



TRAPPED IN DISPLACEMENT

INTERNALLY DISPLACED PEOPLE IN THE OSCE AREA



NORWEGIAN
REFUGEE COUNCIL

Global IDP
PROJECT

Internal displacement in the OSCE area



Legend

Percentage of total population internally displaced

- 0 - 1%
- 1 - 5%
- > 5%

Of concern to UNHCR

Number of internally displaced persons

- 1,000 - 25,000
- 200,000 - 500,000
- > 500,000

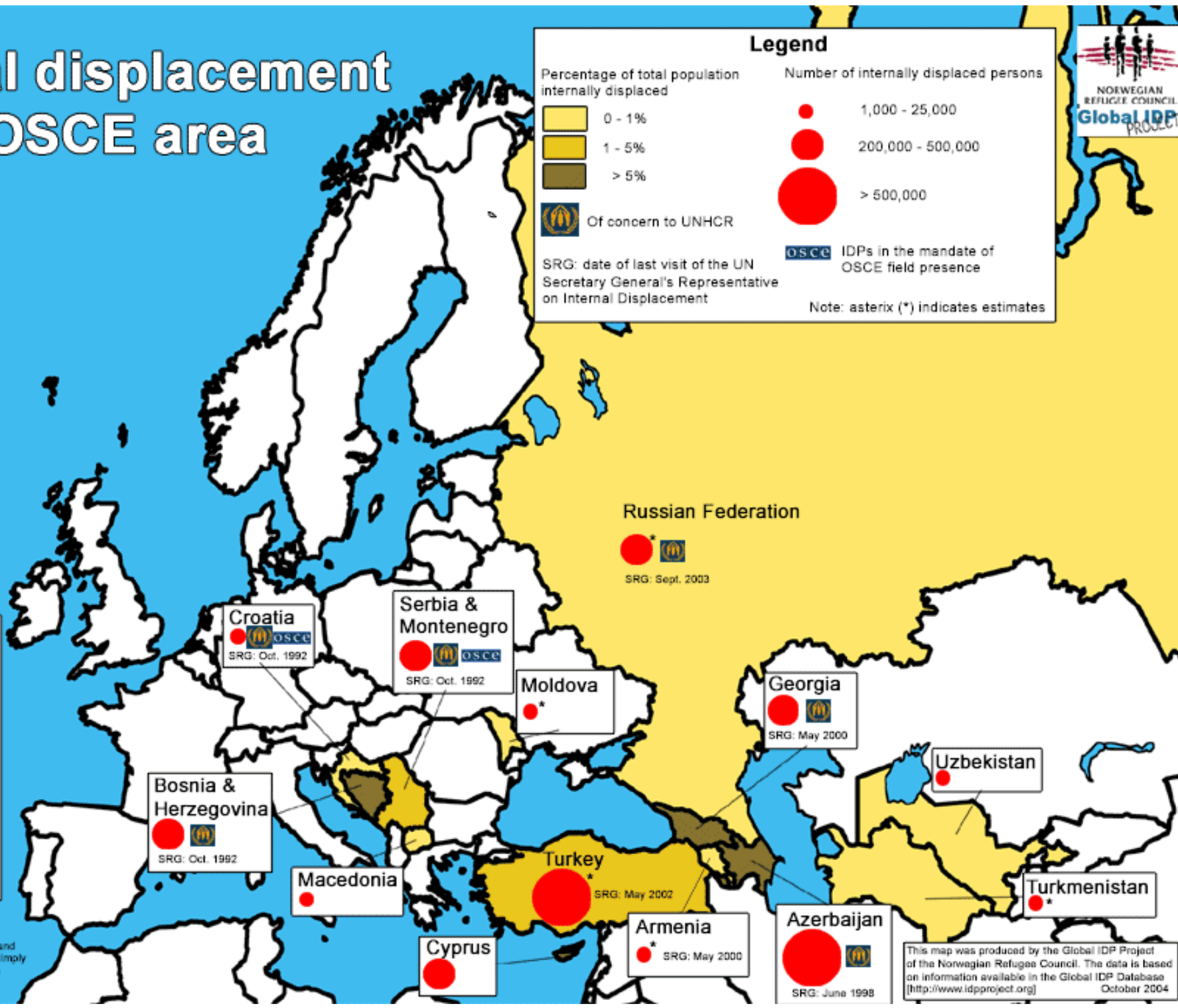
OSCE IDPs in the mandate of OSCE field presence

SRG: date of last visit of the UN Secretary General's Representative on Internal Displacement

Note: asterisk (*) indicates estimates

IDP figures by country

Armenia:	3,000
Azerbaijan:	570,000
B. & H. :	318,000
Croatia:	11,000
Cyprus:	210,000
Georgia:	260,000
Macedonia:	2,000
Moldova:	1,000
Russ. Fed. :	360,000
Serbia & Mont.:	251,000
Turkey:	1,000,000
Turkmenistan:	undeterm.
Uzbekistan:	3,000



Note: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the Norwegian Refugee Council

This map was produced by the Global IDP Project of the Norwegian Refugee Council. The data is based on information available in the Global IDP Database (<http://www.idpproject.org>) October 2004

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INTERNALLY DISPLACED PEOPLE
IN THE OSCE AREA

OSCE SUPPLEMENTARY
HUMAN DIMENSION MEETING
ON “INTERNALLY DISPLACED PERSONS”

VIENNA, 4-5 NOVEMBER 2004

The Global IDP Project

The Global IDP Project, established by the Norwegian Refugee Council at the request of the United Nations, monitors conflict-induced internal displacement worldwide.

The Geneva-based Project runs an online database providing comprehensive and regularly updated information and analysis on internal displacement in over 50 countries.

This report is based on the country reports included in the database. For more in-depth country information and analysis, please visit the Project's online database at

www.idpproject.org

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Cover photo: A Chechen mother cooks a family meal in Sputnik IDP camp, Ingushetia, before its closure in April (2004 UNHCR/T.Makeeva)

Inside cover: Internal displacement in the OSCE area

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Contents

Foreword	4
About this report / Acknowledgements	5
Introduction	6
Country overviews	9
Armenia	10
Azerbaijan	10
Bosnia and Herzegovina	12
Croatia	13
Cyprus	15
Georgia	17
Macedonia	18
Moldova	19
Russian Federation	20
Serbia and Montenegro	22
Turkey	24
Turkmenistan	26
Uzbekistan	27
About the Global IDP Project	29

Foreword

The Norwegian Refugee Council is very pleased to be able to present this report on internal displacement in the OSCE area. Through its field operations and the Geneva-based Global IDP Project, the NRC has been monitoring all situations of internal displacement across the region for several years, and this publication is already the third in a series of overviews prepared for an OSCE event focusing on IDPs.

The report clearly shows that little progress has been made over the past year in providing durable solutions to the region's internally displaced people. The overall number of IDPs has remained largely unchanged at approximately three million. And IDPs unable or unwilling to return still face numerous legal restrictions and administrative obstacles in several countries, which make it very difficult for them to exercise their right to temporarily integrate in their host communities or permanently resettle in other parts of the country.

In last year's report the NRC called for a stronger role for the OSCE in addressing internal displacement. In this context, we very much welcome the long-awaited decision by the OSCE Ministerial Council in December 2003 to formally acknowledge the UN Guiding Principles on Internal Displacement as a useful framework for the IDP-related work of the Organisation and its participating States. However, this important step must now be followed up by assisting participating States more systematically with putting the Guiding Principles into practice.

