



International Council of Voluntary Agencies
Conseil International des Agences Bénévoles
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talk back

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MOVING AFGHANS OUT OF IRAN

Almost 2,000 Afghans have left Iran voluntarily since the repatriation programme undertaken by UNHCR and the Iranian Government began on 9 April. But contained in the agreement is a line that reads: "All undocumented Afghans will have to leave Iran within a period of six months from 8 April 2000," when the operation started. UNHCR officials on the ground say that they do not consider the 6-month time period to be fixed. But, as one NGO representative has said, what will happen after the 6 months is of serious concern.

There are an estimated 1.4 million Afghans in Iran, many of whom do not have documents since Iran has not been registering Afghans since 1992. Under the Joint Programme for the Voluntary Repatriation of Afghan Refugees signed between UNHCR and the Islamic Republic of Iran in February, the "initial target figure for the repatriation programme will be at least 3,000 persons a week and this figure will be increased depending on circumstances." But at the same time as the first two repatriations took place on 9 and 11 April, a total of 310 Afghans were deported.

see page 8

Table of Contents

Editorial

- Choosing the Next HCR 2

In the News

- Moving Afghans out of Iran 1
- Increased Reports of UNICEF's Poor Performance as OLS Southern Sector Coordinator 1
- IASC Decides to Leave IDPs to UN Humanitarian Coordinators 3
- African NGOs Tell UNHCR to Focus on Protection 4
- Governments and UNHCR Move to Close Kosovo Evaluation Debate 5
- UNHCR's ExCom Decides to Increase NGO Participation Without Asking the NGOs 7

Issue of the Month: NGO Accountability

- Wanted: A New Name for the "Humanitarian Ombudsman" 9
- Holding NGOs Accountable in Ethiopia 11

Member's Profile

- RCVC — Refugee Children and Vulnerable Children, Tajikistan 13

Members' Page

- Trafficking Women — A Coordinated, Practical Rescue Response: ICMC's Experience In Albania 14

INCREASED REPORTS OF UNICEF's POOR PERFORMANCE AS OLS SOUTHERN SECTOR COORDINATOR

There are increased NGO reports about the poor performance of UNICEF in its role as Coordinator of the southern sector of Operation Lifeline Sudan (OLS), the UN-led aid operation for south Sudan. Earlier, some NGOs criticised the agency for not speaking out forcefully against the text of the Memorandum of Understanding (MoU) imposed upon NGOs by the Sudan Relief and Rehabilitation Association (SRRA), the 'humanitarian wing' of the Sudanese rebel movement, the Sudan Peoples' Liberation Movement (SPLM). Currently, NGOs are becoming increasingly dissatisfied with UNICEF as it focuses more and more on its own internal matters at the peril of coordination.

Stories are also surfacing about the close relationship between UNICEF and the SRRA. For instance, speaking off the record, one NGO staff member

see page 6

EDITORIAL

CHOOSING THE NEXT HCR

If it has not yet started, soon the next ritual dance of international diplomats and their capitals will begin in order to fill the chair of the outgoing UN High Commissioner for Refugees, Sadako Ogata. The recent fiasco over the selection process of the next Managing Director of the International Monetary Fund has made it clear that the image of international agencies can be further damaged by the way in which their chief is recruited.

Political power games, as seen in the case of the IMF, provide a stronger basis for the perception that a top job belongs to such and such a region or to certain governments as dictated primarily by one capital. At a time when the same governments and international agencies are preaching "the participation of civil society" and "transparency" there is an urgent need to change these processes. NGOs have a role to play in the appointment of the next UNHCR, a position that is regarded as the most important and influential in the humanitarian community.

There are very good reasons why NGOs should become involved this time. The reputation of UNHCR is at stake. In the '90s, the agency primarily focused on large-scale operations and assistance programmes to the detriment of its protection mandate, according to many. The recent evidence of the office's poor performance in the Kosovo crisis, not least caused by the bilateral approaches of governments, is another sign of the declining support for UNHCR. It is high time that the UNHCR takes a stand. It must ensure renewed commitment of its member states.

Traditionally, NGOs are by far the closest partners of UNHCR. In fact, without the NGOs, UNHCR would be unable to implement its operations. On the advocacy side, in combating the trend of governments to defer from the institution of asylum by putting more restrictions in place, NGOs are indispensable partners too.

However, if UNHCR has an "Achilles' heel," it is its inability to really communicate with its stakeholders. At best, the agency is reactive; at worst, its staff hardly communicates with NGOs. At the institutional level, the recent opening up of UNHCR's evaluations is a significant first step in the right direction.

Transparency in the procedure would definitely enhance the position and credibility of the next High Commissioner. At present, the UN Secretary General nominates the High Commissioner, but on what basis? One of the biggest problems is that there is no apparent consensus and certainly no openness on the criteria for appointment. Regional balance compared to the other chiefs of the UN family? Personal interests? Fundraising capabilities? Ability to communicate? Political clout? What about affiliation with the humanitarian world and practical experience with refugees?

This lack of public criteria is problematic and a major reason why the entire nomination process is discredited. In fact, the nomination process is highly politicised. Ridiculously, exposing your candidacy and pushing for it leads often to a quick political death in diplomatic circles.

The main purpose of NGO involvement would be to examine the qualifications of those who want the job and to increase scrutiny of those qualifications. It is self-evident that there needs to be at least a minimum of transparency and accountability in the nomination process. And, if we are to improve the functioning of international institutions and to narrow the gap between them and civil society, there has to be a process that involves civil society – a process in which the real questions will be asked to the candidates. Why do they want the job? What are their hopes for UNHCR? How do they view the present state of the world's refugees? What is their vision? A public hearing could be convened to invite candidates to express their views, thereby make this appointment process a more transparent one. ♦

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IASC DECIDES TO LEAVE IDPs TO UN HUMANITARIAN COORDINATORS

The conclusion of two months of debate in the UN on the institutional mandate for internally displaced persons (IDPs) is that a coordinated response is still the best 'solution' to deal with the needs of IDPs. Rather than bringing IDPs within the mandate of one single agency, the Inter-Agency Standing Committee (IASC), the international body for humanitarian coordination, decided that in cases of internal displacement, the UN Humanitarian Coordinator is responsible for allocating operational tasks and must ensure that IDPs do not fall through the cracks. It remains a question, however, whether the crucial issue of allocating operational responsibilities can be left to the Humanitarian Coordinator.

