A Joint Document of

UNHCR and IOM

INTERNATIONAL ORGANIZATION FOR MIGRATION AND UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES
in cooperation with **OSCE/ODIHR**

REGIONAL CONFERENCE TO ADDRESS THE PROBLEMS OF REFUGEES, DISPLACED PERSONS, OTHER FORMS OF INVOLUNTARY DISPLACEMENT AND RETURNEES IN THE COUNTRIES OF THE COMMONWEALTH OF INDEPENDENT STATES AND RELEVANT NEIGHBOURING STATES

ASSESSMENT REPORT
OF THE CONFERENCE PROCESS
(1996-2000)

Geneva, 2000

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Introduction

The CIS Conference (Conference (1996))

In 1994, upon the suggestion of a group of countries led by the Russian Federation, the United Nations General Assembly adopted a Resolution (49/173) that called upon UNHCR in concert with relevant states and organisations to promote and develop a preparatory process. The process would lead to the convening of a Regional Conference to Address the Problems of Refugees, Displaced Persons (DPs), Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States (CIS) and Relevant Neighbouring States.[1]

During the preparatory phase, a first Meeting of Experts, held in Geneva in May 1995, formally launched the process by identifying issues of concern and the methodology to address them. Two rounds of sub-regional meetings were then held, where existing problems and possible solutions were identified and discussed. On the basis of these discussions, a draft Declaration of Principles and a Programme of Action (PoA) were prepared by the Conference Secretariat, and were subsequently merged into a unified PoA, which was submitted to and approved by the Conference in May 1996.

The Conference was held on May 30 and 31 1996 under the joint auspices of UNHCR, the International Organisation for Migration (IOM) and the Office for Democratic Institutions and Human Rights (ODIHR) of the Organisation for Security and Co-operation in Europe (OSCE). Participants at the Conference included the CIS countries themselves; neighbouring and other countries concerned with the impact of displacement problems on regional and international stability; and international organisations and non-governmental organisations (NGOs) active or interested in the region.

The objectives of the process were to provide a forum for discussion such that CIS states could exchange ideas and information concerning migration challenges in the region; review the types of migration movements in the region and to establish categories of concern; and devise an integrative strategy for the region by establishing a PoA.

The CISCONF Follow-Up Process ("process")

UNHCR, IOM and OSCE were entrusted with monitoring the implementation of the PoA. On a yearly basis, UNHCR, IOM and OSCE have compiled a report, which is then submitted to the Steering Group that reviews the

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[1]Resolution 50/151 (1996) requested the High Commissioner, in close co-operation with states and intergovernmental organisations to convene the conference in 1996.

progress made since the last Steering Group Meeting by the CIS countries in the implementation of the PoA and main directions for future activities.

In the final year of the process, members of the Steering Group established a Working Group to address the issue of the follow-up to the 1996 Geneva Conference ("Working Group") to deal with the preparation of the decision to be taken by the Steering Group on activities beyond 2000. The Working Group has met two times (October 13, 1999 and March 9, 2000) and will meet once more (May 30, 2000). It is facilitated and co-ordinated by UNHCR, IOM and OSCE. The composition of the Working Group includes governmental experts of all interested states, representatives from international organisations, and NGO lead agencies. In addition, since the preparatory phase, the "Friends' Meeting" mechanism has played an informal, inter-governmental consultative role.[2]

UNHCR, IOM and OSCE have employed an outside evaluator to draft an Assessment report, which is to be distributed ahead of the second Working Group meeting.[3]

The Assessment Report

The purpose of the Assessment report ("report") is to provide interested parties in addition to members of the Working Group with an evaluation of the process' progress. As the process officially comes to a close at the end of 2000, there is a need to re-assess the achievements made and to evaluate how they will be sustained and built upon in the future. This report does not purport to be a comprehensive evaluation. Rather, it points to achievements and obstacles in the area of migration and protection throughout the CIS during the period of the process. It determines where headway is still required in order to sustain the successes already established and to outline where attention should be focused in the future.

Methodology

In line with the Working Group members' intentions, this report employs a combination of reference materials. These include existing documentation published by UNHCR, IOM and OSCE/ODIHR, Steering Group and Working Group reports and notes, official statements, interviews with selected representatives of donor states and group of experts, and questionnaires developed by the Evaluator in collaboration with the

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[2]Comprised of all CIS states, other interested countries and UNHCR/IOM/ODIHR(OSCE)
[3]The Evaluator is Dr. Colleen Thouez. She has worked extensively on refugee and migration issues and on the CIS. She was commissioned by the Evaluation and Policy Analysis Unit (EPAU) and the Bureau for Europe (BE) of UNHCR to draft the Assessment report on the CISCONF Process for the second Working Group Meeting.

Evaluation and Policy Analysis Unit (EPAU) and the Bureau for Europe (BE) of UNHCR and IOM. Two separate questionnaires (one for the governments and the other for NGOs) were sent out in November 1999 to the governments of the 12 CIS states and to NGOs in the region. All CIS governments responded to the questionnaire with the exception of one that was unavailable, and where the UNHCR liaison office responded on its behalf. NGOs from all CIS states responded to the questionnaire. (The number of NGOs that responded in each CIS state varies significantly.) All questionnaire responses are available upon request in either English or Russian.

The responses to the questionnaires vary in quality and clarity. Some of the questions posed failed to elicit responses. Consequently, informational vacuums were inevitable. Where examples of countries are given to illustrate a finding then, this should not necessarily be considered an exhaustive list, unless it is so specified.

Further, though the achievements highlighted in this report were made during the process, it may not be entirely accurate in all instances to identify the process itself as sole contributor to the outcomes described. In certain circumstances, other political, social and economic factors must be considered as contributory to these successes and constraints. Hence, the causal link between the process and the outcomes described is not unequivocal and must be viewed within the larger context of other developments taking place in the region.

Last, there may be some confusion with respect to the terminology used when referring to particular aspects of the process. To avoid such confusion, the following terms are employed in this report. The Conference itself is referred to as "Conference (1996)" throughout the report. The preparatory phase between May 1995 and May 1996 is referred to as "preparatory phase". The CISCONF Process covering the period between the Conference (1996) and the end of the year 2000, which is also referred to as the "follow-up" period in a number of documents, is referred to as the "process". The period following the completion of the process is referred to as "activities beyond the year 2000".

Summary of Conclusions

For Governments:

Looking back at the original objectives of the Conference (1996), they are three-fold: 1) to provide a reliable forum for countries in the region to discuss population displacement problems in a humanitarian and non-political setting; 2) to review the population movements taking place in the region, clarifying the categories of concern; and 3) to devise an integrated strategy for the region by elaborating the PoA.

These immediate objectives, significant in their own right, were met at the time of the Conference (1996). The follow-up period is also marked by a number of successes, namely 1) the recognition of migration and protection issues within and outside the CIS; 2) the establishment of a legislative base; 3) the development of organisational capacity; 4) the forging of inter-governmental relations (between CIS states); 5) the improvement of bilateral/multilateral relations (between non-CIS states); and 6) the strengthening of inter-organisational co-operation.

At the implementation level, however, the success rate varies between different CIS states. Because CIS states are having to make hard choices between a wide array of immediate needs, migration, protection and asylum issues are not always a priority.

Nevertheless, migration-related matters are increasingly tied to issues of vital importance to CIS states. National security considerations and regional stability are both intrinsically linked to illegal and transit migration. CIS states' active endorsement and implementation of IOM-assisted Capacity Building in Migration Management Programmes (CBMMPs) underscore their growing concerns for such issues. The levels of co-operation envisaged today reflected by, for instance, talk of region-wide harmonisation of entry requirements such as visa policy, would have been inconceivable only half a decade ago. Similarly, the legal and administrative tools being established to address growing problems related to refugees, IDPs and other DPs represent national systems for humanitarian response that are compatible with international standards in this field. Though considerable work is still required for their efficient and effective implementation, the foundation has been laid for CIS states to cope with persons in vulnerable situations.

It is clear that the process has directly and indirectly assisted CIS states towards the goal of establishing migration management and protection mechanisms to cope with migration challenges particular to the region. Moreover, the process has achieved a new level of understanding, dialogue and exchange between: CIS governments; CIS states and non-CIS states; CIS

governments and NGOs; and international organisations working in the region. It is also evident that progress is still required in a number of areas. For this reason alone, special attention and effort must be sustained beyond the year 2000, while mainstreaming activities. It is just now that the benefits of five years of effort are beginning to materialise. Donors should maintain a level of expectation that is appropriate. And, CIS states, for their part, must demonstrate their will to continue the process through effective implementation of migration and refugee programmes and policies.

For NGOs:

The NGO sector has become a vibrant part of civil society. Despite the achievements made during the process period, however, significant obstacles still hinder NGOs' full contribution to addressing refugee and refugee-related issues, to granting humanitarian assistance, and to strengthening civil society as a whole. The sense that considerable improvements are still required is reflected in virtually all NGOs' response to the questionnaire. Most NGOs responded that continued assistance was required in order to pursue their objectives beyond the year 2000. Some NGOs specifically referred to the need for personnel training, others to technical support, and others to general guidance from international actors. Most specified the need for continued financial assistance, and a continuation of the framework established by the Conference (1996) and process.

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GOVERNMENT ASSESSMENT

Overview: Assessment

All CIS government respondents recognise the broad-based benefits of the process. Though the implementation of legislation is erratic and incomplete, most CIS states have acceded to the international legal instruments. Moreover, all have enacted or are in the process of enacting migration and refugee legislation. During the process period, organisational capacity has also strengthened. Administrative structures have been established, and personnel are receiving training and developing expertise. Despite this progress, challenges to a solid human resource base undermine the implementing capacity and co-ordination activities of migration officials. Inter-governmental relations have also improved during the process period. Prior to 1996, migration officials from different CIS states were unlikely to collaborate on migration related projects. Today, though limited in scope, CIS migration officials have begun to share information, exchange ideas, experience and lessons learned, and engage in dialogue regarding the harmonisation of migration and asylum policies. Similarly, CIS governments have been assisted by an ever-growing network of bilateral and multilateral relations with non-CIS states. They are able to benefit from training in migration management and protection matters. Last, CIS governments recognise the developing base of inter-organisational co-operation throughout the region. This foundation will prove useful for migration and displacement issues in the future.