A special emphasis is placed in this year's report on the role of national governments, as they have the primary duty and responsibility to provide protection and assistance to the IDPs within their jurisdiction. National governments can – and must – do more to facilitate the return of IDPs, provide for alternative durable solutions, respect their freedom of movement and choice of residence, and ensure that the IDPs do not have to pay the price for being tied to political goals, however desirable these may be.

More generally, the NRC wishes to contribute with this report to drawing the attention of OSCE participating States to the size and scope of the human crisis of internal displacement in the region. It is the responsibility of all OSCE States to contribute to finding durable solutions to this crisis – as host countries, donors, asylum countries, providers of peace-keeping troops and as members of a regional community committed to upholding the rights of every individual.

Raymond Johansen
Secretary General
Norwegian Refugee Council

About this report

This report contains a brief country-by-country overview of current protection problems affecting IDPs. It is based on the country reports included in the Global IDP Project's internal displacement database. For better readability, the country overviews are not footnoted, but all sources used can be found in the respective country reports included in the database (www.idpproject.org).

Each country section contains a brief overview of the size and scope of the crisis of internal displacement in the country. It also highlights the current protection problems of concern to the Global IDP Project. The country sections end with recommendations to the national authorities and/or the de facto authorities in control of territories affected by internal displacement.

The objective of these recommendations is to underscore the responsibility of national authorities with regard to the provision of protection and assistance to internally displaced persons within their jurisdiction, as highlighted in Guiding Principle 3¹. In line with the approach advocated by the UN Representative on IDPs, these recommendations aim at supporting state authorities in fulfilling their responsibility towards their citizens and thus better meeting their obligations as sovereign states.

The NRC realises that durable solutions to the plight of internal displacement also depend on political factors which are often beyond the control of the state concerned. Nevertheless, the NRC calls upon all state parties directly involved in unsolved conflicts and displacement crises to remove all causes of displacement and other obstacles to the return of IDPs to their homes.

Acknowledgements

The Global IDP Project wishes to thank the NRC field offices in Armenia, Azerbaijan, Croatia, Bosnia and Herzegovina, Georgia, Kosovo, Macedonia and Serbia and Montenegro for providing information and for their comments and suggestions.

The report also draws heavily on information and analysis provided by, among others, Amnesty International, Council of Europe, Human Rights Watch, Institute for Policy Studies Georgia, International Helsinki Federation, International Organisation for Migration, Médecins sans Frontières, Memorial, OHCHR, OSCE, UNHCR, UN OCHA and UNDP.

For a full list of sources, please visit the respective country reports included in the Global IDP Project's database at www.idpproject.org.

¹ Guiding Principle 3 (1) states that "[n]ational authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction."

Introduction

Across the OSCE area, some three million people displaced within their own country as a result of conflicts and human rights violations are still waiting to be able to return to their homes. Thirteen countries, a quarter of the OSCE's 55 participating States, remain affected by internal displacement².

Over the past year, very little progress has been made in enabling Europe's internally displaced people (IDPs) to go back to their places of origin in safety and dignity, as required by the UN Guiding Principles on Internal Displacement. Although return movements continued in a few countries, such as in Bosnia and Herzegovina, the overall number of IDPs in the region has hardly decreased since the Global IDP Project's last report was published in October 2003.

The continued failure to resolve the region's "frozen" conflicts, and major set-backs such as the new wave of violence and displacement in Kosovo in March 2004, are among the main obstacles to more significant return movements. But even where return is possible, conditions in return areas are often not conducive for IDPs to re-establish their lives in safety and dignity. Lack of security, discrimination, difficulties in repossessing property, dilapidated infrastructures and limited economic opportunities are all factors still preventing IDPs from going back to their towns and villages in several countries, including Bosnia and Herzegovina, Kosovo (Serbia and Montenegro) and Turkey.

In situations where return is not (yet) possible or where the displaced choose not to return, progress has also been very slow in providing IDPs with an adequate legal status and sufficient assistance to temporarily or permanently integrate in their host communities or elsewhere in the country. In several countries, IDPs still face restrictions and obstacles relating to their freedom of movement and access to

documentation, employment and public services. In virtually all countries affected by internal displacement, IDPs are clearly among the most vulnerable groups in society in terms of social and economic status.

Most IDPs in the region have lived in extremely precarious conditions for many years, often in collective centres, deprived of income opportunities and without proper status. Hundreds of thousands have even been displaced for more than a decade now. It is time for OSCE governments to take seriously their commitment to facilitate return in safety and dignity, and to comprehensively address the needs of those IDPs who are not yet able or willing to go back to their homes.

Right to return in safety and dignity

Although very little is known about the preferences of IDPs, it is generally assumed that many of them wish to return to their places of origin, or at least repossess the properties they had to leave behind, seeing this as the only acceptable way to undo the injustice they have suffered.

The right of the displaced to return voluntarily and in conditions of safety and dignity has been increasingly recognised by governments in the OSCE area. Almost all situations of internal displacement in the region have been the object of agreements, resolutions or recommendations in international or regional forums, confirming that IDPs should be able to return to their homes according to international standards³. In reality, however, the right to return continues to be implemented under conditions which do not satisfy these standards, or it is simply denied altogether.

In the Russian Federation, the authorities continue to pressure IDPs into returning from Ingushetia to Chechnya. The Russian return policy has been widely denounced by human rights organisations as premature, poorly implemented, and in violation of the

² See the map on the inside cover of this report for more detailed statistics.

³ In the OSCE Charter for European Security, adopted in Istanbul in 1999, the participating States reaffirmed their commitment "to facilitate the voluntary return of refugees and internally displaced persons in dignity and safety" and "to pursue without discrimination the reintegration of refugees and internally displaced persons in their places of origin". The right of IDPs and/or refugees to return home has also been restated by the UN Security Council in relation to the following displacement crises in the OSCE region: Abkhazia (Georgia) – Resolution 971, 21 January 1995; Croatia – Resolution 1009, 10 August 1995; Cyprus – Resolution 361, 30 August 1974; Kosovo (Serbia and Montenegro) – Resolution 1244, 10 June 1999. The right of IDPs in Bosnia and Herzegovina to return home has been enshrined in the General Framework Agreement for Peace in Bosnia and Herzegovina, Annex 7 Agreement on Refugees and Displaced Persons (1995), endorsed by SC Resolution 1031 of 15 December 1995. In Macedonia, the Framework Agreement, signed in Ohrid on 13 August 2001 and endorsed by SC Resolution 1371 of 26 September 2001, provides that "all parties will work to ensure the return of refugees who are citizens or legal residents of Macedonia and displaced persons to their homes within the shortest possible timeframe".

principle of voluntariness. With consistent reports of violence and widespread human rights abuses in Chechnya, the causes of the displacement cannot be seen as ended yet, while the political, social and economic reconstruction of the republic has not shown sufficient results to allow for sustainable returns.

Serious doubts have also been raised about the modalities of the return of displaced Kurds in Turkey. Independent organisations have not been able to verify official statistics of return movements. Furthermore, the presence of pro-government village guards in return areas and the end of the ceasefire by the Kurdish rebels in June 2004 have led to renewed insecurity and cases of displacement in the south-east.