As reported in *Talk Back* 2-2, the debate on the institutional mandate for IDPs became suddenly topical again after the comments made by US Ambassador to the UN Richard Holbrooke in the UN Security Council in January that UNHCR should be mandated to assist and protect IDPs, in addition to their mandate for refugees. UNHCR would be the most suitable agency in view of its experience with refugees. However, UNHCR and other international agencies had a lukewarm response to the suggestion and needed further internal consultations before producing a reply.

In a position paper issued in early March, UNHCR says remarkably little that is new on the mandate issue. Compared to its earlier defined criteria, the only new condition seems to be the availability of adequate resources, although it remains unclear whether this has been introduced now as a formal criterion. At a meeting of the IASC Working Group on the IDP issue in late March, a high-level UNHCR official confirmed that UNHCR is not seeking to expand its mandate. In UN-ese, "the magnitude and multifaceted aspects of the IDP situation go beyond the mandate of one single agency." The conclusion of the meeting was that "IDPs cannot be regarded as a sector, such as health, water and sanitation, or shelter." Similarly, "protection is not a sectoral responsibility, but an activity that is of concern to all agencies."

At the meeting, it also appeared that some UN agencies are more concerned with the public image of

being seen as doing something, rather than actually doing something to improve the plight of IDPs. As one OCHA official put it: "we're being watched out there."

This position comes in response to Holbrooke. Interestingly, during the days when the UN met on the issue, Holbrooke further expanded on his earlier statements. In an address to students, while arguing that the acronym of IDPs should be changed to "in-country refugees," he stated that "a coordinated response is inadequate.... Agencies are supposed to act as 'co-heads'. In practice, however, co-heads means 'no-heads'," Holbrooke said.

However, the UN has decided otherwise. At present there are three models for coordinating the UN's humanitarian activities in the field: the Humanitarian Coordinator; the (UNDP) Resident Coordinator in cases where s/he has been assigned this responsibility; and the lead-agency model, for example, as applied in the former Yugoslavia. Earlier, UNHCR was said to be vehemently opposed to leaving the responsibility to coordinate the response to IDPs to the Humanitarian Coordinator. Especially in cases where the Resident Coordinator is also the Humanitarian Coordinator, IDPs are not in good hands. Too often, a Resident Coordinator does not have the background or expertise to recognise all the elements involved in the protection of IDPs. Most notably, the Coordinator may be constrained because of his/her relations with the government.

Clearly, the main problem of leaving the responsibility for IDPs to a coordination mechanism relates to the question of accountability. Agencies can continue to hide behind each other and point the finger at their colleagues in cases of coordination failures, such as in the case of Angola. Moreover, what is the exact relationship between the non-operational function of coordination and the agencies that want to become operational for IDPs? Where the Humanitarian Coordinator is not operational, s/he may neither have the authority nor the resources to drive the system.

see page 13

AFRICAN NGOS TELL UNHCR TO FOCUS ON PROTECTION

At a meeting held in Nairobi on 10 and 11 April, a group of 34 African humanitarian and human rights NGOs told UNHCR to focus on protection. In responding to an attempt by UNHCR's protection department to build an African Protection Network, the African NGOs said that there was no need to develop new networks and that UNHCR should instead concentrate on PARinAC (partnership in action), the existing framework for UNHCR-NGO relations. In the view of the NGOs, a new protection network would not only ignore PARinAC, but would further emphasise the separation between protection and assistance.

The meeting took place in the context of the reach out to NGOs on international protection, a process that was kicked off by a meeting with major international NGOs and the UNHCR Director of International Protection in New York in March last year. From the NGO perspective, the background of this process (see also *Talk Back* 1-1 and 1-9) is that many NGOs felt that during the '90s, UNHCR had become too much of an ordinary relief agency. After reaching out to member states, the then Director of Protection, Dennis MacNamara decided that it was high time to engage in a dialogue with NGOs, traditionally UNHCR's closest partners.

At the opening of the Nairobi meeting, UNHCR asked the NGOs to present concrete proposals of how they could work together on protection. The request was a result of criticisms that arose during an earlier regional meeting with Asian NGOs in Bangkok in November 1999. At that meeting, many NGOs made it clear that they felt that UNHCR was not doing enough in terms of protection and involving NGOs in protection issues.

In Nairobi, the NGOs substantiated their views on protection issues. For example, several West African human rights NGOs presented cases of asylum seek-

ers in which UNHCR had failed to intervene for unknown reasons. In investigating their cases, the NGOs found that these asylum seekers were genuine refugees in need of international protection.

Many of the operational humanitarian NGOs felt that they had been treated as "deliverers of social services." In pointing out their interest in protection, they asked UNHCR for training in refugee law and legal matters.

While the NGOs welcomed the willingness of UNHCR's 'top' officials to discuss protection issues, they wondered whether the regional and country offices were aware of the discussions. "If you want us to engage in protection, you have to inform your staff on the ground," one NGO representative said. Concretely, the NGOs proposed holding regular meetings on protection issues with UNHCR's country offices.

...for many of the African NGOs, PARinAC offers a blueprint for cooperation and means increased access to UNHCR offices and, at least on paper, more involvement in needs assessments, project design, and planning.

The NGOs referred to PARinAC as the framework for UNHCR-NGO partnership, which has been developed since the mid-nineties. On the international level, many western NGOs have lost interest in PARinAC. According to them, it did not provide any added value.

However, for many of the African NGOs, PARinAC offers a blueprint for cooperation and means increased access to UNHCR offices and, at least on paper, more involvement in needs assessments, project design, and planning.

It is generally believed that UNHCR has been putting more emphasis on assistance and operational issues than on protection, as of late. Protection has also been largely ignored in the context of PARinAC. The UNHCR effort to introduce a new network is the result of parallel initiatives of different UNHCR departments to collaborate with NGOs. In fact, the effort reflects existing institutional weaknesses in linking protection and operations, a situation that almost got passed on to the African NGOs. ♦

GOVERNMENTS AND UNHCR MOVE TO CLOSE KOSOVO EVALUATION DEBATE

The debate on the 140-page independent evaluation of UNHCR's response to the Kosovo refugee crisis has been short-lived. At the first session of UNHCR's Standing Committee this year in early March, governments and UNHCR successfully engaged in a "window-dressing exercise," admitting that there had been mistakes and failures in the international response, but that it had been a unique situation, not likely to be repeated again.