The great majority of CIS governments express their emphatic desire for the continuation of the process beyond the year 2000, encouraging the on-going support of the Friends' Meeting mechanism. They also express their concern regarding future funding, and request the need for continued financial assistance.[4]

Though all government respondents express positive developments in the area of migration management and protection issues thanks to the process, their level of satisfaction with the process and its outcomes differ. Their level of satisfaction with assistance provided by the international organisations involved also varies.

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[4]Most countries are specific with respect to where funds should be allocated. The Georgian Government, for example, stresses more active participation of financial institutions and donor-countries in humanitarian aid response operations in places of temporary residence of IDPs and refugees (short, mid and long term approaches) as well as in the reconstruction and rehabilitation of post-conflict zones.

Areas of Achievement

Recognition of Displacement and Protection Issues

One of the most significant achievements of the process is the recognition of the importance of displacement and protection issues within the CIS and abroad. While migration is still not a top priority *per se* for most CIS states, the magnitude of the scope and importance of migration issues has become a reality. For example, the Armenian Government responds in the questionnaire:

> Owing to the participation in the CIS Conference, its materials and contacts with other participants, the (Armenian) government officials have acquired a better perception of the refugee and migration related problems.

Reaching Consensus

The very fact that CIS states forged a degree of consensus on the nature and magnitude of the migration challenges facing the region as a whole is an achievement in its own right. Beyond this level of agreement, CIS states, as one member of the Conference Secretariat expressed, have forged a common language, developing new categories of migrants specific to their displacement challenges and de-politicising migration definitions.

Issues Particular to the CIS

In addition to the recognition of the scope of migration issues, the process has assisted in highlighting key issues particular to migration in the CIS. This is particularly true with respect to the Formerly Deported People (FDPs). It also applies to the issue of *propiska* reform. In December 1997, UNHCR, OSCE/ODIHR and the Council of Europe (CoE) co-organised an Experts Group Meeting on Freedom of Movement and Choice of Place of Residence in Kiev. This meeting resulted in a series of conclusions, namely that the *propiska* system is contrary to free movement and although it affects all citizens, it presents particular obstacles to displaced people. The lack of *propiska* hampers access to socio-economic rights, and in many cases access to refugee status determination (RSD) for asylum-seekers. The Meeting highlighted the daunting task involved with reforming the system, and the scope and complexity of legal reform required. Currently, the CoE's Parliamentary Assembly Committee on Migration, Refugees and Demography is preparing a report on the *propiska* system in the CIS countries, and its consequences for asylum-seekers, refugees and displaced persons.

Such exercises do not ensure that states will change their practice, as has been the case with *propiska*, where in most CIS states, its formal abolition has not eliminated the use of restrictive residence registration. Nevertheless, these exercises draw out particular obstacles to managing migration and displacement issues, which are specific to the CIS. CIS officials and interested parties are able to address these issues and to come to an agreement on how to approach them in the future.

Increased Involvement of the West

The Conference (1996) and process also instructed Western states on migration issues in the CIS. The implications for Western states are obvious. Regional stability as mentioned by the Russian Federation affects global security issues. Moreover, CIS states are increasingly recognising their status as transit countries. As reflected in all the governments' responses and as aptly described by the Government of Belarus, its migration-related challenges directly affect Europe since its borders represent an "important and unique buffer for the West". The Belarus response goes further to state that: "in the spirit of burden sharing, Belarus should be assisted to deal with the costs…it is sustaining in its endeavours to control irregular flows across its territory and to abide by international norms…". Moldova responded that with Romania's accession to the European Union (EU), its borders will become adjacent to the EU, and it will require special attention and additional funds.

In addition to the strategic value of migration management in the CIS, Western countries and the United States, especially, have demonstrated their concern for regional protection issues. As stated by an U.S. official at the Office of Refugee and Migration Affairs at the U.S. Mission in Geneva, "For the U.S. Government, protection is a priority, and protection and enforcement go hand in hand."

The Legislative Base

International Legal Instruments

Perhaps one of the most significant achievements of the process is the development of a legislative base in most CIS states. Prior to the beginning of the process, four states had acceded to the Convention Relating to the Status of Refugees (1951) and its Protocol (1967) (Armenia, Azerbaijan, the Russian Federation, and Tajikistan). Since the beginning of the process, four other CIS states have acceded to these international instruments (Georgia, Kazakhstan, Turkmenistan and the Kyrgyz Republic).

National Legislation

All states have adopted or are in the process of drafting refugee and/or migration legislation. Some have developed NGO-related legislation. In Azerbaijan, for instance, the draft "Law on Public Associations (NGOs)" will be submitted to Parliament in March 2000 for a second reading. (See "NGO Assessment")

Despite the proliferation of migration and refugee legislation in CIS countries, these laws can be contradictory, redundant, and often go unimplemented in practice. CIS states must move beyond the development of legislation to revising existing laws in order to make them consistent and useful in practice. As stated by one expert, it is possible that the process went too far in pushing a legislative base that could not be upheld due to lack of capacity.

Government respondents point to the gap between legislative developments and implementing capacity.[5] While the factors contributing to this gap vary between lack of: qualified staff, information, and implementing bodies, all government respondents cited lack of financial means as a major impediment to implementing capacity at the time of the Conference (1996) and again in 2000.

This obstacle is unlikely to disappear in the period following the end of the process. According to experts, what is required is both a tempered approach to building a legislative base that can reflect the implementing capacity of the state in question, in conjunction with significant injections of financial assistance from interested donor countries. In addition, CIS states should devise innovative ways to expand their coffers. By Governmental Decree dated October 25, 1999, (Decree No. 1654), the Ministry of Internal Affairs of Belarus (in conjunction with the State Border Troops Committee) adopted a scheme such that fines levied for violations of State legislation will be sent to the Ministry of Internal Affairs in order to finance expenses related to cases concerning the violation of immigration legislation.[6] Such re-allocation of funds represents one useful method of supplementing international assistance, and increasing CIS states' autonomy regarding how migration expenses will be financed in the future.

Beyond financial constraints, the gap between legislative developments and implementing capacity reflects migration's place on the list of CIS states' priorities. While the process has increased the awareness of the impact and significance of migration issues in the CIS, CIS countries are faced with a wide gamut of economic and social considerations that must often take precedence

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[5]Experts also suggest that in some instance, a lack of political will hampers implementation.
[6]Within the framework of the recommendations proposed by experts to the Belarus/Ukraine Pilot Border Project

over migration related concerns. (Belarus illustrates this point when it states that funds earmarked for the State Migration Programme (1998-2000) have had to be diverted in order to address the effects of the Chernobyl nuclear disaster.) This is particularly true for migration issues that do not affect the immediate welfare of civilians or national security considerations. Funds are more likely to be allocated for meeting immediate humanitarian assistance or to correct porous borders than to establish comprehensive migration management and protection mechanisms based on strict application of legislative provisions.

Regional Bilateral/Multilateral Agreements

In the context of building a legislative base, most states have ratified bilateral agreements with regional neighbours. Armenia signed two agreements with the Russian Federation on migration issues and legal framework of permanent residence in 1997.

Azerbaijan signed an Agreement with the Russian Federation on regulation of move (to a new place) and protection of the rights of movers, and agreements with Turkey and Kazakhstan on co-operation in the field of Social Protection of Migrants.

Kyrgyzstan signed bilateral and multilateral agreements with the Central Asian countries, Russian Federation, Belarus, and Azerbaijan on different types of migration.

Moldova's Ministry of Labour, Social Protection and Family concluded agreements on the working activity and social protection of the migrant workers with the Governments of Russia, Ukraine and Belarus. It is presently negotiating similar agreements with the Governments of Georgia, Azerbaijan, Tajikistan and Romania.

The Russian Federation concluded agreements related to migration and protecting migrants rights (especially property rights) with Armenia (1997), Azerbaijan (1998), Belarus (1996), Georgia (1994), Kazakhstan (1998), Kyrgyzstan (1998), Tajikistan (1994), and Turkmenistan (1994). They have all been ratified by both parties with the exception of the Russian-Georgian Agreement that has not been ratified by Georgia. Russia also concludes agreements with CIS countries on the legal status of citizens of one party permanently residing in the other party's territory; agreements on the simplified acquisition of citizenship by citizens of one party arriving for permanent residence in the other party's territory; agreements with neighbouring states on co-operation between border regions (envisaging a set of measures for the facilitation of border, immigration and other control procedures for citizens permanently residing in the territories of border areas,

migration process management, and prevention and elimination of the consequences of natural and man-made emergencies).

Ukraine signed an Agreement with the Republic of Uzbekistan, effective September 4, 1998, on the renunciation procedure for Crimean Tatars withdrawal from the citizenship of Uzbekistan, such that FDPs and their descendants are exempt from charges related to cessation of Uzbek citizenship. Ukraine also entered into a Memorandum of Understanding with Belarus as the basis for an IOM-facilitated co-operative cross-border pilot project, which involves sharing communications equipment and other resources to more effectively control a segment of their shared border.

Organisational Capacity

As reflected in the PoA, establishing organisational capacity represents a necessary first step *before* operational and implementing capacity may be addressed. Prior to the preparatory phase, governments lacked 1) proper administrative structures, 2) intra-governmental exchange, 3) technical assistance and infra-structural capacity, and 4) a solid human resource base.

Administrative Structures

Since the outset of the process, most CIS countries with the exception of Azerbaijan, Moldova, Turkmenistan, and Uzbekistan have established a central administrative body dealing exclusively with migration-related issues.[7]

Armenia points to "the participation in the (CIS) Conference, its materials and contacts with other participants" as leading to "outstanding successes" such as the creation of the Governmental Department on Migration and Refugees.

Azerbaijan, while not having a central over-arching body, has created a new Department on Refugee and IDP Problems, Migration and Co-operation with International Humanitarian Organisations. This department exists alongside a plethora of administrative structures dealing directly or indirectly with migration-related challenges, namely: the Republican Commission on International Humanitarian Assistance, the State Commission on Rehabilitation of the Liberated Areas, the State Customs Committee, the State

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[7]Despite the positive trend of establishing appropriate administrative structures, some experts have suggested that in some instances, the better course may be to take an existing entity (such as the border guards) with realistic size and capacity and to build in the additional departments necessary to address migration functions.

Committee on Refugees and IDPs (the Repatriation Department under its auspices) among others.