In countries where the return of IDPs has made undeniable progress in recent years, the situation of returnees remains precarious and significant numbers of IDPs are still waiting for their chance to return in dignified and safe conditions. In Bosnia and Herzegovina, some 300,000 people are still officially registered as IDPs, a considerable decrease from the one million IDPs at the height of the conflict. However, return figures since 2001 have declined steadily, pointing to the difficult conditions facing IDPs upon return, particularly in areas where they belong to minority groups. Reports suggest that returnees often prefer to sell their repossessed properties and move to urban areas with better employment opportunities. In Bosnia, Croatia and Macedonia the remaining IDPs are among the most difficult cases to solve. They belong to marginalised and vulnerable groups within their country, such as ethnic minorities (including Roma), the elderly, and households headed by women. Their return will require even more substantial efforts from the authorities and other actors in terms of reconstruction assistance and social support.

Other internally displaced populations in the region continue to be blatantly denied the right to return home. In Cyprus, the rejection by the Greek Cypriot community of the UN-sponsored plan for the reunification of the island has again dashed the hopes of Greek Cypriot IDPs to return to their

homes and repossess their properties in the northern part of the island under Turkish control, and of Turkish Cypriot IDPs to go back to the south. In Georgia and Azerbaijan, the absence of settlements to the conflicts over Abkhazia, South Ossetia and Nagorno Karabakh continues to be the main obstacle to the return of IDPs. The prospects for a safe return of the Kosovo Serbs have been seriously compromised by the renewed outbreak of inter-ethnic violence in Kosovo in March 2004. National authorities in Turkmenistan and Uzbekistan, which subjected various communities to arbitrary displacement, have so far opposed the return of these populations to their home villages.

Delayed integration

Although a right, return home in safety and dignity remains an unrealistic option in the medium or even long term for most of the IDPs in the region. In addition, many IDPs may not wish to return to their places of origin anymore, even if return is possible. In such situations, it is the responsibility of national authorities to ensure IDPs adequate conditions for their temporary or permanent integration in areas of displacement or elsewhere in the country⁴. Authorities have largely failed to do so in the OSCE region, with the notable exception of Cyprus, where IDPs have received substantial support from the Greek Cypriot government or the Turkish Cypriot authorities to help them reconstruct their lives away from their homes. Elsewhere, IDPs are still facing very precarious conditions with regard to their physical and personal safety, and/or their economic, social and legal status.

In a number of countries, governments have long been reluctant to normalise the situation of IDPs in an attempt to support their claims on breakaway territories. In Azerbaijan, Georgia, and Serbia and Montenegro, but also in the Russian Federation, IDPs have lived under conditions of legal discrimination which cannot be explained only by the limited budget capacity of the governments. Discriminatory laws and practices affecting IDPs' voting rights, access to public services or freedom of movement should be brought in line with international standards without further delay.

⁴ UN Guiding Principle 28 provides that "competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country" (E/CN.4/1998/53/Add.2). The OSCE Ministerial Council in December 2003 decided to "[take] into account" the UN Guiding Principles "as a useful framework for the work of the OSCE and the endeavours of participating States in dealing with internal displacement" (MC.DOC/1/03).

There are often fears among internally displaced communities that the normalisation of their status would imply a renunciation of their right to return and recover lost properties. These fears should be addressed, in particular through information campaigns, consultation with the IDPs and legal advice.

In virtually all countries, IDPs are disproportionately affected by poverty and unemployment, resulting in poorer health and nutrition status, lower education levels, and more precarious housing conditions compared to the rest of the population.

In two countries with small displaced populations, Armenia and Moldova, the needs of IDPs were largely ignored by the governments, forcing them to develop their own coping strategies, to the point that it is hardly possible to identify them as IDPs any longer. In other countries, where the size and level of destitution of the IDP population by far exceeds the absorption capacity of local communities, the process of integration of IDPs cannot escape the attention of national authorities and requires their full support and the assistance of the international community where relevant. In countries like Georgia and Azerbaijan, where progress towards normalising the situation of IDPs has been slow, more efforts are needed to mobilise the resources necessary to move this process forward.

Several governments, including those of Uzbekistan and Turkmenistan, have arbitrarily displaced people and failed to provide them with adequate relocation conditions with regard to access to housing, food, health and other public services. Unimpeded and rapid access to the victims of displacement in these countries should be granted and facilitated to relevant international organisations, including human rights institutions.

General recommendations

- National governments faced with situations of internal displacement and other states in the OSCE region should make all necessary efforts to enforce the right of IDPs to return home voluntarily in safety and dignity, in line with their commitments as OSCE participating States, and the Guiding Principles on Internal Displacement. Return should not be promoted to areas where minimum conditions of safety are not met

- National authorities should ensure that IDPs can return freely in conditions of physical, material and legal safety to their home areas. IDPs should be involved in the planning of the durable solution of their choice. Independent monitors should be granted access to IDPs and returnees to assess conditions related to their return and enable IDPs to make a free and informed choice
- Until voluntary return in safety and dignity is possible, authorities should take all necessary measures to ensure that the displaced enjoy the same rights as other citizens. All legal provisions and practices discriminating against IDPs should be removed and ended immediately. The vulnerability of IDPs should be addressed with the objective of filling the social and economic gap separating them from other citizens. The needs of the local host communities should also be considered. The permanent integration of IDPs should be facilitated where this is the preferred choice of the displaced
- Fears of IDPs that their integration in host communities could imply a renunciation of their right to return home or claim lost properties should be removed through adequate information and advice

COUNTRY OVERVIEWS

Armenia

The armed conflict between Armenia and Azerbaijan over Nagorno-Karabakh caused tens of thousands of people to flee their villages along the border with Azerbaijan between 1991 and 1993. Since then most IDPs have returned spontaneously. Some of those who have not returned are remaining where they are for economic and social reasons, while others are from areas now controlled by Azerbaijan where return is not possible.

In Armenia there is no official definition of displaced persons, nor do specific legal mechanisms exist to address the situation of returnees and those still displaced. However, the government has identified reconstruction and rehabilitation needs in return areas and, working with the Norwegian Refugee Council, has conducted a detailed survey of all potential IDP households in Armenia during the period 2002-2004. While the government, using older data, had previously indicated that up to 72,000 IDPs were present in Armenia, the survey shows that there are no more than approximately 3,000 potential IDPs left in the country.

This dramatic reduction in the number of potential IDPs is due in part to the continued return of displaced people to their villages. Others, up to 26,000 people, have emigrated over the last ten years, mostly to Russia. Smaller numbers of IDPs have purchased property elsewhere in the country, married into other families, died, or explicitly said they do not intend to return. Of the remaining 3,000 potential IDPs about half are from the enclave of Artsvashen, which today is controlled by Azerbaijan. Return there is thus not possible.

In the more damaged villages along the border, some of the returnees live in very poor conditions in the cellars of their destroyed homes or in barns. In general, these villages face enormous challenges: an aging population (due to the fact the younger generation has left); continued sniping incidents; mined agricultural lands; a lack of infrastructure, irrigation and water in particular; a lack of industry and destroyed housing. Many lack electricity and as winters are bitter there is concern over the health of returnees who lack sufficient heating. Lack of funding is one of the main obstacles for return for Armenia's

remaining IDPs; very few projects to support their return have been realised. Until a durable settlement of the conflict is reached, the return of the remaining IDPs to the border areas will remain precarious.