The piecemeal exercise and the move to close the debate are not surprising. The High Commissioner would probably like to leave the agency in style at the end of this year, when UNHCR will also celebrate its 50th anniversary. Since the evaluation does not bring good news for the refugee agency, further reflection and follow-up of the recommendations could unnecessarily spoil these celebrations. Instead, UNHCR has decided to leave the follow-up to its Emergency Preparedness and Response Section (EPRS), implying that its inability to manage the crisis was mainly an in-house problem relating to staffing, resource constraints, and internal weaknesses of its emergency management capacity, shortcomings to which many governments referred in their statements. It is questionable, to say the least, that EPRS will have the political clout necessary to address the more fundamental problems of the bypassing of UNHCR and the increased bilateralism of states when their interests are at stake.

As reported in the special issue of *Talk Back* 2-1 on the independent evaluation, the report reveals remarkably well that political interests prevailed in the international response. It rightly criticises the bilateral approaches of countries such as France, Italy, Germany, the UK, and the US and their tactics to bypass UNHCR. These governments were fortunate in finding in UNHCR such an easy target to criticise for its inability to manage the crisis.

But they also do not have an interest in pursuing the debate. At the session of the Standing Committee, many member states made it clear that the independent evaluation was an internal UNHCR affair, which had only hit the headlines because UNHCR had decided to make it public. To further reflect on the

issue of bilateralism might do unnecessary damage to their image of being UNHCR's good friends. Questions as to the level of commitment to UNHCR are not deemed relevant. As the US delegation bluntly opened its statement to the Standing Committee: "the multilateral humanitarian effort was a success." France stated that the bilateral action had not been an obstacle for UNHCR, a position in sharp contrast to Sweden, which felt that the bilateral approaches had fuelled competition.

As NGOs put it in a statement to the Standing Committee on the issue of bilateralism, "UNHCR should not be afraid to assert and defend its mandate." In fact, it should challenge those governments that went bilateral since they are all members of its Executive Committee. A recent study on humanitarian aid flows proves that from the early 1980s to the early 1990s, the increased political interests of states in humanitarian aid has resulted in the percentage of aid channelled through the UN dropping by almost half, from 45% to 25%, where it remained throughout the '90s. NGOs should challenge their national governments on these issues.

The closure of the debate on the evaluation implies a refusal to further undertake follow-up action and learn some serious lessons. Several governments were quick to point out that the independent evaluation did not need any further discussion in other fora or bodies.

UNHCR seems not to agree with them on this point. In his opening remarks, the Assistant High Commissioner stated that "discussion of certain issues such as those relating to the lead agency concept and OCHA's support to strengthening coordination mechanisms will be required in other fora as well." Interestingly, this statement itself calls for a discussion in a wider forum, for example involving OCHA. Because, why should UNHCR not support coordination mechanisms led by OCHA?

Clearly, many of the key actors in the Kosovo crisis were not represented at the Standing Committee, including NATO, the OSCE, and the EU. Particularly

see over

Reports of UNICEF as Poor Coordinator

continued from page 1

pointed out that UNICEF has paid the salary of the chief of the SRRA for some time.

The stories come at a time when the coordination of OLS is in dire need of strong leadership, particularly on the aspect of advocacy on humanitarian principles. Whereas the UN has officially taken the position that the MoU should correspond to the ground rules of OLS, there are indications that the SRRA wants to revisit the ground rules, as well as the tripartite agreement. NGOs have used frequently the ground rules in order to call for respect for humanitarian action, an act increasingly disliked by the SRRA, it appears.

UNICEF has mostly organised field workshops on the humanitarian principles so far. But there is a lot more that can and needs to be done in order to ensure continued respect for the principles.

NGO staff have also warned of the risk that OLS may be imploding – a result of the increased fragmentation of coordination and lack of leadership. “UNICEF has reviewed its role in OLS last year, but the result is an inward looking attitude, not willing to open up and to engage in a serious dialogue over its coordination role,” one NGO staff member said.

Since last year, several NGOs have advocated for the need to separate the coordination on strategic affairs, including for example negotiated access, from coordination on operational sectors and implementation of projects. Responding to this request, OCHA is now building up a team of officials that should deal with what is considered the more political side of OLS. According to an organigram, however, the team will be placed under UNICEF's coordination.

Meanwhile the saga of the signing (or rather, not signing) of the MoU by 11 major NGOs with the SRRA continues. Some staff from NGO headquarters feel that the process, rather than the text, has been the problem. Several of the eleven recently tried to (re-) enter into a dialogue. In doing so, however, there are some initial signs that the united front will be lost, leaving room for manipulation by the SRRA. It has been reported that some may be seriously considering the latest SPLM “offer,” which would have the NGO undergo an evaluation by the SRRA. It would then be up to the SRRA, on the basis of the evaluation, to recommend whether the NGO be allowed to sign or not to sign the controversial agreement.

Whatever happens, it should be incumbent on the UN to carry out an impact assessment of the NGO departure and to engage in a debate with NGOs on the future of OLS. ♦

Closing the Kosovo Evaluation

continued from page 5

concerning relations with NATO, there is an urgent need for UNHCR to work on the recommendation of the evaluation to prepare criteria for involving the military in humanitarian work. Not only does UNHCR need to, but NGOs must also redraw the line and define their positions on the question of to what extent should the military take on a humanitarian role. Many parts of NATO and national military forces have convened a second wave of conferences and seminars on the topic (the first took place in the mid-nineties after Rwanda). If humanitarian organisations do not define their positions shortly, chances are high that they will face a *fait accompli* as the military will have defined tasks for themselves.

In continuing to push UNHCR on this issue, NGOs cannot ignore that they have their own responsibility to follow-up on the recommendations of the evaluation, especially when it comes to the blurring concept of what is an NGO. There is a growing belief among individual UNHCR staff that many NGOs acted as contractors in the Kosovo emergency and that UNHCR may be better off hiring the commercial sector next time. The evaluation points to the so-called ‘briefcase’ NGOs and proposes a ‘carrot and stick’ approach. Funding may be granted to only those NGOs that are willing to accept UNHCR's coordination.

