinators in countries are responsible for bringing together UN agencies to develop a coordinated strategy. In many cases, NGOs are brought into the process, but the level of NGO involvement to date has not been the same in all countries.

This year, the appeals for 2000 were launched in Geneva on what was termed World Humanitarian Day and which had, as its theme, "The Forgotten People." In Secretary-General Kofi Annan's statement at the launch, he referred to the appeals as "a strategic tool that allows us to examine and identify the deeper and longer-term needs which crises so often expose."

While there is a desire on the part of some UN officials to have NGOs involved in the CAP, it is not clear why or how NGOs should get involved. Many NGOs, and donor governments, and even UN agencies are asking what role, if any, NGOs should be playing in a process that began as a consolidation of UN agencies' wish lists for funds.

In Afghanistan, the process by which the appeal for 2000 was compiled was through the involvement of UN agencies and NGOs. The appeal resulted, however, in one donor delegate at the launch asking for clarification as to whether the appeal was a "UN appeal" or not.

Similar questions seem to be running through the minds of several donors. Another delegate put forth a series of questions that his government felt needed answers before embarking on a process that would include NGOs in all CAPs. He noted that his gov-

The CAP and NGOs

ernment had been asked to accept the inclusion of NGOs in the East Timor Flash Appeal, but expressed concern over having several NGOs included when there was no way to determine their effectiveness or accountability.

Even if there was consensus on the part of the UN that NGOs should be involved in the CAP, it is still not clear what the advantages of such participation would be for NGOs or how they would effectively be brought into the process.

The case of the Afghanistan appeal process stands as a positive example of NGO involvement, but the same cannot be said of all efforts to involve NGOs. In one case, NGOs were given less than a week to provide their input to the CAP. Yet after providing the UN with the requested information, the first draft did not include any of the NGOs' comments. The NGOs succeeded in having their input included in the second draft, but by the time the final draft went through OCHA headquarters in Geneva, their comments were largely withdrawn. The result seemed a mere lesson in futility.

If NGOs are to get involved in the process, there must be a meaningful, structured manner in which to involve them. The success or failure of NGO involvement should not be based on the personal relationship with the UN Resident/Humanitarian Coordinator or that individual's attitude towards NGOs in each situation.

But before getting involved in the CAP, NGOs themselves need to determine what advantages there are to contributing to the process. The case of Burundi provided UN agencies and NGOs a means to use the CAP as a coordination and prioritisation tool. Should such a tool be enough of a reason for NGOs to be involved in the process?

Could the CAP act as a fundraising mechanism for NGOs? Should NGOs be including part of their funding requests in the CAP, as was the case with some NGOs in the East Timor Flash Appeal? Should such funding requests be included with those of UN agencies or should they be in a separate section?

Or, should the role of NGOs be to contribute their comments and perspectives on the emergency situation in order to provide donors with a more balanced view of the humanitarian needs? Should such comments be included in the body of the Appeal or should they just be annexed and should they be attributed to individual NGOs?

The questions and dilemmas posed by the involvement of NGOs in the CAP are serious ones that NGOs should debate and discuss. It should not be for the UN agencies or donor governments to dictate the terms of reference by which NGOs are involved, if at all, in the CAP. But, at the same time, there needs to be consensus within the UN and among UN agencies as to the level of involvement of NGOs that they want to see in the CAP. NGO involvement in the CAP is an issue that needs to be addressed by all concerned parties — NGOs, UN agencies, and governments. ♦

MEMBER'S PROFILE

VAF — Union for Support and Development of Afghanistan

The citizens of Afghanistan began fleeing the country twenty years ago during the Soviet invasion. Despite the withdrawal of the last Soviet troops in 1989, the Afghan refugee population continues to be UNHCR's largest single caseload with approximately 2.6 million Afghans living in exile, the majority being in Pakistan and Iran.

Since the Soviet withdrawal, a power struggle has ensued, with the Taliban now in control of large parts of the country. The effect of the Taliban's rule has been restrictive policies that often deny access to health and education for women and girls.

But ICVA member Verein fur Afghanische Fluchtlingshilfe (VAF — Union for Support and Development of Afghanistan) has been able to continue providing health care and education for women and girls in Herat and Kabul. A neutral organisation, which does not mix with any political parties, VAF was even asked by the Taliban to provide education for girls in Kabul.

Founded in 1979 to help Afghan refugees everywhere, but especially in Iran, Pakistan, and Germany, VAF originally focused its efforts on the health care sector. Its office, with 2 staff members, in Bonn is responsible for fundraising. There are 200 staff working in Peshawar, Pakistan, about 20 staff in Meshat, Iran, and approximately 40 staff in Kabul, Herat, and Jalalabad in Afghanistan.

Over the last twenty years, VAF has been able to serve 11 million patients in Iran, Pakistan, and Afghanistan. Since its beginnings, VAF has expanded its activities to provide education and vocational training and to run orphanages.

Working as an implementing partner of UNHCR in Pakistan, VAF provides health care in refugee camps, as well as working in a mother and child hospital. Vocational training is also carried out in Pakistan.

In Afghanistan, VAF runs health clinics and orphanages. In Jalalabad, VAF provides basic health care for the displaced population of approximately 70,000. Unfortunately, due to a shortage of funds, VAF's activities in Jalalabad are having to be scaled down. ♦

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The Consolidated Appeals are available on Relief Web <www.reliefweb.int>