Recommendations to the government

- Undertake research-assessment programmes aimed at measuring the level of damage caused to agricultural and social infrastructure in the border regions, and produce accurate estimates of the resources necessary for rehabilitation
- Initiate agricultural development projects in the border regions of Tavoush, Gegharkounik, Vayots Dzor and Syounik, including the rehabilitation of irrigation systems and the provision of soft credits for purchases of machinery, seed and fertilisers
- Ensure the rehabilitation of social-cultural infrastructures in border regions, including schools and public buildings
- Initiate projects aimed at the rehabilitation and new construction of private housing in border regions, particularly in Tavoush, Gegharkounik, Syounik and Vayots Dzor provinces, through providing residents with soft, long-term loans

Azerbaijan

Poverty and poor housing conditions are the most crucial issues for Azerbaijan's 575,000 internally displaced people. The conflict between Armenia and Azerbaijan that led to the Armenian occupation of Nagorno-Karabakh and surrounding districts and caused the displacement of the region's Azeri population has remained unsettled despite a ten-year-old ceasefire agreement. Return is therefore not an option for most IDPs, although there have been a limited number of returns to the so-called liberated areas (Fizuli, Agdam and Terter regions).

Housing conditions

Housing conditions are substandard for the majority of displaced people. Temporary shelters in public buildings, tented camps, railway wagons or makeshift huts offer inadequate protection from extreme temperatures in summer and winter. Almost 5,000 IDPs are living in schools, which limits access to schooling for both displaced and local children. This situation also increases friction between IDPs and locals, adding to the desperation of not having the right skills to find employment in an urban context.

A presidential decree issued on 1 July 2004 instated the Second State Programme on IDPs. It outlines projects to improve the living conditions of IDPs, such as building new settlements that have better provision of the basic needs of electricity and access to clean water. It is anticipated that this programme will reduce the number of tented camps and people finding temporary shelter in railway carriages and schools. De-mining and infrastructure programmes have also been outlined in this decree. However, there are still concerns that discriminatory practices have not been ended, such as the lack of a free choice of residence and restricted access to social services. IDPs are unable to register as residents in urban areas where many have sought employment. Furthermore, plans for new housing settlements do not involve IDPs and are not implemented in areas where long-term employment opportunities are accessible.

Poverty

IDPs remain significantly more vulnerable to poverty than other Azerbaijani citizens. Land allocation has not been sufficient to relieve poverty and has led to a movement towards urban centres where jobs are hard to find and require skills that rural IDP populations do not have. The government of Azerbaijan has created programmes to provide increased employment opportunities to IDPs, thereby reducing poverty and increasing self-reliance. The plans include training, micro-credit and the creation of workshops and factories that utilise and build on existing skills. The government has not decided where the funds will come from; oil revenue or the state

budget are the two options. Previous programmes of this type have not received enough funding to achieve their goals.

Given that donor countries reduced their assistance to refugees and IDPs in 2003, funding has become a major issue for the improvement of IDP living conditions. The employment programmes are important due to the fact that 63 per cent of the displaced population live below the poverty line, compared to 49 per cent of the total population.

Government and donor attention

In recent years the displaced population has received increased attention from the government. In 2001, 2002 and 2004 presidential decrees were issued to improve shelter and socio-economic conditions for IDPs. The 2004 decree included moves to increase self-reliance, coupled with government and international food assistance, tax exemption and free public utilities. Although attention to IDP needs has increased over the past years, much still needs to be done to normalise their status and bring them closer to other vulnerable social groups.

Recommendations to the government

- Create conditions for the involvement of IDP communities in planning and implementation of the July 2004 State Programme on IDPs
- Remove all legal provisions and end practices which discriminate against IDPs regarding choice of residence and access to social services
- Take necessary measures to ensure that micro-credit loans and new employment opportunities target vulnerable IDP groups
- Encourage women's involvement in finding durable solutions

Bosnia and Herzegovina

More than 318,000 people remain internally displaced and in need of durable solutions in Bosnia and Herzegovina. Forced displacement resulted from conflict that erupted in 1992, following the collapse of the Socialist Federal Republic of Yugoslavia. Refusing to live with other ethnic groups in an independent Bosnia and Herzegovina, ethnic Serb extremists undertook "ethnic cleansing", with the objective of creating a territorial contiguity between Serb-dominated areas in Bosnia and Herzegovina and Serbia and Montenegro. Although officially united in an alliance against Bosnian Serbs, the two other ethnic groups in the country, the Bosnian Croats and, to a lesser extent, the Bosnian Muslims (Bosniaks) also attempted to create homogenous ethnic areas through the forced displacement of civilians. Additional post-conflict displacement of hundreds of thousands of people occurred in 1999 following the transfer of territories between the two entities that now make up the country, the Republika Srpska and the Federation of Bosnia and Herzegovina.

Since the end of the conflict in 1995, one million refugees and IDPs have been able to return, according to UNHCR statistics. This successful return process has been due to a number of factors, including a highly effective property repossession process largely directed by the international community. However, despite the successful property implementation process, returns have steadily decreased since 2001 and there has been a widespread practice among property owners of selling repossessed property without actually returning to their pre-war residences.

The protracted situation of displacement in the country is due to several factors which prevent return, including lack of reconstruction assistance and lack of access to employment, health care, pensions and utilities. Several groups of IDPs and returnees are particularly vulnerable, including severely traumatised individuals, war crimes witnesses, female-headed households, Roma and other minorities, and may still not be in a position to return to their pre-war municipalities.

Property and housing issues

The property repossession process has been a key achievement in Bosnia, with over 90 per cent of owners being able to repossess their pre-war homes. However, lack of adequate housing continues to pose a challenge to the successful return and reintegration of IDPs. Vulnerable segments of the IDP population include those whose property has not been reconstructed and who are unable to access reconstruction assistance. Many IDPs have had to vacate properties they temporarily occupied in order to allow for the return of the original owners of the property without having a solution of their own. In a number of municipalities, this problem has been aggravated with the acceleration of the property law implementation process in 2003-2004. The lack of adequate reconstruction programmes in war-affected areas has also been compounded by a steady decline in donor support.

Discrimination against minorities

Minority IDPs and returnees continue to face discrimination at different levels, including access to housing assistance, utilities, employment, health care, and education, which poses an obstacle to return and reintegration. A survey of 16 municipalities undertaken by UNDP indicates that local authorities generally give preferential treatment to majority groups, while not offering the same rights to minority returnees. For instance, in Bosanski/Srpski Brod, minority returnees have reportedly not received funds or construction material or compensation for destroyed property. In other municipalities, such as Livno, minority returnees have not received utilities, including water and electricity.

The lack of an improved legal and administrative framework for inter-entity cooperation on pension and health insurance systems continues to particularly hinder minority returnees' access to public services, including pension and health. Minority returnees in a number of municipalities face huge difficulties in transferring their pensions from one entity to the other, registering at the employment bureau, and obtaining other papers and documents. There is also widespread discrimination against minority groups in the recruitment process in a number of municipalities, such as Derventa and Srebrenica.

Ethnic segregation is also evident in the education system which is frequently ethnically-based and which has led some minority returnees to send their children to schools in neighbouring municipalities.

Roma minority IDPs and returnees across the country are greatly marginalised, particularly in obtaining housing and employment. Many Roma IDPs continue to be displaced because they have not been provided with alternative accommodation or have been excluded from reconstruction assistance.

Security concerns

In 2003, UNHCR expressed concern over a growing number of security incidents affecting particularly minority IDPs and returnees. These included physical violence against returnees and a number of cases involving attacks and looting of private properties and religious sites. During 2004, the security situation has generally improved. However, landmines continue to pose a barrier to the safe return of displaced people and refugees. In 2003, two-thirds of landmine victims were IDPs or returnees.