After the Conference (1996), Belarus improved the structure of its State Migration Service. In 1997, an Interdepartmental Commission on Migration was established under the Council of Ministers in order to co-ordinate the activities of the ministries and agencies.

In addition to the Ministry for Refugees and Accommodation, Georgia also established "appropriate administrative structures for migration management….within the executive branch…". Despite these structures, the Georgian representatives cite the "lack of qualified staff" as a constraint to implementing its national priorities and the PoA.

In 1997, in Kazakhstan, the body regulating migration issues within the Ministry of Labour and Social Protection was reorganised into the Central State Executive Organ-Agency of the Republic of Kazakhstan on Migration and Demography.

In 1998, in Kyrgyzstan, a Central State Migration Department at the Ministry of Labour and Social Protection was established. In 1999, an independent structure-the State Migration and Demography Agency was established by Presidential Decree.

In the Russian Federation, the principal federal body for migration and displacement is the Federal Migration Service (FMS). In addition to this body, the construction of administrative structures continued "both horizontally and vertically". Among the various structures established were: the Government Commission for Migration Policy, presided by the First Deputy Prime Minister of the Russian Federation, the Office of the Commissioner for Human Rights, including a Department for Refugees and Forced Migrants, the Russian Federation Ministry for the CIS charged *inter alia* with co-ordinating the activities of the Executive authorities of the RF in the field of humanitarian co-operation with the CIS States and conflict settlement and peace-keeping operations, an immigration control service with Immigration Control Posts within the FMS to control illegal migration, and mission of the FMS at the embassies in Armenia, Latvia, Tajikistan, Turkmenistan (1996), and Kyrgyzstan (1997).[8]

In Tajikistan, in 1997, the Central Department for Refugees and Forced Migrants of the Ministry of Labour was reorganised into the State Migration Service. The body is still within the structure of the Ministry of Labour. However, it is more independent and covers the whole country.

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[8](Negotiations with other States concerning the opening of mission are in progress.)

A Working Group funded by UNHCR is tasked with the preparation of recommendations with a view towards the creation of a national refugee office in Turkmenistan. It is reported (at the time of writing) that the recommendations will be finalised in February 2000 and submitted to the government.[9]

In Ukraine, the State Committee on Migration and Nationalities ("Committee") was dissolved in December 1999.[10]

Intra-governmental Exchange

At the beginning of the preparatory phase, for many officials who had just acquired migration-related portfolios, discussion with neighbouring states' representatives was inconceivable. The legacy of Soviet training meant that most officials were wary of each other and reluctant to discuss their respective migration challenges.

The preparatory phase assisted dialogue by forging a common language, de-politicising the issues, and to a large extent, de-politicising the objectives of the respective migration-related ministries. The process resulted in the creation of a constituency of persons in CIS states who work at the technical level on migration related issues. It encouraged links between states and between ministries. Ministries of Justice, Foreign Affairs and Interior, and Border Control Departments collaborate in order to implement national, bilateral and regional projects. For example, in 1999, the Armenian Ministry of Internal Affairs and National Security, together with Georgian computer specialists, participated in a Microsoft training course organised in Moscow. This activity facilitated joint discussions and exchange of ideas with Georgian government officials resulting in a report outlining suggested steps for improving the border management system in Armenia.

Continued Need for Technical Assistance and Infra-structural Capacity

All governments praise the transfer of technical know-how that has been taking place during the process. This is particularly true concerning the implementation of refugee protection instruments and procedures with the assistance of UNHCR, and with respect to border management and migration control schemes with the guidance of IOM. ODIHR has also provided technical assistance in the field of human rights, in particular as part of the

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[9]UNHCR is called upon to continue providing technical, material and financial support for the successful establishment of the Turkmen Refugee Office.
[10]The responsibilities of the Committee have been transferred to the Ministries of Justice, Interior and Culture and Arts. There is also the Interagency State Co-ordinating Council on Migration, a permanent body with consultative status chaired by the Vice-Prime Minister.

Memoranda of Understanding between the Office and governments in the Caucasus and Central Asia.

However, significant challenges still remain. This is true particularly with respect to controlling illegal migration. It also applies in the context of re-admission agreements within Europe and between CIS states, for instance, where accommodation facilities for those being sent back to a safe third country within the CIS are non-existent in most CIS states. The absence of temporary accommodation centres or reception centres for asylum-seekers also creates difficulties for the authorities that are attempting to track migrants within the country.[11]

Human Resource Development

Part of the strength of the administrative structures rests on the establishment of a solid human resource base. Another significant contribution made as a result of the process is the extensive network of training opportunities for CIS officials and migration personnel by international organisations such as UNHCR, IOM, by NGOs and also through bilateral partnerships with interested states. This training covers all fields from RSD procedures to border control mechanisms. The nature of the training, though initially based on Western experiences, is becoming increasingly regionalized. And, while significant achievements are being made in terms of establishing a solid human resource base, challenges such as 1) the rotation of staff within and between ministries, and 2) the lack of funding and shortage of qualified and quantity of staff, continue to undermine the efficiency and capabilities of migration officials within the CIS.

Sources of Training and "Training the Trainers"

Most governments expressed the positive impact of UNHCR/IOM training of migration personnel. The Russian Federation declares that international organisations' aid in capacity building will be one of the most important features in future assistance. CIS countries have also received training assistance via bilateral arrangements. Belarussian officials established working relations with the Swedish Immigration Board, the Federal Refugees Department of Germany and Lithuania. Within the context of the CBMMP with IOM, Kazak officials undertook a study tour to analyse Israel's policy and procedures for the reintegration of immigrants. Within the framework of the CBMMP, a number of IOM missions have been instrumental in proposing study visits to the US, Israel and Germany; such visits are usually

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[11]IOM is assisting with this problem in the Russian Federation. It supports Temporary Accommodation Centres (TAC) and IDP settlements. It provides materials to support income generation projects and the development of migrant-operated enterprises.

funded by the host country, although in some cases partial funding comes from CBMMP budgets. In the Russian Federation, officers are trained in the context of international projects, including those of the TACIS Programme of the European Commission. It is also developing "fruitful co-operation" with the immigration agencies of Canada, the U.S., Finland, Sweden and Germany.

Training from outside sources has lead to a base of experts within the countries themselves. This foundation of knowledge and expertise has translated into the possibility for "training the trainers" as suggested by an U.S. representative at the time of the Friends' Meeting on 11 January 1999. This strategy calls for shifting approaches from training large numbers of government officials and civilians to training smaller numbers in greater depth. This position is already endorsed by some CIS governments, such as Georgia, that are opting for in-country rather than to out-source training.

Fields of Training

UNHCR's training focuses on the areas of legal assistance to refugees, refugee protection, resettlement, integration and repatriation and RSD. In Kyrgyzstan, for instance, UNHCR is focusing on solutions for Tajik refugees, primarily through voluntary repatriation to Tajikistan. In parallel, the Kyrgyz Government agreed to support a UNHCR assisted Integration Programme for over 10,000 Tajik refugees of primarily ethnic Kyrgyz origin, to obtain Kyrgyz citizenship and to locally integrate in the country. UNHCR is assisting this process in close co-operation with other partners in developing procedures, which allow for accelerated acquisition to Kyrgyz citizenship and access to income generating projects to increase the level of self-sustainability.

IOM has established CBMMPs in CIS states. The purpose of these programmes is to substantively strengthen the capacity of governments to establish and operationalize a unified system for the management of migration in their respective countries. CBMMPs include government officials from various ministries and occasionally NGO representatives, and are facilitated by IOM.

The CoE provides assistance in adopting legislation and effectively implementing protection measures for refugees and displaced persons. Under the CoE's programme for "Activities for the Development of Democratic Stability" (ADACS), expert reports have been prepared on the draft law on aliens in Ukraine. The CoE held a seminar in 1999 with the Moldovan Government, the Moldovan Parliament and the Chisinau Office of UNHCR on possibilities of ratifying the 1951 Convention, adopting legislation on refugees and displaced persons, and on the European Convention for the Protection of Human Rights and Fundamental Freedoms and its application for such persons. Further bilateral and multilateral meetings are planned

with Moldova in 2000. Expert opinions were prepared in 1999 on the draft law on "the legal situation of foreign citizens in the Russian Federation". A follow-up expert meeting will also be held in Moscow on the same subject this year. A workshop on refugee legislation in Georgia is also foreseen for this year's programme.

In addition to training, assistance to build implementing capacity can take the form of supplying technical assistance. UNHCR and IOM have provided computers and computer training, communications equipment and forgery detection equipment.

Training has also extended to NGOs. UNHCR provides assistance to NGOs by building operational and organisational capacity. UNHCR assists NGOs to strengthen operational capacity so that they can undertake programmes for protection and assistance for refugees and DPs. It assists them with organisational capacity so that NGOs are able to manage projects and programmes. It provides small grants for NGOs to start up projects in a number of fields, through workshops to assess and direct capacity-building relationships between UNHCR and NGOs in the field, through support to the Working Groups that provide their members with information and technical expertise. IOM, also, conducts capacity building programmes for a limited number of NGOs in some CIS states, principally in the Caucasus, the Russian Federation and Ukraine. (See "NGO Assessment")

Focus of Training: CIS-specific

Initially, the training of CIS officials in migration-related matters relied heavily on Western experiences and on the previously limited amount of activity of international organisations in the region. In many instances, the focus of the training was not always relevant for the CIS. A representative from a Western donor state commented that: "the West lacked long-standing memory because it had not worked with these states before. There was a big learning curve." The Russian Federation makes this point clear in its assessment:

> ….In their activities the…Organisations sometimes have
> to follow the wishes of their donor countries, with their
> own vision of the migration problems in Russia and
> ways to address them, rather than Russia's priorities in
> the field of migration. This contradiction should be
> resolved through more intense dialogue among all
> interested partners.

Thus, it took a considerable amount of time to discover what the best migration mechanisms are for the region. It is only recently that the positive effects of training can be seen due in large part to the CIS-specific approaches

to migration training.[12] One successful example of institutionalising migration efforts in the region is the Bishkek Migration Management Centre (BMMC) created in 1997 as a direct result of the process.[13] Though the BMMC is not involved in training as of yet, it has served as a forum for inter-governmental meetings.[14] Furthermore, in the Spring 2000, the International Migration Policy Program, an inter-agency funded training seminar will be held in Kyrgyzstan, and the BMMC will facilitate.