In their statement, NGOs rejected this proposal. It fails to recognise existing practice in which coordination has developed by consensus and in which the actors know and respect each other on the basis of their reputation and work together as equal partners. NGOs should discuss the issue of the briefcase NGOs and coordination among themselves and with UNHCR.

The independent evaluation covered the period until June. It has been recommended to now begin looking at UNHCR's involvement in the return and immediate post-return period. However valuable such an evaluation may be, it should not detract from the need to undertake a serious effort to learn the lessons of the first evaluation. ♦

UNHCR's ExCom DECIDES TO INCREASE NGO PARTICIPATION WITHOUT ASKING THE NGOS

At its session in early March, the Standing Committee of UNHCR's supreme governing body, the Executive Committee decided to give NGOs a more active role, without making clear how it foresees this taking shape. In fact, the ExCom had forgotten to ask the NGOs for their views on the issue. Yet, NGOs have numerous ideas and suggestions on how their role could be enhanced. Unlike other UN bodies and fora, the NGO role in ExCom is extremely limited and certainly does not reflect the practical experience and expertise NGOs have in their work with refugees.

Earlier, in December 1999, at the initiative of the Spanish Ambassador who holds the Chair of ExCom this year, ExCom members had met on how the body could be made more lively and interactive. One problem is that the governments do not know how to talk to each other in an environment like ExCom. Rather, they avoid really debating.

The Executive Committee of UNHCR is a strange animal, as it combines four different functions. It governs UNHCR; it is supposed to reaffirm and elaborate international norms relating to refugee protection; it can advise on specific issues; and it can serve as an information exchange mechanism. Clearly, its normative function is the most complicated.

The conclusions that ExCom produces, and which are supposed to elaborate existing norms, have hardly been useful in the past years. In fact, states seem to prefer lowering existing norms. ExCom is not the international forum to oversee the implementation of refugee law, let alone to monitor the compliance of states with refugee law.

Human rights NGOs have advocated that NGOs should have a formal role in the process of the drafting of the conclusions, for example, in advising on the selection of topics or commenting on texts. So far, states do not seem to be willing to open up the process. But perhaps even more worrying is the attitude of UNHCR, which is always quick to point out to the NGOs that the conclusions process goes beyond the realm of the agency. It appears as if

UNHCR believes that NGOs should not become part of the drafting process of the conclusions.

However, NGOs know that there is more to be done than pushing for access to the conclusions drafting sessions. In the context of the reach out consultations between UNHCR and NGOs on international protection, NGOs have proposed making a comparative analysis of the role of NGOs in other standard-setting bodies and fora and to draw lessons from this study for ExCom.

But there are some things that can be done immediately. The ExCom decision to give NGOs a more active role includes an initiative to hold a panel discussion at the time of the annual session of the Executive Committee not only with the participation of NGOs, but also with refugee representatives. NGOs should contribute suggestions for panellists and subjects, since at present, 6 months prior to the annual session, surprisingly little is known on how the panel will materialise.

Another suggestion is to better connect the pre-ExCom UNHCR-NGO consultations and ExCom proper, for example, by informally inviting government representatives to specific thematic meetings at the pre-ExCom and introducing a reporting mechanism from the pre-ExCom to ExCom.

NGOs should also realise that many of the government representatives meeting in Geneva probably have never set foot in a refugee camp. Why should NGOs not invite donor and host country representatives for joint field visits? The benefit of such field visits may be welcome, in addition to the diplomatic contacts in a meeting room of the UN Palais in Geneva.

For their part, governments should realise that NGOs are more than just a pain in the neck. The added value of their increased roles derives from their daily experience and extensive expertise in refugee work. It is high time that this role is fully recognised by, and reflected in, the ExCom. ♦

Moving Afghans out of Iran

continued from page 1

While UNHCR in the field strongly opposed the deportations and they seem to have stopped for now, the question is: will they start again? Last year alone, 150,000 Afghans were deported from Iran. 80,000 Afghans returned voluntarily last year, of which 20,000 were supported by UNHCR.

...there are rumours that people are not being well informed that the possibility exists to apply for protective status.

All Afghans living in Iran are to present themselves to screening centres where an interview with a UNHCR staff member and an Iranian government official takes place.

The Afghans can either ask to be repatriated or they can apply for protection and then undergo a screening process. If their claim is rejected under the process, they can submit a claim to Iranian government offices within 10 days for a re-examination by another committee composed of government officials and UNHCR.

UNHCR and the Government of Iran have been making information available on the process by which voluntary repatriation or claims for protection should take place. But, there are rumours, according to one NGO, that people are not being well informed that this possibility exists to apply for protective status. It is vital that Afghans in Iran are made aware of the possibility to choose to submit a claim for protection. The refugees need to be informed that remaining in the country and seeking protection in Iran is a real and viable option.

The other question is upon what are their decisions to return based? There are several push factors in Iran that could be contributing to the desire of people to return, including discrimination and the economic situation in Iran. The recent deportations of Afghans could be another push factor.

The first group that voluntarily repatriated consisted mostly of single men. The second group, which followed two days later, had a considerable number of female heads of households. By 16 March, a total of 70 females had opted for voluntary repatriation. This category of persons has been identified by UNHCR as one that should have access to procedures for pro-

tection in Iran, given the human rights situation in Afghanistan.

At the same time, there has been no resolution of the conflict in Afghanistan and the Taliban authorities are not recognised by the international community. UNHCR and the Iranian government are providing lists of areas in Afghanistan to which it is not safe to return, based on information gathered by UN agencies and NGOs. Accurate information on the situation in Afghanistan, in practice, is quite easy for those in Iran to get from refugees who have returned or visited areas in Afghanistan.

Those who opt for the repatriation are taken to the Afghan border aboard air-conditioned buses. Once they reach the border, they are handed a cash grant equivalent to US\$20. They are then transferred to trucks that take them to a transit camp in Herat where they are given the equivalent of another US\$20, plastic sheeting, and some food rations from WFP – all part of the assistance package under the joint programme. From Herat, returnees are provided transportation to provincial capitals, but after that, they must find and subsidise their own way home, according to an NGO representative who just returned from the area.