Vulnerable groups

There are an increasing number of refugees who have been refused asylum in countries within the European Union, and who are returning, voluntarily or involuntarily, to Bosnia and Herzegovina. A number of these people are entering into a situation of internal displacement because they are unwilling or unable to return to their municipalities of origin due to concerns about their personal security, including fear of persecution. UNHCR has expressed concern that many of these newly internally displaced people are being denied the possibility of acquiring IDP status upon return and are consequently deprived of emergency accommodation as well as basic IDP entitlements.

UN agencies have also expressed concern that requirements for housing and social assistance may exclude certain categories of vulnerable groups, thereby creating a situation of involuntary return. Of particular concern are severely traumatised individuals, including internally displaced women who were raped in their former places of origin and who may

be unwilling or unable to return. Without assistance to secure alternative accommodation elsewhere, these people may have to continue to live in their area of displacement in precarious conditions or may have no alternative but to return involuntarily to their pre-war residences. War crimes witnesses are also particularly vulnerable due to the lack of fully functional national witness protection mechanisms.

Recommendations to the government

- Support income-generating activities, including job creation in return areas
- Undertake measures to ensure equal access to reconstruction assistance, employment, health care and education to ensure return and successful reintegration
- Ensure that persons returning to the country after being denied refugee status who are unable or unwilling to return to their pre-war municipality have the possibility to apply for IDP status
- Provide social and housing assistance to vulnerable groups, such as severely traumatised individuals
- Implement the existing legislation on national witness protection

Croatia

In Croatia, 11,082 people continued to be in a situation of internal displacement as of 1 May 2004, according to official figures. The majority of the internally displaced are ethnic Croats, mostly from the Danube region and the town of Vukovar, with the remaining IDPs being ethnic Serbs. In addition, 208,000 Croatian Serb refugees remain outside the country, most in Serbia and Montenegro. Large-scale displacement occurred as a result of the armed conflict which followed Croatia's independence from the former Socialist Republic of Yugoslavia in June 1991 and lasted until 1995. The Serb secession in eastern and western Slavonia, Banovina, Kordun, Lika and in the south-eastern Knin region resulted in the internal displacement of over 220,000 ethnic

Croats. The recapture of most of the territories, which were temporarily Serb-controlled, by Croatia's armed forces in 1995 forced up to 300,000 ethnic Serbs to flee.

While most ethnic Croats have been able to go back to their homes, only a little over 100,000 ethnic Serbs are estimated to have returned out of more than 300,000 refugees and IDPs uprooted during the conflict. The foremost obstacles to return for the minority ethnic Serb IDP population are property and housing issues, psychological obstacles and lack of employment opportunities. While the legal framework is in place, in practice minorities continue to face widespread discrimination.

Inadequate conditions in return areas

Although the return of ethnic Croat IDPs has been supported by national authorities, several thousand of them remain in a situation of displacement because they are unable or reluctant to return to their areas of origin due to poor socio-economic conditions, particularly in the Knin region. Their number may actually be significantly higher, as official statistics may not accurately reflect the fact that many returns - by both ethnic Croats and Serbs - have only been temporary. Surveys undertaken by UNHCR and the OSCE indicate that in some areas only half of the returns were sustainable.

Property and housing concerns

Return for ethnic Serbs has been much more difficult than for ethnic Croats due to a clear pattern of discrimination by national authorities whose policy has only changed in recent years. The failure to provide housing to former occupancy/tenancy rights-holders continues to pose an obstacle to the return of ethnic Serb refugees and some IDPs. Thousands of ethnic Serb households lost occupancy/tenancy rights to formerly socially-owned apartments during and after the war. Many are unable to repossess these apartments and have been provided with no possibility of legal redress or compensation. The issue has resulted in numerous domestic proceedings, and cases filed with the European Court of Human Rights.

Ethnic Serb IDPs and refugees are also unable to return due to obstacles in repossessing occupied private property. National policy still favours the rights of temporary occupants over property owners. The legal framework makes the owner's ability to repossess his or her property conditional on the provision of alternative accommodation to the temporary occupant. Two national programmes designed to provide housing to former occupancy/tenancy rights-holders became formally operational in 2000 and in 2003, but both have yet to show any visible results. Although the national legislative and administrative framework for providing housing solutions for IDPs and refugees has significantly improved, the return process is hampered by slow implementation and cumbersome procedures. The judiciary has been largely inefficient and local courts reluctant to order the eviction of temporary occupants and to enforce decisions for the eviction of illegal occupants.

The government continued to adopt legislative amendments to increase the pace of property repossession and identified June 2004 as the deadline for repossession of illegally occupied properties and end-December 2004 for all remaining properties. The June deadline has not been met and there are concerns that the second deadline will not be met either.

According to OSCE reports, many people continue to be in a situation of internal displacement following administrative repossession of their property due to looting by temporary occupants prior to moving out. Looting and damage of houses has resulted in only small numbers of owners moving into their properties after repossession. NRC is concerned that many people are pressured to sell their properties to the state which then uses the properties as alternative housing for temporary occupants.

Access to social and public services

Return and reintegration for Serb and Croat IDPs and returnees is also aggravated by the inability to access social benefits and public services including access to pensions, disability and health insurance, and labour entitlements. A 1997 Convalidation law still remains in effect that has prevented many returnees, IDPs and refugees from validating documents necessary to access their pension and related rights.

Discrimination

Despite a more welcoming attitude from local authorities, the OSCE as well as international human rights organisations have expressed concern that ethnic Serb returnees face discrimination in employment, justice and war crimes trials, and access to utility services and documentation. Some national NGOs have also expressed concern that ethnic Serb displaced people unfairly lost their IDP status during registration processes conducted in 1997-1999 and in 2003. Inter-ethnic tension and occasional violence continue to be reported, usually directed against Serb returnees, and mostly in the Zadar area.

Croatia received formal status as an EU candidate country in June 2004, with negotiations to begin in early 2005. Requirements for entry into the EU include respect for minority rights and support for the return process.

Recommendations to the government

- Undertake greater initiatives in inter-ethnic reconciliation and trust-building in war-affected areas, as recommended by the OSCE
- Remove remaining bureaucratic, administrative and legal obstacles linked to residential and non-residential property repossession as recommended by the OSCE, in particular:
 - ♦ temporary occupants who refuse housing care or temporary alternative accommodation offered by the government should be evicted after prompt court proceedings
 - ♦ courts should use expedited procedures for resolving repossession cases, irrespective of whether these have been initiated by the state prosecutor or the property owner
 - ♦ state prosecutors should prosecute temporary occupants who illegally damage or loot property that has been allocated to them
- End discriminatory practices and ensure fair employment opportunities for Serb returnees in

the state administration and state-owned enterprises in particular

- Establish a new deadline for submitting pension requests for the validation of work completed in 1991-95 in areas under the control of de-facto state authorities
- Respect and implement the existing legal framework, in particular the Law on Ownership, Law on Citizenship and Law on Foreigners as well as the European Convention on Human Rights to strengthen the rule of law and reduce discrimination against minorities

Cyprus

The rejection by Greek Cypriots of the UN plan for the settlement of the Cyprus conflict in a referendum held on 24 April 2004 was a major setback in attempts to bring an end to the division of the country. Never in the history of the UN mediation in this conflict had a settlement of the longest-standing crisis of internal displacement in Europe seemed so within reach. The proposed plan – inevitably a compromise – provided a framework for addressing all contentious issues between both sides and was a rare opportunity to bring a solution to the issue of lost properties and the return of the 145,000 Greek Cypriot displaced from the north and the 65,000 Turkish Cypriot displaced from the south.