Challenges to a Solid Human Resource Base

The practice of staff rotation represents one of the greatest impediments to building a solid human resource base and sustaining it in the future.[15] Personnel in CIS government branches responsible for migration are constantly being re-shuffled thereby undermining the impact of migration training. There has been a subsequent inability to establish institutional memory in departments dealing with migration issues. Furthermore, the absence of a constant presence (not body but bureaucrats within) dealing with migration matters hampers relations with external bodies, whether international institutions or other states' representatives. An IOM official, responsible for establishing CBMMP projects throughout the CIS, points to the rotation of staff members as a major impediment to consolidating implementing capacity. The constant changes in migration personnel also undermine the solidification of intra-governmental links, as relationships between migration experts cannot be maintained.

Another challenge to a solid human resource base is the inability to attract enough university graduates and professionals into the civil service. Because of the lack of funding in this sector, most young university graduates are not lured by government jobs. Retention depends on salary. Moreover, as stated by someone who has followed the process closely, migration related issues should also become part of universities' course *curricula* thereby emphasising the importance of such issues to future leaders in the classroom.

Such initiatives are already underway in some countries. In Belarus, a computer network CD-tower and other relevant equipment has been installed at the faculty for International Relations' library, which is to serve as the UN depository library. As a result, students, lecturers, professors and the general

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[12]While more CIS-focused approaches are being developed, one expert comments that: "…familiarisation and intellectual confrontation with Western models can be a very fruitful and constructive environment for internal CIS exchange of views."

[13]The BMMC mission statement includes training personnel, carrying out information and research activities, and further developing co-operation in migration management between governmental structures and NGOs in Central Asian countries.

[14]For example, three Central Asian countries came together in late 1999 at the BMMC to conclude an agreement aimed at harmonising their migration and asylum procedures.

[15]This is also true from the perspective of international organisations' staff rotation.

public receive access to the only comprehensive database on the UN in Belarus.   In addition, refugee materials have been sent to the 12 biggest libraries in the country. Moreover, in the Russian Federation, academic institutions are playing a role in shaping migration policies.   In 1999, IOM sponsored a workshop on business management for migrant small enterprises in the context of regional economic development in Russia, in partnership with FMS and the NGO Compatriots, which included Moscow State University and the International University of Environmental and Political Sciences.

Another element undermining a strong resource base is the lack of staff. The absence of sufficient manpower to meet certain migration demands such as border control, hampers the implementation of migration projects.   For example, in Kazakhstan, the demands of curbing illegal migration overwhelm the roughly 250 member staff charged with managing such flows. To meet the present demands of migration challenges and to prepare for future issues, it is critical that migration departments be staffed with an adequate quantity of personnel.

A partial response to the dilemmas outlined above lies in the simple recognition of the considerable volume of capacity, which has been developed. The fragility of the new institutions and capacity needs to be recognised along with the fact that the irregular movement of people is now being increasingly managed.

Inter-Governmental Relations (between CIS states)

Prior to the preparatory phase, the void in communication between CIS states' ministries reflected a lack of means and motivation for information exchange. The Conference (1996) provided the forum for dialogue and exchange to take place. However, the motivation behind CIS representatives communicating with one another, exchanging "hard" information (such as statistics on refugees and the extent of organised trafficking networks) was a more difficult task to achieve. The process contributed to forging inter-governmental links between migration-related ministries in CIS countries.

Some experts point to the critical role played by the PoA in this regard. Though its ambitions are lofty and most will concede that it represents a "blue print" rather than a decisive text on migration management, the PoA assisted in de-politicising migration issues.   It established an inventory of displacement categories, created neutral terminology and forged a common language for displacement issues specific to the CIS region.

By offering a venue for dialogue, and more precisely, by creating an atmosphere that would be conducive to exchange between the various CIS

governments, the process stimulated inter-governmental exchange. The benefits of "trans-governmentalism" are being recognised on a global scale. As different departments and national bureaucracies forge links with comparable departments in other states, a web of collaborative relations amongst countries is formed. Trans-governmentalism is conducive to further co-operation and incites greater accountability to citizens. The notion that CIS states can learn from each other and that migration experts can come together to develop common strategies for migration management represents the foundation for future regional co-operation in this field.

There are already some tangible results from strengthened relations amongst migration-related ministries and between CIS countries more generally. Specifically, a number of inter-governmental agreements have been signed, such as the CIS Convention on Human Rights and Fundamental Freedoms (1995), the Agreement between CIS states on combating illegal migration (1998) and the Bishkek Declaration (1999).

Some countries are expressing their desire to go beyond the achievements accomplished at the inter-governmental level. They recommend furthering co-operation between CIS states, referring for example, to the need to forge more safe third country and re-admission agreements amongst them. In addition to the CIS-wide agreements, a number of states call for greater harmonisation between CIS states' migration policies.

These goals, however, are not shared by all CIS states. As an IOM expert points out, re-admission agreements, for instance, are not always in the best interest of CIS states, particularly those that do not border with states that will potentially accede to the EU. Similarly, as one expert states, although migration issues are perceived to be important, the linkage with security is not always apparent or recognised by all CIS states.

Furthermore, despite the inter-governmental agreements forged some CIS states have encountered difficulty in successfully securing agreements with neighbouring states. An example in this regard is Ukraine's attempts to secure agreements regarding citizenship issues with the Russian Federation.

Lack of Cohesive Stance at the Country Level

Despite these achievements at the inter-governmental level, the absence of delineation between the responsibilities of various ministries leads to inconsistent and often conflicting migration policy objectives and positions. For instance, in Tajikistan, the OVIR (Department for Visa and Registration of Foreign Citizens and Stateless Persons) implements special departmental regulations, which contradict some provisions of the Law on Refugees and other related acts. This law, however, is applied by the Central Department

for Refugees and Forced Migrants, resulting in co-ordination problems between the two bodies.

Other states share similar concerns. Armenia suggests that the "state structures are only in the beginning stage of development, and that there is a lack of co-ordination among the government agencies". It elaborates: "(there is) a resistance from different agencies, which have separate functions in this area." Paralleling this response, the Russian Federation suggests that "insufficient inter-departmental co-ordination" constitutes a principle obstacle to implementation of administration-related priorities as defined in 1996.

Some government respondents point to the need for a central administrative authority for migration to address this problem. Armenia describes one of its new priorities as the "creation of (Governmental Department on Migration and Refugees') field offices, (where there would be a) strict delineation and determination of functions between ministries and agencies." Ukraine also calls for "improving co-ordination between various administrative structures involved in migration management." Turkmenistan states:

> There needs to be a consolidated State program on refugees, in which each Ministry dealing with refugees will know its responsibility and provide input to the consolidated program.

Experts suggest that addressing inconsistencies from the perspective of national governments' stance is vital for the progress of migration management at the national level but at the regional level as well. Though varying ministries will have different opinions due to differing expertise, collaboration with one another to develop a cohesive stance at the national level will also serve to avoid duplication of functions within the governmental structure.

Bilateral/Multilateral Relations (between CIS and non-CIS states)

The bilateral and multilateral relations forged with non-CIS states represent another significant achievement of the process. A number of CIS states have developed bilateral and multilateral relations with non-CIS states, benefiting from personnel training in the form of technical and legal assistance (See previous "Administrative Structures" Section). In Ukraine, for instance, (in the context of IOM's assisted CBMMP, and at the request of the U.S. Government in line with the EU/U.S. Trans-Atlantic Initiative and the Conference (1996)), IOM completed its one-year project on "Trafficking in Women from Ukraine" in October 1998. The project increased public awareness and international attention to this pressing issue.

From a situation of relative isolation and inexperience with respect to tackling migration issues, CIS states have been able to establish links with Western partners. These relationships contribute to their technical know-how, and will assist them in the future as well. With the gradual transfer of assistance from UNHCR/IOM to bilateral and multilateral assistance efforts, ways to encourage maintenance of such relations are requested. Evaluating mechanisms to sustain such relations should play an integral part in the shaping of the activities for beyond the year 2000.

Institutional Affiliations

The process also contributed to the solidification of institutional affiliations with international organisations and NGOs providing migration-related assistance to CIS states. While governments on the whole recognise the positive effects of international organisations and NGO assistance, they call for greater co-operation (particularly with international organisations) and express their vision on how these relationships should develop and be sustained in the future.

Although most government respondents recognise the benefits of mainly UNHCR and IOM assistance, a number of respondents also declared their dissatisfaction with the level of assistance. One criticises the lack of participation by two of the supporting organisations, IOM and OSCE. Another cites "insufficient support from international organisations" as a constraint for the implementation of national priorities between 1996-2000 in all categories (institutional and operational frameworks, prevention and co-operation). One CIS state argues that international organisations' assistance has been insufficient to date, particularly with respect to ecological migrants and the rehabilitation of contaminated areas. Another calls for active involvement of humanitarian organisations in the work of the process, such as the Red Cross Societies, the Office for the Co-ordination of Humanitarian Affairs (OCHA) and other humanitarian organisations.

(Despite these criticisms, all governments deem that a continued relationship with international organisations is vital in order to tackle migration management issues in the future.)

Sustained Political Commitment of the West/Role of "Friends"

On the whole, CIS governments expressed disappointment with the levels of international financial assistance. The Russian Federation contends that: "international assistance (has been) disproportionate to the migration problems being tackled."

While failing to meet up to financial expectations of CIS states, the West has, nevertheless, provided consistent and continuous political support to the progress of the PoA's objectives. This interest has taken the form of Working Groups, the Annual Steering Group Meetings (following the Conference (1996)) and the Friends' Meetings. This commitment is on-going. During the Friends' Meeting on 11 January 1999, among the proposed areas of enhanced support included elaborating a formula/framework of activities for beyond the year 2000.

Inter-organisational Co-operation

Another accomplishment of the process is the development of relations between international organisations working in the CIS. This is especially true of UNHCR and IOM that have worked closely both at headquarters and on the field. In a number of countries UNHCR and IOM developed mutually supportive programmes that have lead to better results. Such partnerships lay the foundations for future co-operation between other international institutions in the region. The Russian Federation recognises the value of these partnerships, stating that they improve the efficiency of international assistance by "eliminating the duplication of activities tackling the same aspects of migration problems". It cites the 1996 document between UNHCR and IOM on a joint operational strategy for implementing the PoA as a "commendable" effort in this direction.