One of the biggest challenges for UNHCR will be to ensure the protection of the returnees. Much of the area around Herat is rural, which makes it difficult for UNHCR to monitor the situation of the returnees. There is no follow-up in the home towns to which people are returning right now. The recent withdrawal of UN staff from Kandahar highlights the difficulties that the international community has in maintaining a presence in the country. The lack of international presence will only make the matter of monitoring the protection of returnees more challenging.

In addition, an issue that needs to be taken into consideration is that many of the women that have repatriated so far have been wearing the traditional Iranian veils and not the burquas, which are required by the Taliban government. According to the Special Rapporteur on violence against women, Radhika Coomaraswamy in her recent statement to the Human Rights Commission, women can be assaulted by members of the government Department of Virtue and Suppression of Vice for wearing the wrong kind of burqua. However, the cost of a burqua is approximately US\$12-US\$15 – a large portion of the money received under the assistance package. ♦

WANTED: A NEW NAME FOR THE "HUMANITARIAN OMBUDSMAN"

The "humanitarian ombudsman project" needs a new, more encompassing, and more reflective name. The project, initiated by British NGOs to increase accountability to beneficiaries by giving them the opportunity to file complaints, has moved in a new direction following a meeting of senior representatives of humanitarian organisations in Geneva in mid-March.

The project will continue testing and researching the ombudsman function that would respond to the concerns of the beneficiaries of humanitarian assistance. However, it will now also research and test the more proactive role of a "people's advocate," which would canvass the views of the affected population and represent them to decision-makers in the humanitarian community. The group of 50 senior representatives decided to drop the possible policing role through which the ombudsman might have monitored compliance with existing codes of conduct or standards.

The idea that an ombudsman might provide a mechanism for humanitarian agencies to be held accountable to beneficiaries had been suggested by the Joint Evaluation of Emergency Assistance to Rwanda (1996). Research on the concept and practice of ombudsmen has been done since then, including consultations with stakeholders. A possible model was proposed based on research conducted in Kosovo last year.

At the end of last year, the British agencies leading the project felt that the time had come to put the theory into practice and to gain more international support. As a result, the meeting was convened in Geneva to gauge support for the project and to see whether it should push ahead into the next phase: the piloting or field-testing of the ombudsman in different humanitarian contexts. Going into the meeting, the project was presented as an ombudsman that would listen to the concerns of the beneficiaries of humanitarian assistance and then take measures to respond to those concerns in "real time."

In deciding to include this "people's advocate" mechanism next to the ombudsman function, the project has potentially taken an important step forward in terms of improving accountability to those affected by disaster or conflict – one of the main motives behind the project from the beginning. At the same time, defining possible models of how the concept of a "people's advocate" will function is a major challenge. Is it an outsider claiming to speak on behalf of the beneficiary population? Or is it a representative, or a group of representatives, of the beneficiary population raising public attention to their situation? The notion of a "people's advocate," as defined during the meeting, does imply a more

proactive role in terms of going out and finding out what are the concerns of the beneficiaries.

The "people's advocate" role could also be more broadly interpreted as a means of strengthening or creating national, regional, or local institutions, such as ombudsman offices. While such a role would contribute to the strengthening of civil society

over time, it would not necessarily allow for a voicing of beneficiaries' broader concerns in "real time" until the institutions are up and running. By focusing on the building-up of local, national, and/or regional ombudsman offices in places where humanitarian assistance is being provided, it will be easier, in a sense for those offices to gain legitimacy among the beneficiaries. Under this interpretation, humanitarian assistance would be brought within the larger framework of human rights institutions – a logical place considering that humanitarian assistance is (or should be) rights-based.

This idea of utilising existing institutions could be further explored as the question still remains as to whether it is really up to NGOs to be undertaking

see over

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The "Humanitarian Ombudsman"

continued from previous page

this role of ensuring accountability for humanitarian assistance or whether it is a state responsibility that is going unfulfilled and that needs to be built-up. A Swedish government representative at the meeting pointed to the fact that an ombudsman, or putting in place an ombudsman function, is a state responsibility.

In addressing this issue, consideration might be given to recent research conducted by the Geneva-based International Council on Human Rights Policy (ICHRP) on national human rights institutions (NHRIs). The Council's research examined ombudsmen, among other NHRIs, and found that there are three fundamental issues upon which the success of an NHRI depends: legitimacy; accessibility; and linkages. The research also noted that ombudsmen offices are at the crossroads of government and civil society.

The question of legitimacy is a fundamental one for the humanitarian ombudsman. The ICHRP concluded that NHRIs, such as ombudsman offices, "acquire most public legitimacy when they are legally well entrenched." Earlier, the ombudsman project commissioned a study to determine the legal parameters of the framework against which alleged malpractices should be judged. Linked to this, one area to which legitimacy might have been traced is the upholding of standards. There was consensus at the meeting that humanitarian standards, such as the NGO Code of Conduct or the Sphere Project on Minimum Humanitarian Standards in Disaster Response should not form the basis of the "ombudsman," but could be used as tools in ensuring accountability to beneficiaries.

The study of the ICHRP also found that legitimacy is derived from the independence of the ombudsman. A delicate point in the search for independence for the humanitarian ombudsman is that the mechanism has been created by humanitarian NGOs that are themselves to be held accountable for their actions. In ensuring legitimacy and accountability, it is therefore essential that a new governing structure, which will oversee the activities of the project, will not only include representatives of humanitarian organisations, but also other stakeholders.

Earlier research done by the project suggested that legitimacy arises from two issues: who will act as the ombudsman, and to whom that person or group of persons, in turn, will be responsible. Given the new role of a "people's advocate," the issue of legitimacy is even more crucial. In fact, it would suggest that the function should be filled by 'someone' coming from the beneficiaries' community, rather than an outsider. An outsider would have more difficulty in gaining legitimacy among the beneficiaries.

The question of legitimacy is also linked to the number of NGOs that subscribe to the project. To date, there have been quite a few criticisms of the initiative. Several participants at the meeting felt that now that the project had moved away from the policing role that much of the criticism had been addressed. The hope was expressed that perhaps many of the Francophone NGOs, which have been critical of this aspect, might now be more willing to support the ombudsman.