A compromise solution

The plan for the reunification of the island, elaborated under the auspices of the UN Secretary-General, contained detailed provisions for the settlement of property issues and the return of displaced persons. The plan struck a delicate balance between the rights of the dispossessed owners and those of current occupants, taking into account the provisions of international law and the principle of bi-zonality. It ensured that individual property rights were respected and that no dispossessed owner would remain empty-handed as at the very least they would receive full compensation for their loss. Territorial adjustments between the two zones allowed more than half of the Greek Cypriot displaced to return

and be fully reinstated in their homes under Greek Cypriot administration within three and half years. In areas not subject to territorial adjustment, dispossessed owners were generally entitled to seek reinstatement of one-third of their property and be compensated for the remainder, or opt to receive full and effective compensation for their property. The plan also included provisions to assist those who would be forced or chose to relocate as a result of territorial adjustments or reinstatement of property to dispossessed owners.

The final version of the plan was not supported by the Greek Cypriot authorities, who even campaigned for its rejection. The real reasons for the negative vote by 75 per cent of Greek Cypriots are not entirely clear. In the immediate lead-up to the referendum, many raised for the first time concerns about security and the implementation of the plan by Turkey. Others referred to the continued presence of Turkish troops after reunification, although the plan provided for a phased and significant reduction of the Greek and Turkish contingents to 6,000 and eventually to 950 and 650 troops respectively. Some Greek Cypriots also expressed reluctance to bear the costs of the reunification, despite pledges from the EU and the US to cover many of the key costs implied by the plan. Limitations on the right to return and property reinstatement were also cited by some as a factor, particularly by Greek Cypriot displaced communities, who have remained vocal in publicly defending their right to return and to access their property since 1974.

The negative vote of the Greek Cypriots contrasted with wide support for the plan from Turkish Cypriots in the north, who voted 65 per cent in favour, although 75,000 people in the north were facing relocation under the terms of the plan. The prospect of joining the European Union within a reunited Cyprus was a key motivation among the Turkish Cypriot public, especially younger generations, along with putting an end to the political and economic isolation of the north and creating opportunities for its development.

Confidence-building

Despite the different results of the twin referendums, the momentum created by the negotiations

since 1999 continued to bring about significant changes in the relations between the two sides. Both have agreed to open several crossing points along the "Green Line" that separates them and have simplified procedures for movements across the buffer zone. Over four million crossings have been recorded since April 2003. The Turkish Cypriot authorities have also allowed the opening of a secondary school for Greek Cypriot children living in the Karpas peninsula in the north, who were previously obliged to move to the south to pursue their secondary education. Both sides facilitated the holding of particular celebrations in religious sites in their territory. Direct trade between north and south in certain goods also began in August 2004.

A missed opportunity

Cyprus' accession to the European Union (which became effective as of 1 May 2004) and Turkey's own accession aspirations created a unique opportunity to reach a comprehensive settlement of the Cyprus problem, including a resolution of the property issues and the return of IDPs. The UN Secretary-General also considered the draft plan a "comprehensive and carefully balanced" document and "the only foreseeable basis [on] which the Cypriots have to achieve a settlement". Having closely supported the UN Secretary-General's efforts to bring about a settlement, the EU should continue to exert a decisive influence on the key actors in the Cyprus conflict in order to move them towards a fair and balanced solution.

In the meantime, the protection of IDPs' property rights in Cyprus is also pursued through judicial channels, although political reality on the ground continues to prevent the actual restitution of properties. In December 2003, the Council of Europe's Council of Ministers took note of the fact that Turkey had paid the sum awarded by the European Court to Titina Loizidou, a Greek Cypriot deprived of her property in northern Cyprus. However, the ministers will continue to monitor the implementation by Turkey of the landmark judgement of 28 July 1996, *Loizidou vs. Turkey*, implying the restitution of the property to the claimant. More than 100 similar claims have been lodged with the Court by Greek Cypriots. On 24 September 2004, the Supreme Court of Cyprus ordered the restitution of a proper-

ty occupied by displaced Greek Cypriots to its original Turkish Cypriot owner. However, the court later suspended the implementation of its ruling until an appeal by the Attorney-General and the current occupant against the judgement had been examined.

Recommendations to the Cypriot government and the Turkish Cypriot authorities

- Strengthen efforts in the search of a settlement to the conflict, including a solution to the return of IDPs and the restitution of lost properties to IDPs, in line with international standards
- Continue the implementation of confidence-building measures between the Greek-Cypriot and Turkish-Cypriot communities, including through the facilitation of movements of goods and persons between both sides

Georgia

The majority of Georgia's 250,000 displaced people were forced to leave Abkhazia during the armed conflict that followed Abkhazia's declaration of independence in 1992. The conflict lasted 13 months and resulted in the loss of control by the Georgian government over the un-recognised secessionist republic. Lack of security in the breakaway region means that little permanent return to Abkhazia has taken place. In fact, the 30,000 who returned after the 1994 peace agreement were forced to flee again when hostilities recommenced in 1998. Some 30,000 people were also displaced when fighting ensued after South Ossetia declared itself autonomous in 1989. A ceasefire agreement was signed in 1992 and there had been some progress towards a settlement after efforts by the OSCE. However, return remained difficult due to dire economic conditions, the lack of basic services, and security concerns. And in mid-2004, tensions rose as the Georgian government intensified efforts to bring South Ossetia back under its control and clashes in August caused the temporary displacement of several thousand people.

The new Georgian government under President Mikhail Saakashvili has signalled a stronger commitment to addressing displacement issues, and has developed plans for a re-registration of all IDPs in Georgia in order to obtain a better picture of the actual situation.

Temporary integration

As return is seen by the Georgian government as the only viable solution, the international aid community has promoted "temporary integration" with an emphasis on increasing self-reliance for as long as return is not possible. For the past decade, the government's emphasis on return has in effect prevented the IDPs from integrating into their host communities. The "New Approach to IDP Assistance" designed by UN agencies and donors aims to address this by promoting activities providing for a sustainable way of life in host communities, without jeopardising the right to return. This includes full rights and equality before the law and access to appropriate shelter and services. However, it appears that this initiative is only partly working and the Self-Reliance Fund set up under the programme is due to end in 2005.

While the government refrains from publicly promoting integration, it supports practical solutions, such as privatisation of hotels used as collective centres and assistance enabling IDPs to buy private apartments.

Inadequate housing is still a major concern for many IDPs living in deplorable conditions with often no access to sanitation, electricity or clean water. About 40 per cent of the IDPs who fled between 1991 and 1993 are still living in collective centres, commonly in old kindergartens, hotels, schools or hospitals. These conditions mean that diseases such as Hepatitis and TB are a risk.

In the economic context of Georgia another problem, which is increasing in intensity, is that of poverty. The normalisation of Georgia's economy has not yet taken place. Little public money has resulted in a lack of funding for improvement of deteriorating IDP living standards.

There are very few donors who concentrate on housing issues for IDPs in Georgia but programmes have begun that combine this issue with that of self-reliance in a bid to reduce the economic and social marginalisation of IDPs whilst improving their living conditions. The Shelter Rehabilitation and Skills Transfer Project for Internally Displaced Persons from Abkhazia and South Ossetia combines skills training with building projects to improve the condition of 14 shelters around Georgia.

Return to Gali

Talks in July 2004 between Abkhazian representatives and officials from Georgia included the issue of the safe return of IDPs to the Gali district in eastern Abkhazia bordering Georgia proper. There has been some seasonal return to Gali in the past and in 2003 it was estimated that there were between 35,000 and 45,000 Georgians living there more or less permanently. However, Abkhaz authorities had little control and returnees were subject to kidnappings, robbery and harassment. The talks centred on safe return to Gali but Georgian officials stated that they would also address safe return to all parts of Abkhazia.