Similarly, UNHCR works in close partnership with the World Bank, UNDP, UNICEF and UNFPA, developing contingency planning and a strategic framework to assist the Government of Azerbaijan to address the challenges of post-conflict resettlement, reconstruction and rehabilitation of war-torn areas. With respect to improving the legal environment for NGOs, UNHCR has worked in co-operation with the CoE, the International Centre for Not-for-Profit Law (ICNL) and the Open Society Institute (OSI) to hold sub-regional consultations to familiarise governments and NGOs with current international practices and appropriate NGO legislation.

Since 1998, in co-ordination with the Governments of Turkmenistan, Uzbekistan and Tajikistan and in co-operation with UNHCR, IFRC (acting through the National Society Red Crescent of Turkmenistan (NSRCT) and OSCE, IOM is providing administrational, operational and logistical support for registration, overland transportation, reception and reintegration of Tajiks returning from Turkmenistan. The project is designed to contribute to the efforts of the Government of Tajikistan, UTO and the international community for promotion of national reconciliation and maintenance of stability and peace in Tajikistan and the region.

During the process, UNHCR, OSCE and the High Commissioner for National Minorities (HCNM) of the OSCE worked in partnership to assist the Ukrainian Government in the reintegration of returning FDPs (including Crimean Tatars) to the Crimean peninsula. They promoted facilitated access to citizenship through appropriate clauses in the citizenship law. They have also encouraged Uzbekistan and other Central Asian states (in which FDPs have resided) to facilitate the renunciation of previous citizenship.

Recently, as a co-operative effort between the CoE and UNHCR, there has been an ongoing work with the authorities of the Russian Federation on the drafting of a new citizenship law, and with the Georgian authorities on the revision of the existing nationality legislation with a view to the country's membership in the CoE.

Furthermore, CoE's Parliamentary Assembly Committee on Migration, Refugees and Demography works in close co-operation with the governmental and non-governmental international humanitarian organisations active in the region, notably UNHCR, IOM, ICRC and Amnesty International.

At the same time as this foundation is being established, there is a call for greater participation by international organisations that have remained largely on the sidelines of the process thus far. Agencies such as the World Bank, UNDP, and TACIS must play a (greater) role in addressing migration issues in the CIS. They must take an active part in shaping the dialogue regarding the future of the process.

NGO ASSESSMENT

Overview: Assessment

NGOs in the CIS have benefited substantially from the process in the form of organisational capacity building and operational assistance. As a result, some individuals working in the NGO sector enjoy greater expertise (both in substance and in technical know-how) in refugee and refugee-related matters. Some NGOs have been able to expand their activities outside city centres, to rural areas where in the past, assistance was often unavailable. Moreover, with infra-structural improvements, NGOs have strengthened their logistical and communications base. Following the Conference (1996), NGOs have also developed networks of support and assistance amongst themselves at the national, regional, and international levels. Though some experts suggest that headway is still required until broad based and sustainable support measures are in place, NGOs have nevertheless, created a solid web of relations for informational exchange and assistance. A most contentious issue since the outset of the preparatory phase to the Conference (1996), Government-NGO relations have improved. However, a legal environment more conducive to NGO activity, and access to official information and to channels of decision-making are still high priorities for virtually all CIS NGOs that responded to the questionnaire.

According to CIS NGOs questioned, two principal areas require careful attention and consideration for activities beyond the year 2000: securing sources of future funding and devising a strategy for the scope and structure of future partnerships. Both issues require expanding the present base of co-operation by encouraging new actors to become (more) involved in the process and in activities beyond the year 2000. Moreover, careful attention must be placed on integrating existing actors, particularly local NGOs, such that real ownership in sustaining a vibrant and productive civil society rests squarely on the shoulders of its most important contributors and benefactors.

Background

Prior to the process, NGOs played a marginal role in refugee and migration issues in the CIS. They had little or no experience or financial support. Government representatives were generally unfamiliar with the activities of NGOs, and did not engage in dialogue with them.[16] Legislation to promote an environment conducive to NGO activity was virtually non-existent.

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[16]Government-NGO relations are often less conflictual at the international level than at the country level, where differences in view and approach are more frequent.

Moreover, there were very few NGOs addressing refugee and displacement issues.

After significant pressure from a number of international actors such as the Open Society Institute (OSI), the International Council of Voluntary Agencies (ICVA), and the European Council of Refugees and Exiles (ECRE), and through the efforts of NGOs in the CIS, NGOs were able to participate in the Conference (1996). NGOs are mentioned throughout the PoA as vital actors in the process. However, most of the progress made in the NGO sector has occurred following the Conference (1996).

During 1997, within the framework of the process, the most important initiative in supporting NGO networking and coalition-building was established with the thematic Working Groups. The NGO Working Groups were formed around the operational sections of the PoA to provide a forum for interested NGOs and to facilitate their involvement in all stages of the Conference (1996) implementation. With UNHCR financial and technical assistance, five thematic Working Groups were formed. There are Working Groups on: Repatriation, Resettlement and Integration of the Displaced (lead agency: Counterpart International[17]); on Humanitarian/Emergency Assistance (lead agency: Norwegian Refugee Council (NRC)); on Refugee Law and Protection (lead agency: Danish Refugee Council (DRC)[18]); on the Institutional Framework of the CISCONF[19]; and on Conflict Management and Prevention (lead agencies: Centre for Conflict Management, Kazakhstan, and International Alert, UK)[20]. A sixth Working Group on Formerly Deported Peoples (FDPs) was formed in 1999. Its continuation (and whether it will have a lead agency), however, is still in question.[21]

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[17]With headquarters in Washington, D.C., and offices in all CIS states except Armenia, Azerbaijan and Moldova.

[18]The lead agency for the Working Group on Refugee Law and Protection was originally ECRE. ECRE delegated the practical co-ordination of the group to its member agency, the Finnish Refugee Advice Centre (FRAC) that served as a de-facto lead agency (UNHCR signed the sub-agreement with FRAC directly) in 1998. Since the beginning of 1999, the lead agency is the DRC, which has a contract with UNHCR.

[19]The OSI formed an NGO working group on "Institutional Framework of the CISCONF". It focused on evaluating the CISCONF process and NGO legislation. UNHCR took the lead on NGO legislation, and according to the agreement with OSI/Forced Migration Projects (FMP), OSI/FMP contributed to the review of NGO legislation by covering the cost of one staff member of the International Center on Not-for-Profit Law and participation of a few local NGOs in the sub-regional conferences.

[20]Originally facilitated by the ODIHR of the OSCE

[21]At the Steering Group Meeting in June 1999, the recommendation for establishing an NGO Working Group on FDPs was endorsed. It is the only Working Group addressing a category of persons rather than an operational area of the PoA. On October 28-29, 1999, in Druskininkai, Lithuania, a meeting of the NGO Working Group on FDPs was organised by UNHCR in co-operation with the Lithuanian Red Cross. The facilitation of the Working Group was temporarily with UNHCR. However, at the second meeting of the NGO Working Group on FDPs in Almaty, Kazakhstan, on March 1-2, 2000, the feasibility of the group and UNHCR involvement with this group were put into question. (Problems ranged from lack of

Establishment of NGO Sector in the Fields of Migration/Displacement

Some experts account for the disappointing undertone associated with the process by suggesting that its objectives were too ambitious. As states one expert, "the PoA called for the establishment of civil society in the CIS…this task would take more than an inter-governmental process and longer than five years to achieve."

Nevertheless, a vibrant NGO sector is emerging, and civil society is becoming more involved. NGO sector activities and the strengthening of civil society represent one of the most significant achievements since the beginning of the process. This is particularly true considering NGOs' modest stature and influence in the CIS before 1996. Governments and outside partners played a significant role in forging an environment conducive for civil society to flourish. The Assistant High Commissioner (AHC) of UNHCR during a Friends' Meeting highlighted the progress made in strengthening civil society through NGO capacity-building activities as the most successful segment of the implementation of the PoA. The previous Director of the Bureau for Europe of UNHCR stated that it is one of the "most visible and striking" achievements of the process.[22]

NGOs' Perception of Governments

Despite the general praise of most governments for NGOs' work to date, NGOs still complain of 1) an unfriendly legal environment, and 2) restricted access to official information and policy making.

Due to non-existent or complicated NGO laws, uncertain or disadvantageous taxation status, the absence of registration procedures and monitoring practices and regulations, NGOs based in the CIS generally face difficulties in fulfilling their mission statements. Most expressed some level of dissatisfaction with the legal environment.[23]

In order to establish an environment in which NGOs may undertake activities; create organisations; be transparent and accountable in the eyes of the public and the government, the proper legal frameworks[24] and fiscal

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common interests amongst FDP representatives to incongruity between the mandate of UNHCR and the objectives of FDP representatives.)

[22]At the time of the Conference (1996), 77 NGOs were represented. By 1999, 171 NGOs had accreditation status.

[23]Exceptions included Georgian NGOs that on the whole see the legal environment in their country as favourable. They describe their legal situation as "highly favourable…allow(ing) (the) creation of (an) experienced NGO sector in this field."

[24]Registration of not-for-profit organisations, regulation and accountability of NGOs using public and private funds, the freedom of association and peaceful assembly, and fair and

provisions[25] must exist. The CoE, in particular, is playing a key role in the area of NGO legislation development by providing a normative framework on NGO legislation.[26]

However, there are a number of stumbling blocs to securing a stable legal environment conducive to NGO activity. Overlapping, frequently modified and often contradictory laws make both enforcement and compliance difficult. Most laws are unclear regarding the legal status of unregistered NGOs.[27] Registration requirements are often arbitrary and burdensome. Government oversight can be complex and overbearing, and reporting mechanisms can prohibit NGOs from pursuing their programmes and activities. In some CIS countries, Governments have *carte blanche* with respect to the dissolution of NGOs. Moreover, existing tax breaks and donor incentives are generally insignificant or non-existent.