However, the fact that this policing role will not be part of the project has not alleviated other concerns that many have. Moving forward has some NGOs worried that a split among humanitarian agencies may arise if only a certain number of NGOs support the project. The question of how concerns raised by beneficiaries will be addressed when they concern NGOs that do not subscribe to the project is one that remains to be answered.

The accessibility of the project is a point that also needs to be taken into consideration. Once a structure is set up, how will beneficiaries know of its existence? How will the office ensure that the concerns of all beneficiaries, and not just certain groups within the beneficiary population, are heard? The same questions are applicable to the "people's advocate" side of the office.

What position the ombudsman would have in relation to the UN, and whether UN humanitarian agencies might also be included in the project, are areas that need further exploration. At this point, there is no UN position on the project, but a UN representative

see page 11

ISSUE OF THE MONTH: NGO ACCOUNTABILITY

HOLDING NGOS ACCOUNTABLE IN ETHIOPIA

As the world's attention is turning to the famine in Ethiopia, it is likely that more humanitarian agencies will step in to assist. While the numbers of NGOs may not be as great as during the Kosovo emergency, this time, any new NGO entering the crisis to provide humanitarian assistance will find an existing system that ensures the self-regulation of NGOs.

Since last year, some 80% of local and international NGOs in Ethiopia, have willingly signed on to a Code of Conduct. The Code of Conduct for NGOs in Ethiopia defines NGO principles, core values, and policies, but does not stop there. In signing on to the Code, NGOs agree to be held accountable for upholding the Code by an Observance Committee.

The Code grew out of the demand for increased transparency and accountability as the number of NGOs in Ethiopia rose as a result of the shift from emergency relief to development. Through a series of workshops in 1997 and 1998 organised by NGOs that felt they should inform stakeholders about what are their principles, core values, and policies, an Ad Hoc Consultative Working Group was formed. The Working Group, composed of 6 NGOs, had as its objective the formulation of a Code of Conduct for

NGOs in Ethiopia. Among the resources to which reference was made in the formulation of the code were the Red Cross NGO Code of Conduct, a Code of Practice of the NGO Sector in Africa, InterAction's PVO Standards, and a draft copy of the Sphere Standards.

A first draft was presented by the Working Group on 11 February 1998. Following consultations with the NGO community and other relevant stakeholders, a final document was unanimously adopted by a total of 165 NGOs on 5 March 1999 in Addis Ababa. With the exception of one international NGO that stated that it had already signed such a Code of Conduct at its headquarters and therefore did not see a need to sign a new one, all other NGOs present at the Signatory Meeting signed the document. Since that meeting, other NGOs have signed the Code and membership now stands at over 170 NGOs. Of that number, 63 international NGOs have signed the Code.

The Ethiopian Code begins with the values by which NGOs in Ethiopia work: being people-centred; being

see over

The "Humanitarian Ombudsman"

continued from previous page

at the meeting noted that the project was perceived by many within the UN system as an added mechanism for NGO accountability.

The newly elected, more internationally-based Steering Committee will have the chance to come up with a new name and to tackle some of these issues at its first meeting on 11 May in London. The project is also looking for a new institutional home in a more international setting. ICVA has been approached to house the project and the matter has been referred to the ICVA Executive Committee. ♦

For more information on the Humanitarian Ombudsman Project: www.oneworld.org/ombudsman.

To obtain a copy of the International Council on Human Rights Policy's "Performance and Legitimacy: National Human Rights Institutions," e-mail: ichrp@international-council.org; tel. (+41.22) 775.3300.

For ICVA members: documents and discussions surrounding the housing of the project in the ICVA Secretariat's offices are available on the website (What's Hot! page): www.icva.ch.

Holding NGOs Accountable in Ethiopia

continued from previous page

based on fairness and equity; and upholding moral and ethical integrity. It commits NGOs to transparency and accountability, good governance, and independence. Work should be undertaken with consideration to gender equity, the environment, and sustainability. The Code also requires NGOs to develop impact indicators for their work and to share assessments and evaluations publicly.

While the "humanitarian ombudsman project" has decided that it will not play a policing function of existing codes and standards (see related article in this issue of *Talk Back*), the Ethiopian NGO Code of Conduct has a monitoring body built into it. The General Assembly, which consists of those NGOs that have signed the Code, acts as the supreme body of the Code Observance. An NGO Code Observance Committee (NCOC) acts as the guardian of the Code of Conduct. The Committee is composed of five elected members from the General Assembly, two representative members of civil society, and two other reserve members from among the signatories. The terms of the members of the Committee is two years and a member can only serve for three consecutive terms.

In addition to promoting observance of the Code, the Committee also considers petitions by persons or groups of persons that lodge complaints to the Secretariat of the Committee. Currently, ICVA member Christian Relief and Development Association (CRDA) is serving as the Secretariat. Any person or group of persons may file a complaint or petition with the Secretariat.

Once a complaint is submitted, the NCOC hears and decides on all instances involving the violation or breach of the Code of Conduct by any signatory or any other acting for and/or on behalf of a signatory. When the breach or violation of the standards of the Code is considered by the NCOC to be serious, the NCOC calls a meeting of the accused signatory and/or official of the agency and the person or group of persons that lodged the complaint to discuss the matter. The NGO is also asked to provide evidence of the case. Following a thorough investigation, the

case may either be dismissed or a file opened if the claim meets the requirements for establishing a case. If the NCOC finds that a signatory or one of its employees has violated the Code, it can choose one or more of the following measures: provide the necessary education for compliance; call on another signatory to assist in the education process; advise the signatory in violation to take corrective measures against the NGO official or employee who is directly responsible for the breach of the Code; admonish the signatory; and/or recommend to the General Assembly the suspension or cancellation of the membership of the signatory. Any aggrieved party may appeal the NCOC's decision within two weeks to the General Assembly. The General Assembly, after consideration of the evidence and the appeal may either confirm, reverse, or vary the decision of the NCOC.

To date, three petitions have been considered by the NCOC. The first was dismissed on the grounds that there was no breach of the Code. The second, involving child sexual abuse, resulted in the NCOC's decision to cancel the signatory's membership. The NCOC is currently awaiting endorsement of this decision by the General Assembly. The third case is currently under review.

In cases where an NGO is admonished or removed from being a signatory to the Code, it is the responsibility of the NCOC to officially declare that the NGO in question is no longer a signatory to the Code of Conduct for NGOs in Ethiopia and state the reasons why the NGO has been removed. The role of the NCOC ends there.