Recommendations to the government

- Continue efforts to improve housing conditions of IDPs
- Increase involvement of IDPs in the implementation of economic initiatives that provide employment and assist development
- Fully implement the New Approach to IDP Assistance so that practical solutions are found for those unable to return
- Ensure reliable information about solutions, conditions in places of return and peace processes is accessible to IDPs to avoid confusion and rumours around schemes that are not properly explained.

Recommendations to the Abkhaz authorities

- Ensure security and improve socio-economic conditions for returnees in the Gali district

Macedonia

The fighting between ethnic Albanian armed groups and Macedonian security forces between February and August 2001 resulted in the displacement of 170,000 people, including some 74,000 displaced within Macedonia. Following the signing of the Ohrid peace agreement in August 2001, over 95 per cent of the displaced population were quickly reintegrated in their places of origin. As of 1 July 2004, there were 1,829 registered IDPs in Macedonia, primarily of ethnic Albanian and ethnic Macedonian origin. Most of the displaced, around 54 per cent, live in collective centres and the remaining 46 per cent live with host families. Today, the main obstacle for the return of most IDPs is perceived or real security concerns. In addition, uninhabitable homes still prevent some IDPs from returning.

Despite notable improvements in the security situation since 2001, concerns about safety remain the most significant obstacle to return to pre-conflict areas for the displaced population. Those IDPs concerned are primarily from the villages of Aracinovo and Radusha near Skopje and from Mateje and Opae near Kumanovo. There have been cases of displaced people being afraid to stay in their homes overnight and only visiting their homes during the day. A common practice among minorities has also been to sell property in former conflict areas rather than return. While incidents of serious violence remain isolated, inter-ethnic tensions and clashes (such as along the Tetovo-Jaznice border with Kosovo) as well as persistent vandalism of properties (including the looting of 46 rebuilt houses in Opae in the Kumanovo area) were reported during 2003 and 2004. Difficult socio-economic conditions, particularly in rural areas, also serve to aggravate inter-ethnic relations and constitute barriers to return. Many IDPs are without sufficient means to support their families.

Return for the remaining displaced population has been hampered by the destruction or damaging of their houses. The European Commission and the International Management Group are the main actors involved in the implementation of housing reconstruction and rehabilitation. With the estimated completion of the reconstruction programme by the end of 2004, it is expected that most displaced people with housing-related concerns will be able to return.

At the end of 2003, official registration of IDPs was handed over from the International Committee of the Red Cross (ICRC) to the government. The ICRC implemented a food distribution programme for IDPs in collective centres, which ended in August 2003. The ICRC continued to monitor the situation and assist the most vulnerable IDPs with income-generating projects in 2004. The OSCE has undertaken a number of initiatives in connection with the implementation of the peace agreement such as support for the police and confidence-building measures.

Recommendations to the government

- Improve the security situation primarily in the villages of Aracinovo, Radusha, Mateje and Opae
- Support inter-ethnic dialogue and other activities related to confidence-building in return areas

Moldova

In 1991-92 up to 51,000 people were internally displaced during the conflict between the government and the secessionist groups in the region of Transdniestria along the border with Ukraine. A ceasefire signed in July 1992 enabled large numbers of the IDPs to return home, although their integration remained endangered by the Transdniestrian secessionist regime's hostile attitude towards those not supporting its separatist line. According to government sources, up to 25,000 IDPs were still displaced from the Transdniestrian region in 2003, although authorities have been unable to document this figure. In contrast, there were only 1,000 IDPs of con-

cern to UNHCR and they were removed from UNHCR's caseload in 2004. It is unknown whether those who have not returned to the Transdniestrian region have voluntarily resettled permanently in other parts of Moldova or whether they still have the intention of returning.

In 1991 a Republic Committee was created to deal with the displacement crisis but it was dissolved in 1995. Between 1995 and 2002 little focus was placed on IDPs until a focal point for IDPs was formed within the Ministry for Reintegration, signalling an intention to support durable solutions for displaced populations. Within this time period the registration of IDPs was also inconsistent, explaining the absence of reliable statistics.

Although freedom of movement to and from the Transdniestrian region has been improved, conditions for return of ethnic Moldovans to the area remain difficult. Ethnic Moldovans in the Transdniestrian region continue to be subjected to discrimination by the Transdniestrian authorities. Schools providing education in the Latin script have been constantly under pressure and do not receive any state funding. In July 2004, Transdniestrian officials closed down three of these schools, including one orphanage. Parents employed by the authorities lost their jobs if they sent their children to schools using the Latin script.

There are also reports that "abandoned" properties in the Transdniestrian area have been reallocated to newly-arrived Russian citizens. In addition, property destruction has prevented an unspecified number of families from returning to the area.

Recommendations to the government

- Properly assess the number and whereabouts of IDPs in order to better target assistance
- Ensure property rights of IDPs are honoured and that proper restitution or compensation is available and allocated
- Ensure IDP registration can still take place to allow new IDPs access to assistance

Russian Federation

Five years after the outbreak of the second armed conflict in Chechnya in 1999, the situation of internally displaced persons in the Russian Federation continues to be of major concern to the human rights community. The spread of armed violence and terrorist activities to other territories contributed to endangering IDPs outside Chechnya (151,000 people, according to estimates), as reports confirmed that IDPs were facing increasing insecurity, pressure to return to war-torn Chechnya and discrimination. Within Chechnya itself, as many as 209,000 displaced people were still living in very precarious conditions, with regard to physical and personal safety, access to adequate shelter, utilities and services.

Insecurity in Ingushetia

The security in the northern Caucasus significantly deteriorated in 2004. Once the main safe haven for those fleeing the conflict in Chechnya, Ingushetia became the scene of increasing armed violence between the Chechen rebels and security forces, such as the attack by Chechen armed groups on Ingush law enforcement agencies in June 2004, which left 98 people dead and 104 wounded. The Beslan school massacre in September 2004 of at least 330 people by pro-Chechen hostage-takers in neighbouring South Ossetia has added to the air of insecurity in the region.

Beside the spill-over from the Chechen conflict, IDPs remained subject to undue pressures from the authorities to return to Chechnya. Security checks in IDP settlements, eviction threats, the removal from humanitarian distribution lists, and the suspension of utilities (gas or electricity) in IDP settlements, contributed to spreading the feeling among IDPs that return was the only solution. Return movements from Ingushetia to Chechnya were also accelerated by a number of promises made by the authorities to returning IDPs, such as priority treatment in receiving compensation for lost properties and the provision of humanitarian aid.

As a result, all IDP camps, which contained up to 15 per cent of the IDPs in Ingushetia in 2001, were dis-

mantled by June 2004 (see chronology of camp closure). No alternative housing was provided to IDPs outside Chechnya. The number of IDPs in Ingushetia continued to decrease throughout the year, from 66,000 in January 2004 to 46,000 at the end of August.

Chronology: the closure of IDP camps in Ingushetia

Camp	Population as of Nov. 2002	Date of closure
Imam Camp	1,413	2 December 2002
"B" Bella Camp	3,353	29 September 2003
"A" Alina Camp	4,095	12 December 2003
Bart Camp	4,048	1 March 2004
Sputnik Camp	5,276	2 April 2004
"C" Satsita Camp	3,969	10 June 2004

Unsafe return to Chechnya

IDPs who made their way back to Chechnya were subjected to conditions that were not considered by the international community conducive to large-scale return movements. Although the number of special operations, or sweeps, decreased significantly in 2004, cases of disappearances, torture and severe beatings, as well as destruction of property and looting, both perpetrated by local and federal forces or rebel groups, were still reported in high numbers. Memorial, which systematically monitored the situation in approximately one-third of Chechnya's territory, recorded 194 people "disappeared" in Chechnya in the first half of 2004. Impunity for human rights abuses by federal or pro-Russian forces continued to prevail, as the authorities failed to carry out independent and impartial investigations and bring suspected perpetrators to justice.