NGOs point out that legislation should ideally address both legal and fiscal interventions, and include transparent registration mechanisms for national and foreign NGOs. The CoE has issued guidelines on national legislation for NGOs (an initiative, which arose out a process of NGO law review launched by NGOs and UNHCR). The CoE has also suggested that a permanent review body on government-NGO co-operation and NGO legislation be established. Follow-up to the sub-regional conferences on NGO legislation is already taking place. However, it should be expanded through the involvement and co-operation of the World Bank and possibly OSCE/ODIHR.

Most NGOs are also dissatisfied with the level of government-NGO co-operation. Though most NGOs recognise their improvement in access and their opportunity to have a voice in official circles, NGOs describe this access as superficial and inconsequential. They argue that they do not have access to relevant policy and development information, and that their involvement in policy development is insufficient.[28] In some countries, for instance, the registration of NGOs has confronted serious obstacles ranging from administrative blockades to the denial of the right of association. Most NGOs suggest that the lack of consultative mechanisms creates a confrontational atmosphere with governments.

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accessible remedy (such that NGOs that are treated unlawfully have recourse through normal court procedures)

[25]Tax exempt status, preferential customs treatment for public-benefit not-for-profit activities, incentives for private and corporate donations, local and international grants

[26]Since 1998, UNHCR, CoE, ICNL and OSI engaged in inter-organisational co-operation on NGO legislation.

[27]Exceptions include the Russian Federation, where the Federal Law on Public Associations explicitly acknowledges a public association's right to organise and function without prior government approval or registration.

[28]In the Russian Federation, a number of NGOs are hopeful that changes made in the FMS management in March 1999 will improve government-NGO relations.

Improvements are being made in both the areas of legal environment and government-NGO relations. NGO legislation has been or is in the process of being signed in some CIS countries such as Azerbaijan, Georgia, and Tajikistan.[29] Government-NGO relations are also ameliorating through the establishment of forums for discussion. The venues are often provided by NGOs themselves, or by supporting agencies (such as the CoE, and such as IOM's capacity building efforts in Kyrgyzstan with the establishment of a Standing Task Force composed of NGOs, government official and international organisations, and the establishment of an Information Centre on Migration and Refugee Issues by IOM and UNHCR, under the auspices of the Ministry of Foreign Affairs in Turkmenistan).

Governments' Perception of NGOs

Initially, most CIS Governments did not understand the NGO sector's role very well. They questioned NGOs' motivations and complained about their lack of accountability.[30] The process contributed to improving relations by providing the main *fora* for NGO-government dialogue at the international level.

Such advances underscore the governments' responses to the questionnaire. On the whole, they acknowledge NGO activities and the useful presence of NGOs as separate entities working to improve conditions within CIS countries. The Belarussian Government comments on its appreciation for the achievements made by the NGO sector, and the process' part in leading states to "begin to understand the role that NGOs can play in seeking solutions to…migration problems". The Russian Federation calls for "enhancing the role of non-governmental organisations". (A number of NGOs are represented in the Russian Government Commission for Migration Policy.)

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[29]Although all CIS countries have legal frameworks that cover associations and foundations, specific NGO legislation is a more recent phenomenon. NGO-specific legislation can be viewed as a positive development since it recognises the specificity of non-profit activities and charitable giving. However, it can be viewed as a negative development in some instances, as governments acquire greater regulatory power over associations and foundations. For more information on the benefits and drawbacks of the expanding jurisprudence on NGOs, refer to the American Bar Association/Central and Eastern European Law Initiative (ABA/CEELI) for Central Asia, Charities Aid Foundation (CAF) for the Russian Federation, International Center for Not-for-Profit Law for Ukraine and Belarus, and Horizonti Foundation/Young Lawyers Association for Georgia.

[30]General views towards the NGO sector are reflected in a European Commission report, the "Pahr Report"(1997), which states: "Since there is no NGO tradition, there is also no experience of the correct functioning of NGOs. An undisciplined and uncontrolled NGO-sector, as it exists today in many NIS countries, is a disservice and may attract criminal activity as well as seriously undermining the reputation of the entire sector." (The report is entitled "*The Fight against Organized Crime in the New Independent States (NIS)*", which was published as a result of an NIS/EU Justice and Home Affairs Mission by the Commission of the European Communities.

Some governments respondents have gone further to suggest how NGOs can compliment the State's migration programmes. The Moldovan Government responds:

> In the absence of a central governmental structure, and given the lack of financial and material resources, NGOs supported by UNHCR have *bridged existing gaps* (italics added) and alternated protecting of humanitarian needs.

A number of governments recognise the need for greater State support of the NGO sector. The Russian Federation indicates that one of the obstacles for the implementation of national priorities (1996) with respect to furthering co-operation is the "material and institutional weakness of NGOs and the limited capability for State support of their efforts…".

Three governments responded negatively concerning the role of NGOs in their respective countries. One states that: "the role of NGOs is not significant; their sparse and disorganised actions do not contribute to the process." Another responds: "(The) role of NGOs in (developing) solution(s) (to) problems of migration/refugees is minimal".   Another states:

> (The governmental bodies dealing with migration issues) responded that they have little involvement with NGOs. (One governmental body) frankly opined that NGOs are not very popular with the government. This attitude underlies the need to continue the CISCONF Process in order to sensitise the government to the potential benefit to the government of collaboration with NGOs for the protection of vulnerable groups, including refugees.

Though tensions still persist, there has been a marked increase in co-operation between NGOs and Governments in a number of CIS states.[31]   Today, NGOs provide consultation to many CIS Governments. They contribute expertise during the drafting of new legislation; they are often represented in (the) governmental bod(ies) in charge of migration issues[32]; and in some CIS states, they bridge the gap between national legislation and policies and the ability of the State to meet its objectives.   In June 1999, NGOs appealed to CIS Governments to continue to support the positive developments in this field, to register all eligible NGOs in a timely fashion, to improve their operational links with them, and to provide forums where NGOs can voice their concerns, contribute to public policy-making, and co-ordinate their activities.

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[31]Examples include: in western Georgia, a liaison officer was elected by NGOs to work within the local authorities' office; in Azerbaijan, a new national forum is being built up with UNDP assistance (See Joint NGO Statement to the Fourth CIS Conference Steering Group meeting, 24-25 June 1999)

[32]For example, in Russia, NGOs play a consultative role within the FMS.

Achievements in the NGO Sector

Organisational Capacity

NGOs have benefited from extensive training and expertise from international organisations, NGOs, and interested states. Prior to enabling NGOs in addressing migration-related challenges and implementing relevant programmes in the CIS, such assistance permitted NGOs to develop a better understanding of refugee issues, in general terms and specific to the CIS, and the international legal instruments governing the field of refugee protection.

One of the principal areas of achievement is NGOs' increased awareness of displacement and protection issues. In 1996, very few NGOs operating in the CIS were familiar with the concept "refugee". Today, most are familiar with the various categories of displaced persons and with UNHCR's mandate. Through UNHCR assistance and the NGO Fund[33], there is a much greater number of local NGOs working in the field of refugee and refugee-related issues.

This increased awareness of displacement and protection issues has contributed to a wealth of information sharing and exchange. Most UNHCR offices in the CIS hold regular meetings with NGO partners and also participate in the meetings organised by NGOs or other inter-governmental and bilateral organisations. In addition, as requested by UNHCR field offices and the NGO community, greater emphasis has been placed on the production and translation of relevant materials.

Operational Capacity

In the last couple of years, there has been a conscious attempt on the part of UNHCR to extend NGOs' activities from major cities within the CIS to rural areas.[34] In 1996, most UNHCR agreements were forged with capital-based NGOs. By 1998, focus shifted to expanding to regions, where access and infrastructure were non-existent. This trend reflects UNHCR emphasis on requiring that local NGOs play a greater role in implementing programmes

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[33]The NGO Fund, established in 1997, is a special four-year initiative to provide financial assistance to local, regional and international NGOs working in refugee and refugee-related areas of activity in the CIS. Its purpose is to increase operational co-operation between UNHCR and NGOs, and to ensure the participation of NGOs at every phase of the follow-up process. Following an independent evaluation in 1998, it was reported that the NGO Fund assisted many NGOs: gain their first experience working with an international organisation; increase their awareness concerning UNHCR's programmes and operations; expand their activities to the peripheries; build networks at the local, regional and international levels.
[34]This objective is now reflected in a number of NGOs' mission statements. (See, for example, Horizonti, The Magazine for the Third Sector in Georgia, Spring 1999, vol.7)

and policies. Counterpart International, with the assistance of the NGO Fund, is playing a leading role in extending programmes to rural areas, where most of the refugee and displacement problems are located. As a result, local NGOs are, for the first time, able to receive international funding and have the opportunity to work with international organisations. This trend is beneficial for civil society as a whole. Local NGOs are often able to provide more accurate and up to date information of conditions on the ground. Moreover, an extensive web of assistance is established for advocating refugee legislation, tolerance education, legal representation and advice, language and cultural education, vocational training, income generation, small-scale micro credit, provision of primary health care, etc.

Emphasis will have to be placed on integrating local NGOs into the process in order to mainstream UNHCR's activities and to ensure the sustainability of the PoA's objectives beyond the year 2000. Proposals in this regard include developing country/regional strategies for local NGO capacity building drawing on existing resources; the consolidation of transfers of knowledge and skills between international and local NGO partners; greater inter-organisational co-operation to provide efficient and accessible assistance to local NGOs; and improved accessibility to UNHCR training programmes and materials by ensuring the availability of Russian (and local language) translation.

Structural Environment

Prior to the process, NGOs were ill equipped to fulfil their mandate. They lacked basic infrastructure, manpower, language skills, and technical expertise. Through the financial support afforded by the NGO Fund, UNHCR has been providing small grants to local NGOs to help increase their capacities. As a consequence, more NGOs are able to benefit from infra-structural assistance such as office equipment and access to the Internet. Improvements in operational capacity with the establishment of a technical and communications base means that greater numbers of NGOs have been able to become more professional and productive, and to establish solid links with international actors.

Creation of NGO Networks

Prior to 1996, NGOs lacked a cohesive network of interaction and exchange. Few international NGOs were involved in the CIS because they were unfamiliar with the region. Indigenous NGOs, for their part, were too embryonic in the field.

In 1997, NGO Working Groups were established as the principal mechanism to support NGO networking and coalition-building. By assembling NGOs based on thematic issues, NGOs are able to develop their expertise, share relevant information, experiences and best practices, improve co-ordination and co-operation, and undertake joint initiatives. Most NGOs responded positively to the NGO Working Group exercises and encouraged the continuation of a similar organisational structure beyond the year 2000.