Stakeholders, such as relevant government offices and donors are expected to react and take their own appropriate measures, if any. The NCOC has yet to declare an NGO no longer a signatory. What measures will be taken as a result of removal remain to be seen. Perhaps the government will choose to cancel the NGO's registration and no longer allow the NGO to work in the country. If this is the case, will this breach of the Ethiopian Code follow the NGO to other countries where it carries out work? ♦

The Ethiopian Code of Conduct is available on the CRDA website: www.crdaethiopia.org

MEMBER'S PROFILE

RCVC — REFUGEE CHILDREN AND VULNERABLE CITIZENS

After gaining independence from the former USSR in 1991, Tajikistan endured a civil war the following year. Since then, economic conditions in the country have challenged all inhabitants of the country. But the most harmful effects have been on the Afghan refugees who fled to Tajikistan and elsewhere since 1992.

Responding to the need to assist the refugees, but also others in Tajik society, Refugee Children and Vulnerable Citizens (RCVC) was formed in 1996. An active participant in the NGO process of the CIS Conference on Refugees and Migrants (see *Talk Back* 1-4), RCVC has been able to establish several new partnerships with other CIS NGOs and international NGOs as a result of the process. One of ICVA's first members from the Commonwealth of Independent States region, RCVC implements a number of programmes to assist Afghan refugees and Tajik returnees, citizens, and street children.

While providing more traditional assistance programmes for Afghan refugees, such as social and material support for unaccompanied Afghan refugee minors and cash distribution to vulnerable groups of Afghan refugees, RCVC has also implemented a number of projects aimed at refugee children. Among these projects have been the creation of a painting studio for children, a summer camp, and the repair of schools. Projects planned for adults are income-generating programmes, in areas such as carpentry and sewing, aimed at single-headed households.

In partnership with the French NGO AVICEN, RCVC began its "Street Children" programme, which attempts to find ways of reintegrating street children in Dushanbe back into Tajik society. With 19 out of its 24 staff working on the "Street Children" project, RCVC meets the urgent needs of street children, especially those begging and selling in the streets of Dushanbe. The project takes the children through several phases: the emergency stage (which includes health and nutrition programmes), the rehabilitation stage, the development of professional skills stage, and the integration phase. Children are provided with the more traditional aspects of edu-

cation, but are also taught skills that can help them to find employment.

RCVC is a perfect example of the benefits that can come out of capacity building. When RCVC Director Mavjuda Rakhmanova saw the need for the creation of a local NGO to provide assistance several years ago, she worked with ORA International and UNHCR to develop the NGO. Once established with the support of its international partner, RCVC eventually took on many of the responsibilities that ORA International had been carrying out. RCVC also received initial technical training from UNHCR and is now an independent implementing partner of UNHCR. ♦

RCVC: 61 Ismoil Somoni Str., Apt. 18, Dushanbe, Tajikistan, tel: 21.87.15, 27.17.80, e-mail: RCVC@tajik.td.silk.org

IDPs Left to UN Humanitarian Coordinators

continued from page 3

In finding answers to these difficult issues, the UN agencies have fortunately found a new buzzword: 'predictability.' As one representative put it: "the UN needs to put a package together in order to respond in a reliable and predictable way to IDP crises."

At the spring session of the IASC held on 5 April in Rome, the UN High Commissioner for Refugees emphasised that there should be clearer procedures for defining the formula by which operational responsibility for IDPs is allocated.

Whereas in the UN context this may all seem to make perfect sense, at the end of the day the big question remains whether anything will change to ensure that IDPs are better off. As the UN is not known for its effective coordination, leaving the fate of IDPs in the hands of the Humanitarian Coordinator seems to be asking for new problems. ♦

TRAFFICKING WOMEN — A COORDINATED, PRACTICAL RESCUE RESPONSE: ICMC'S EXPERIENCE IN ALBANIA

One Woman's Story

Irina is a 23-year-old Moldavian. She had been working in a market for a year in Moldova and was interested in working abroad — preferably in Russia where her grandmother lived. She met a man who offered her a waitressing job in a bar in Yugoslavia for 1 or 2 months, which she accepted. She went to Yugoslavia and worked in the bar for a month, but the owner refused to pay her. Instead, at the end of the month, he sold her to one of his friends. She was then forced to go with this man and six other men to Montenegro from where Irina and two other young women were taken by car to Shkoder in northern Albania. There she was given to another man who took her to Tirana where she was held in an apartment and forced to work as a prostitute for three months. She was one of six women confined to, and working in, the apartment until the police raided the apartment. Irina was taken to the police station for three days before being released to ICVA member the International Catholic Migration Commission (ICMC).

Irina's experience made her give up her dream of working abroad. She plans to return to her family and hopes that they will accept her. Irina just wants to return home to Moldova and go back to working in the market where she was before.

The Scope of the Problem

Irina is one of the lucky ones — if she can be called that: she was "rescued." Most trafficked women and children are not so lucky. The trafficking of women — mostly for the sex industry, but also for forced labour and forced marriage — is growing rapidly. It is closely related to the wider problem of the trafficking and smuggling of refugees and asylum seekers, a contentious, but sometimes only, way of helping people to flee from persecution. Recent research shows that the large majority of trafficked persons, be they migrants, refugees, or asylum seekers, end up in asylum procedures in Western countries. The way trafficking is combated, for example, by putting in place more border patrols at Europe's eastern and southern borders, pre-flight checks at airports in

developing countries, and more visa restrictions, impacts on the right to seek asylum.

Organised crime is heavily involved in the lucrative business of the "trade in humans," which now rivals drug trafficking in terms of financial paybacks. There is much money to be made, an endless supply of customers, and, unfortunately, an endless supply of poor, naive, and/or vulnerable women and children who could be lured in — deceitfully or otherwise.

It is now estimated that as many as 500,000 persons are trafficked per year into Western Europe. It is estimated that annually, over 5,000 of them are transported from Eastern Europe via Albania's porous borders. At any given time, there are an estimated 400 trafficked women in Albania in the process of being bought, sold, held, and trafficked onwards to Western Europe.

Women (and particularly young women) and children are lured with promises of respectable jobs in places like Italy or, increasingly, are kidnapped and later sold like livestock. Undoubtedly some women enter into these trafficking networks of their own freewill. However, it is unlikely that even those choosing to work in the sex industry via the route of international traffickers are prepared for the abuse, imposed "house arrest," or the low or non-existent wages that are more often than not, the reality that they later find for themselves. In short, trafficking is big business. It is highly organised with the traffickers always ahead of law enforcement efforts and at least one step ahead in terms of developing new trafficking routes. It is degrading in the extreme — treating human beings as objects to be bought, sold, used, abused, and discarded at will.

Fortunately, UN agencies, international organisations, NGOs, and governments are increasingly concerned, active, and involved in the issue. There has been an explosion in the level and amount of discussion and concern being generated globally. Research is being done and anti-trafficking campaigns and conferences are being organised. However, the international community

see next page

Trafficking Women: ICMC's Rescue Response in Albania

continued from previous page

has yet to come up with many practical interventions or responses to assist those who have been trafficked or, more importantly, to develop preventive measures beyond media campaigns and border tightening.

Developing a Response

ICMC, in collaboration with the International Organization for Migration (IOM) in Albania has been working to develop a practical response to the issue of assisting those who have been trafficked. The programme involves many players, much diplomacy, and a considerable amount of secrecy. It includes referral structures, emergency services, protection and support services, return to communities of origin, and reintegration services.

Referral System

To date, since beginning late last year, the programme has served 52 trafficked women originating from Moldova, Romania, the Ukraine, Russia, Bulgaria, and Albania (with 85% of the women coming from the first two countries). International referrals, that is, Albanian women who have been trafficked and are already outside of the country, are referred to the programme via IOM Offices and established networks throughout the region. Domestic referrals – trafficked women from Eastern Europe still inside Albania – come from Albanian authorities (the Albanian Ministry of the Public Order and the local police), international organisations such as OSCE, UNHCR, ECMM, and other agencies that identify trafficked women who have either been detained or escaped from trafficking networks in Albania. Much initial legwork was done to bring Albanian authorities, police departments, and international organisations on board with the programme, including holding briefings with individual police chiefs and with representatives of the Albanian Directorate of Crimes Against Morality.

Once notified of a trafficked woman who has escaped, been arrested, or is being held at a police station or organisation's office – ICMC dispatches a caseworker to interview the woman to assess the situation, her needs, and intentions. If a trafficked woman

expresses her determination to get out of the trafficking network and requests assistance to return to her country of origin, she is moved to an ICMC secure shelter for 3 to 4 weeks until travel documents can be readied. Most lack identity documents, which are often taken by the traffickers. A more extensive interview is conducted at the ICMC shelter, which produces a confidential case profile that is forwarded to the NGOs that will assist the trafficked woman in the reintegration process in her home country.

Services

During the 3 to 4 week stay at the shelter, ICMC provides protection from the traffickers (the two shelters are guarded by a privately contracted security company 24 hours a day); psycho-social support; individual and group counselling on stress, sexual violence, abuse and recovery; all physical necessities (food, bedding, clothing, furnishings); emergency services; discussion groups on health care and future plans; direct communication with family members; and the preparation of individualised return and reintegration plans. Additionally, staff coordinate with other international and local NGOs to provide medical care (general medical screenings and HIV testing, if desired), psychiatric care, and skills training programmes (based on the woman's needs and interests). A service matrix has been developed with partner international and national NGOs that have interest and expertise in providing a broad range of services for women – from sexual violence and rape counselling to gynaecological care to skills training programs. These services are plugged in and called upon based on the women's immediate needs and future plans. During their stay at the shelters, IOM coordinates with the relevant embassies for the re-issuance of identity and travel documents and, when ready, arranges their onward flights home, as well as reception services in countries of origin.

Security

Given the involvement of organised crime in trafficking and the fact that we are, according to the traffickers, hiding their "paid for property", security can be a problem. In one instance, pimps discovered the

see over

Trafficking Women: ICMC's Rescue Response in Albania

continued from previous page

location of one of the ICMC shelters and tried to enter, firing their weapons outside, which forced ICMC to change locations immediately. Just last month, one of ICMC's vehicles transporting a trafficked 16-year-old and a couple of staff was involved in a high-speed car chase to outrun the pimp who was trying to get the girl back. The work is risky and staff security is a constant concern.

Client Profiles

According to statistics gathered by ICMC on the women and girls served thus far, most are between 16-26 years old. More than 50% have had a child. Most come from rural areas, villages, or small cities characterised by high unemployment. Most of the women, however, have a relatively high degree of education: the majority have completed high school and some have post-high school educations. Albania is one of the major transit countries for trafficked women coming from central and Eastern Europe. The women generally are brought into Albania from Montenegro and Macedonia and are transported on to Italy and Greece. Some are bought and sold several times in the transmigration process.

Most of the women were lured in by promises of better economic opportunities abroad and were recruited either directly or through advertisements for work as domestic helpers, entertainers, waitresses, and dancers. Others, through friends and acquaintances, were promised well-paid, respectable jobs in the West. A number of the women, the majority of them being minors, were kidnapped. Still others received offers of marriage and after arrival in their "new" country were forced into prostitution by the men who were to become their husbands.

The majority of recruiters (those who first initiated contact with the women) were either men or women between the ages of 20 and 30 and who gave the appearance of being trustworthy.

Next Steps

ICMC and IOM now have established and functioning referral mechanisms with local police authori-

ties in Tirana, Durres, Fier, Shkodre, Vlore, Kruje, and Kavaje—the major urban centres in Albania. Plans are underway to open shelters for trafficked women in the city of Vlore, a major transit point for illegal boat migration to Italy, at the request of both the Mayor and Police Commissioner in the southern city of Vlore. The Swedish International Development Cooperation Agency (SIDA) is now providing core programme funding and negotiations are underway with AVSI (Associazione Volontari per il Servizio Internazionale) for possible partnership for the inclusion of interested women in their 14 vocational training centres throughout Albania. Further capacity-building training for national women's NGOs that can serve trafficked women is also being planned. Thus, the programming continues to expand and the network of service providers continues to strengthen and grow. Only through partnerships, collaboration, resource sharing, and networking can there be any hope of making a real difference in assisting these women and in challenging their traffickers. ♦

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