Based on the responses to the questionnaires, NGOs taking part in the Working Groups on: Refugee Law and Protection; Repatriation, Resettlement and Integration; and Conflict Management and Prevention, were most satisfied with the progress achieved through the NGO Working Group.

Some NGO experts downplay the achievements in this area. Though the process assisted by stimulating and providing a venue for dialogue and solidarity, it did not translate into a mechanism for inter-NGO support and assistance. The creation of a sustainable NGO network, they suggest, must be initiated at the regional level.

LOOKING TO THE FUTURE

While this report represents principally a tool to assess and report the progress made since the outset of the Conference (1996), it is quite logical that certain common trends and emerging themes come to light as a result of the analysis. This section examines some of these thematic undercurrents, which reappear throughout the documentation and research material. It looks at how they may shed light on the future direction of the process. At the very least, these points should provide food for thought and a foundation for discussion regarding the future direction of activities related to the process beyond the year 2000.

For Governments:

Regional, Sub-regional and National Approaches

It has been suggested that the regional approach adopted by the CIS Conference (1996) and process was too ambitious and that the focus for activities beyond the year 2000 should be based on smaller groupings around thematic issues. Government respondents generally fall into one of the following camps. Those that: 1) endorse a sub-regional approach based on thematic issues; 2) emphasise that sub-regional approaches overlook the differences between CIS states and that opt for a more state-centric focus for the future; 3) encourage stronger relations with the West and with the EU in particular over and above inter-CIS ties; and 4) want to maintain the *status quo* by encouraging a balance of CIS co-operation backed by extensive bilateral and multilateral assistance. (These categories are not mutually exclusive. Some governments endorse a more state-centric approach for the future, but also call on stronger ties with the West, for example.)

Sub-Regional Approach

Proposals are being made to create sub-regional groupings based on thematic issues in order to sustain the activities of the process beyond the year 2000. As national programmes are unlikely to change radically after the year 2000, the focus should be on building a trans-national framework for the process, and sustainable mechanisms and structures for continued capacity building in several thematic areas. The idea behind this proposal is that there be a transfer such that "real ownership" of the process be in the hands of CIS states themselves. Kyrgyzstan suggests that: "it would be useful … to create a subdivision at the subregional level, i.e. at the level of Central Asian countries." The Ukrainian Government proposes:

> Rather than approach the CIS as a coherent entity, the designation of geographical sub-regions, which share

common issues should be considered, e.g. Eastern
Europe, Trans-Caucasus, Central Asia and Russia.

Ukraine's position reflects one of its primary migration concerns, illegal/transit migration. It recognises that co-operation with neighbouring states to strengthen common borders and develop preventive measures at the regional level represent the most efficient ways to counter illicit migration. The Russian Federation also endorses a sub-regional approach but is explicit in requiring that sub-regional groupings be transparent.

However, proposals for flexible groupings are, in most instances, problematic. Sub-regional groupings may lead to greater fragmentation and friction between states. Because of unsettled regional conflicts, sub-regional groupings may be frail and unproductive. Georgia suggests the creation of a Southern Caucasus Group but warns that its cohesion is likely to be weak. Paradoxically, the CIS region as a whole may represent a stronger union and a more solid approach than sub-regional groupings.

State-Centric Approach

The principal criticism of a sub-regional approach is that it overlooks the issues that are specific to each country, ignoring the national context and how elements within it have created a unique set of migration challenges in each CIS state. A number of participants, both governments and NGOs, criticised the PoA for its vague objectives that are not grounded in the respective migration challenges of CIS states. In the explanatory note of the Georgian NGOs, they acknowledge that donors' preference may be for a regional (more global) approach, but that this is rarely an accurate or useful method:

Georgia is a state in the South Caucasus having its specificity and often viewing it in a regional context cannot be justified. On their part, the donors should also take into account Georgia's priorities. It is true that donors prefer to consider problems on a regional basis, but in the current situation, the interests of Georgia, Armenia and Azerbaijan do not coincide.

Stronger Relations with the West

Another suggestion is to focus on Western relations and approaches. With the EU's expanding realm, a number of CIS states believe that harmonisation with European states is both beneficial and inevitable. Some government respondents went beyond this position to state that EU relations should take priority over those with neighbouring CIS states. The Moldovan Government proposes that:

> …the CISCONF process should continue beyond 2000, but it should further develop in a modified format, with less emphasis on CIS and with better linkages with Eastern/Western Europe…Moldova seeks … involvement in some regional programs (with) East European countries…including approximating UNHCR activities in Moldova to European standards in the field of Humanitarian and Justice affairs.

This position is echoed by a number of Central Asian Republics. Despite established regional groupings (with partnerships within the Central Asian Economic Union (CAEU) for example), a number of Central Asian Republics are increasingly looking to the West for assistance with their particular migration-related challenges. [35]

Though there is an increasing trend to look toward the EU and other donor countries, CIS states still have different interests and objectives. These discrepancies will shape their individual relations with EU and other donor states.

Maintaining the Status Quo

Another proposal concerning the future focus of activities beyond 2000 is simply to maintain the *status quo*, such that most policies are implemented at the national level but that attempts at regional dialogue and CIS-based projects are also targeted. International actors would assist with training, and there would be a continued drive to secure international financial assistance by preserving contacts and demonstrating concerted efforts at migration management to international agencies and non-CIS states. (All governments endorse this position to a greater or lesser degree.)

Strong National Base as Priority

Regardless of the approach or (combination thereof) that is favoured in the long run, emphasis will still have to be placed on the strengthening of national policies and administrative structures to effectively address migration issues. This priority should be placed high on CIS governments' agenda. Without a solid foundation, discussion regarding the future focus of international co-operation and co-ordination is meaningless.

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[35]The CAEU's functions are, *inter alia*, to address migration issues by promoting the interaction of sub-regional migration structures in the fields of legislation development, personnel training and exchange of expertise.

International Support

Financial Resources

As previously mentioned, the Conference (1996) and process did not yield the financial backing hoped for by the supporting organisations and the CIS governments. This financial disappointment was both the result of high expectations on the part of CIS governments, and also the belief on the part of potential contributors, that CIS governments must demonstrate their commitment by taking the necessary measures in the field of migration before funds would be allocated for these purposes.

This situation is still relevant today. The U.S. government position at the Friends' Meeting on 11 January 1999, emphasised that only those countries with a proven track record of accomplishments during the process could realistically expect funding contributions in the future. Given the discrepancies in the implementation of the PoA in different CIS states, it is likely that states with fledgling efforts will be overlooked in favour of states that have committed themselves more fully to the process' objectives.[36] Donor participation will continue to be tied to political will and concrete achievements by CIS states.

Beyond the willingness of donor governments to contribute to migration management and protection issues in the CIS, the network of potential donors must be extended to include other international agencies that have not participated in the process thus far.

Donor Support

As issues related to migration gain greater importance for CIS states, donor support is more likely to materialise. To date, according to representatives from the largest contributor to the process, the costs associated with the process have not been extensive considering the political and migration related results that have been achieved. Creative fund raising and appeals to outside sources, particularly international financial institutions, should be actively pursued.

The original supporting organisations are gradually mainstreaming their activities in the region, encouraging CIS states to embrace full ownership of the process.[37] In this context, UNHCR/IOM/OSCE should play an active role

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[36](The cases of Ukraine in integrating FDPs and Tajikistan have been cited as examples where governments demonstrated their commitment to resolving displacement problems.)

[37]At the Friends' Meeting on January 11, 1999, AHC of UNHCR, Mr. Jessen-Petersen underlined that there would not be a phase-out on the parts of UNHCR and IOM. "Relevant programmes and activities should continue to the benefit of the CIS countries."

at this time to finalise proposals and implement programmes, and to invite other international actors to become more involved in the process.

Promoting "CISCONF"

Beyond the financial considerations involved with sustaining the process after the year 2000, another important aspect is the significance of the process' achievements and objectives to the international community. Donors are more likely to endorse a project that has international implications, and that can serve as a model for other regions. With respect to migration management and protection issues in other parts of the world, there is an increasing trend towards the adoption of regional strategies. This trend is reflected by the Puebla, Bangkok and Budapest Processes, where migration issues are addressed at the regional level. While these processes are just emerging in certain parts of the world, the CIS has already vested five years (including the preparatory phase) to this approach. In many respects, it is well ahead of the game in terms of establishing regional structures to tackle trans-national challenges posed by migration. For this reason then, as states an U.S. official, "it is hardly time to drop the ball now".

Prioritisation and Presentation

An important aspect of future sustainability will rely on how the process' activities are prioritised and presented.[38] This position is supported by officials from international organisations such as the OSCE, who suggest that the "the CIS Conference Process has to be significantly 'repackaged' to have future life."[39] Most CIS governments address the structures for future participation, and suggest an explicit choice of strategy. CIS states' positions vary between the adoption of a sub-regional, more state-centred, or more EU/international focused approach.[40] (Solid and comprehensive national migration policies and administrative structures are necessary pre-requisites for any approach.) CIS states and potential donors have debated about the framework for future activity. As the objectives of the PoA are achieved and built upon, establishing a clear framework is viewed as a crucial part of the blue print for future action. As states a CIS expert: "Every (state) has (received) a bit of something…useful: now it is time to move the process to a new plane…with the emphasis on plugging gaps in the foundations that have been laid and building new (a) structure (or) initiative where appropriate."

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[38]There has been some discussion, for instance, regarding not emphasising the "CIS" label in the future.

[39]Part of the "repackaging" includes the issue of changing (or not changing) the official name of the Conference (1996).

[40]The Georgian Government calls for different levels of approach to the resolution of thematic issues: (namely) state-centric, sub-regional and regional.

Timely and Relevant Issues

In line with this concern is the need to identify the areas that will require most attention in the future, and that are likely to attract strong national and international support. Principal areas requiring future attention (as reflected by CIS governments and experts) are addressed in this report. Undoubtedly, new issues of varying complexity and significance will emerge. One method to secure and maintain attention on such issues is to focus on a determined set of thematic topics around which CIS states can concentrate their efforts. CIS governments on the whole have received this proposal positively. At the Friends' Meeting on 11 January 1999, one expert suggested that selected objectives for future action should be either small in number or scope. Though the point of making realistic goals for future achievement is a good one, experts remind that it is vital to attract the interest and attention of all CIS states involved and that of donors. To attain this objective, it is crucial that the issues be timely and significant in scope for the CIS and also for the international community.   Such issues will more than likely include protection (for example, vulnerable groups), and regional stability (for example, illegal/transit migration) issues.

According to representatives from donor states, despite the many difficulties facing CIS states during this transitional period, there is a need to maintain the focus on protection issues and to emphasise continued attention to special vulnerable groups such as the FDPs and on the growing number of IDPs.[41] IDPs in the Southern Caucasus, for example, who have been displaced by conflicts in the late 1980s and early 1990s, are still facing uncertainty and on-going hardship as no durable solutions are in sight due to the lack of progress in the peace process.   As a result of regional conflicts, the number of vulnerable groups and the scope of their misery are expanding rather than reducing.[42]

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[41]With respect to FDPs, for example, there are suggestions for granting citizenship and permanent residence to the representatives of deported peoples at their places of current residence.

[42]The Georgian Government is particularly vocal on this point. It calls for: (greater emphasis on) issues of protection of rights of refugees and displaced persons; elaboration of efficient mechanisms (political and other) to pressure relevant parties for the unconditional return of refugees and IDPs and respect for human rights; (focusing on) the necessity of ensuring the inviolability of IDPs' and refugees' property, and on issues of property restitution; the investigation of brutalities and mass violations of human rights during forcible mass exoduses and involvement of international law institutions in the process of bringing to justice war criminals, who committed atrocities, ethnic cleansing and genocide; and working out effective preventive measures for avoiding new conflicts and forcible mass exodus of populations in the future.

Experts contend that addressing different ways to ensure continued attention to such issues must be a priority. Drafting protective legislation is a step in the right direction but does not represent a sufficient measure in this regard. CIS states must also work with NGOs on the field, which are most in tune with the immediate needs of such groups. For instance, in 1999, in the Crimea, ten NGOs dealing with large numbers of FDPs were officially established, registered and provided with seed grants to support programme development. NGOs, such as these, dealing specifically with assistance to special vulnerable groups, should receive particular attention and be represented in official circles where decisions are made concerning such groups.

An area of concern common to all government respondents is the rise in illegal migration and the desire to establish mechanisms to counter this trend. CIS governments perceive illegal/transit migration as a global challenge, one that can only be tackled through regional co-operative mechanisms. Their EU counterparts also acknowledge the link between migration management and regional stability and its significance for the future. New methods are being devised to assist CIS countries to strengthen their borders, train border guards and improve border detection mechanisms. This issue is likely to gain greater importance both for CIS states and for a growing number of interested states outside the region. It should be placed as a priority consideration for future activities beyond the year 2000.

For NGOs:

Future Funding Sources

A major concern regarding the sustainability of NGO participation in pursuing the PoA's objectives beyond the year 2000 is securing financial assistance from international donors. Beyond organisational capacity building, NGOs are dependent on outside funding. As states an expert in the field:

> Discontinuation of comprehensive support for NGOs in the region may not only lead to a collapse of the achievements made and the systems established, it may also discourage the very engaged staff and volunteers active in the NGOs, who believe in civil society as part of a brighter future for their crises troubled countries.

Though the NGO Fund is assisting with seed grants (until 2001), long-term NGO sustainability and access to donor grants must be pursued through a more comprehensive strategy. NGOs in the CIS remain dependent on outside funding and must assure continued assistance by developing broader networks of financial support. The NGO Fund has assisted in this regard by giving NGOs management training including skills related to proposal

writing and approaching donors, and bringing NGOs into personal contact with representatives from the donor community through meetings and conferences.

According to CIS NGO experts, the NGO Working Groups should facilitate the funding of local NGO initiatives. International NGOs should assume greater responsibility for providing access to donor information, as well as more support to local NGOs in preparing and submitting their project proposals to the donors (needs assessment, project development, translation of proposals, etc.). International NGOs, local NGO support centres and more experienced national NGOs in the CIS should assist newly created NGOs to obtain funding.

However, NGOs are faced with a number of funding-related challenges. For instance, donors continue to focus their financial support on a select group of established local NGOs, while nascent NGOs are unable to secure funding. Further, NGOs are often uninformed of funding opportunities, thereby missing out on potential opportunities. As reflected in the Joint NGO Statement to the last Steering Group Meeting (1999), donors should improve their promotion techniques such that funding opportunities are well advertised throughout the region. Last, a number of donors require that funding proposals be written in English. This prerequisite signifies a considerable obstacle for NGOs in the CIS. Providing the option of Russian language submissions would open the door to a much larger group of NGOs.[43]

Future Partnerships

One of the principle questions with regard to the sustainability of NGO activity in the future is how and which organisations will assume a greater share towards assisting NGOs in capacity building and operational expertise. Based on the questionnaires, comments by Lead agencies, and experts interviewed, the future strategy must be three-pronged: 1) lead agencies must integrate programmes and policies at the local level and promote regional ownership of activities; 2) UNHCR's implementing and operational partners must be integrated into UNHCR's overall co-operative and consultative framework for NGOs, thereby ensuring that support mechanisms are established for the participation of NGOs from the region in PARinAC meetings, UNHCR's Executive and Standing Committees; and 3) new international actors must become involved in the process, continuing to transfer much needed expertise. In particular, the Working Group lead agencies would strongly support greater involvement on the part of OSCE in developing and supporting civil society and call for greater OSCE participation in this part of the process as well as in any future CIS framework.

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[43]Joint NGO Statement to the Fourth CIS Conference Steering Group Meeting, 24-25 June 1999

Appendix A

Table 1

Comparative Table of International Conventions on Human Rights, Refugees and Migration

State of Ratification of Selected International Legal Instruments

Country (Former S.U.)	CSR 51/ CSRP 67	PPCG48	CSSP 54	CRS 61	ICCPR 66	ICES 66	CAT 84	CERD 65	CRC 89
Armenia	X	X	X	X	X	X	X	X	X
Azerbaijan	X	X	X	X	X	X	X	X	X
Belarus		X			X	X	X	X	X
Georgia	X	X			X	X	X	X	X
Kazakhstan	X	X					X	X	X
Kyrgyzstan	X	X			X	X	X	X	X
Republic of Moldova		X			X	X	X	X	X
Russian Federation	X	X			X	X	X	X	X
Tajikistan	X				X	X	X	X	X
Turkmenistan	X				X	X	X	X	X
Ukraine		X			X	X	X	X	X
Uzbekistan		X			X	X	X	X	X

CSR51/CSRP67	1951 Convention and/or Protocol relating to the Status of Refugees
PPCG48	1948 Convention on the Prevention and Punishment of the Crime of Genocide
CSSP54	1954 Convention relating to the Status of Stateless Persons
CRS61	1961 Convention on the Reduction of Statelessness
ICCPR66	1966 International Covenant on Civil and Political Rights
ICES66	1966 International Covenant on Economic, Social and Cultural Rights
CAT84	1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CERD65	1965 Convention on the Elimination of All Forms of Racial Discrimination
CRC89	1989 Convention on the Rights of the Child

Source: UNHCR Paper prepared for the meeting on freedom of movement in countries of the CIS (Propiska), organised by UNHCR and the OSCE in Kiev, December 1997, as further developed in "Collection of Documents on Refugees and Persons in Refugee like Situations in the Republic of Kazakhstan with Comparative Research and Analyses concerning Countries in Central Asia and the CIS", prepared/published by UNHCR Almaty, 1998, in English and Russian and translated/published by the Kazakhstan Refugee Legal Support (KRELS) in 1999 into the Kazakh language. Further modified and updated by the Evaluator through the Treaty Section, Legal Affairs Department, United Nations Headquarters, New York.

Appendix B

Table of Migration Flows and Stocks in the CIS Countries in 1997

Total Population	**284,080,000[1]**
Immigrants	**25,300[2]**
Emigrants	**220,600[3]**
Flows within the CIS and Baltic Region	**795,500[4]**
Refugees and persons in refugee-like situations from the CIS and Baltic States	**1,556,000[5]**
Non-CIS refugees and asylum-seekers	**109,400[6]**
Internally displaced persons	**1,790,000[7]**
Repatriants	**482,000[8]**
Involuntary relocating persons	**100,000[9]**
Formerly deported peoples	**150,000[10]**

Source: "Migration in the CIS 1997-1998 "(1999 Edition) published by the Technical Co-operation Centre for Europe and Central Asia, the International Organisation for Migration (IOM), Geneva, Switzerland, p.15

[1]Data of the CIS Statistical Committee. This is the total population of the CIS as of the beginning of 1998.

[2]Data of statistical services and Ministries of Internal Affairs of CIS countries. This is the number of immigrants to CIS countries arriving from outside the CIS (excluding the Baltic States) in 1997.

[3]Data of statistical services and Ministries of Internal Affairs of CIS countries. This is the number of people who emigrated from CIS countries to countries outside the CIS (excluding the Baltic States) in 1997.

[4]Calculated for Georgia and Tajikistan using data of the State Committee for Statistics of the Russian Federation and for the other CIS countries using data of the statistical services of the respective countries. This is the total number of migrants who have moved between two countries within the CIS and Baltic region in 1997 (determined by registration upon entry).

[5]National statistical data, data of migration services and data of UNHCR. This is the total number of refugees and persons in refugee-like situations from the CIS and Baltic States at the beginning of 1998 (including persons who had received "forced migrant" status in the Russian Federation, which was not distinguished from "refugees" data until recently).

[6]National statistical data and data of UNHCR. This is the total number of refugees and asylum-seekers from outside the CIS and Baltic region at the beginning of 1998.

[7]National statistical data, data of migration services, and UNHCR. This is the total number of internally displaced persons in the CIS countries at the beginning of 1998.

[8]Data of the statistical services of CIS countries. This is the number of repatriants who moved to the CIS in 1997. The total number of repatriants as of the end of 1996 was 4,207,000.

[9]Data of migration services of CIS countries and UNHCR. This is the total number of involuntarily relocating persons at the beginning of 1998.

[10]National statistical data, data of migration services and Ministries of Internal Affairs. This is the number of formerly deported peoples who migrated in 1997. The total number of formerly deported people as of the end of 1996 was 1,058,000.