Assistance needs of IDPs in Chechnya were not given the adequate level of attention by the authorities. The capacity of temporary accommodation centres created to host returnees from Ingushetia appeared to be insufficient and below minimum standards, with reports of overcrowded rooms, absence of running water and functioning sewage system, and inadequate humanitarian food supplies. The scheme of compensation for lost properties, as

established by the federal government in July 2003, was marred with fraud and corruption, excluding many families with wrecked houses from its benefits, and obliging IDPs to pay up to 50 per cent of their compensation to intermediaries.

Inadequate reconstruction and humanitarian access

Efforts undertaken by the federal authorities to support the reconstruction of Chechnya (\$1.2 billion in 2004) were slow and insufficient with regard to the magnitude of war damage. The Russian Federal Audit Chamber reported that a large proportion of the federal government funds for rebuilding Chechnya was diverted through misappropriation and embezzlement. High unemployment throughout Chechnya prevented large segments of the population from providing for themselves and their families. On the other hand, the payment of pensions and the supply of IDP benefits by the authorities appeared to be more regular.

Humanitarian and human rights organisations were facing very difficult conditions for accessing Chechnya. Security constraints, the restrictive issuing of authorisation for NGOs, procedures and clearances at checkpoints as well as the withholding of permission to use radios were among the main obstacles to the work of humanitarian agencies. The International Helsinki Federation also reported a pattern of intensified persecution of human rights defenders in Chechnya and Ingushetia in 2003 and 2004.

Lack of protection elsewhere in the country

Elsewhere in the Russian Federation, IDPs from Chechnya continued to be denied access to protection from local and federal authorities. The forced migrant status, created by law to support primarily the integration of IDPs in their new place of residence, was in reality mainly granted to non-ethnic Chechens who had fled the first Chechen conflict. According to the migration authorities, the "anti-terrorist operation" in Chechnya did not constitute a mass violation of public order and did not entitle claimants to the status of "forced migrant". As a result, 43,000 IDPs were granted forced migrant status

as of June 2004, mostly from the first Chechen conflict and the 1992 displacement crisis from North Ossetia (Prigorodny district), representing only 12 per cent of the total IDP population in the country.

Access of Chechen IDPs to protection in other territories and urban centres in the Russian Federation was seriously hampered by the hostile attitude and discriminatory practices of local authorities. Residency registration, a vestige of the Soviet propiska system, remained in place in several regions, including Moscow and the Krasnodar Kray, despite judgments of the federal constitutional court outlawing this limitation of the freedom of choice of residence. Being denied residence registration, Chechen IDPs were unable to access basic services, such as health-care or education, to receive state allowances, to be issued documents such as passports, and find a job. Terrorist attacks by Chechen separatists in Moscow and elsewhere in the country has also exacerbated xenophobic and anti-Chechen feelings among the public, leading to aggression, harassment and threats against ethnic Chechens.

Recommendations to the government

- Suspend all forms of pressure on IDPs to return to Chechnya until adequate conditions of physical, material and legal safety are created in Chechnya
- Ensure that all IDPs from Chechnya receive adequate assistance with regard to food, housing, water, sanitation and health and take all necessary measures to protect them from the effects of the conflict in Chechnya
- Strengthen efforts made towards the political, social and economic reconstruction of Chechnya, in particular with a view of preparing the voluntary return of IDPs in conditions of safety and dignity
- Remove all obstacles to IDPs' free movement and free choice of residence within the Russian Federation
- Ensure rapid and unimpeded access to IDPs in Ingushetia and Chechnya for humanitarian and human rights organisations

Serbia and Montenegro

Serbia and Montenegro (including Kosovo) continues to host the largest number of refugees and IDPs in south-eastern Europe, with a population of over half a million refugees and IDPs. Among them are some 251,000 IDPs, of whom 30,000 are in the UN-administered province of Kosovo, according to figures by UNHCR as of August 2004. The vast majority of the displaced population in the country are ethnic Serbs. They fled Kosovo for fear of reprisals by the ethnic Albanian population after NATO air strikes in June 1999 had ended years of oppression of the ethnic Albanian majority and forced Yugoslav and Serb troops to withdraw from the province. A large number of Roma, accused by the Kosovo Albanians of collaborating with the Serbs, also left their homes at the same time and sought refuge in Serbia and Montenegro.

While the security situation had improved since 1999, new internal displacement occurred in Kosovo in March 2004 during an outbreak of inter-ethnic violence. In addition to 20 dead, 950 injured and widespread destruction of property, 4,100 people were internally displaced mainly in the Prishtine/Pristina and southern Mitrovice/a regions in a period of two days. The majority of the newly-displaced are Kosovo Serb, followed by Ashkaelia, Roma, Egyptian, Gorani and Bosniak minorities. In addition, some 350 Kosovo Albanians were displaced from the northern section of Mitrovice/a where they are a minority.

Most of the recently displaced populations are unwilling and unable to return for security reasons. In addition to a sense of insecurity and fear following the recent violence, there continue to be reports of inter-ethnic harassment and violence against ethnic minorities, including returnees. According to the UNHCR, the majority of the newly-displaced populations have expressed their desire to return based on the provision of a secure environment as their first and foremost condition for return. As of June 2004, three months later, only 800 of the 4,100 newly-displaced had returned to their home communities. The IDP population in Serbia-proper has also been

unable to return largely because of the security situation, but also due to their inability to repossess property. Overall, living conditions for IDPs in the country are characterised by hardship and poverty. IDPs often face difficulties in accessing housing documentation, health and social services as well as employment.

Prevailing insecurity in Kosovo province

The lack of a secure environment in areas of Kosovo with an ethnic Albanian majority, but also in mixed areas, is the main impediment to the safe and voluntary return of Serb and other minority IDPs. The situation with regard to security, freedom of movement and access to services steadily deteriorated in the first months of 2004. Inter-ethnic tension exploded in mass demonstrations and violence in mid-March 2004 during which minority communities and their properties were deliberately targeted. There were reports of killings and other violence, such as stone-throwing, systematic theft, physical assault, and grenade attacks. While Kosovo Serbs were the main targets of violence, Roma, Ashkaelia and Egyptian and other minority communities were also affected, as well as Albanian communities in a minority situation in northern Kosovo.

UNHCR has issued position papers indicating that conditions are largely not conducive to the safe and sustainable return of ethnic minorities, particularly members of the Serb, Roma, Ashkaelia and Egyptian minority communities. UNHCR has also expressed protection concerns regarding selected groups of Kosovo Albanians living as minorities in northern Kosovo due to the culmination of threats and assaults against Kosovo Albanians in northern Kosovo in March 2004. Particularly vulnerable among Kosovo Albanians are those with close associations to Kosovo Serbs, for example through marriage, as well as those perceived to support the Serbian regime past and present.

The situation for minorities in Kosovo continues to be extremely fragile with a strong presence of the NATO-led international Kosovo Force (KFOR) needed to ensure security. Minorities live with a prevailing sense of insecurity and often self-imposed restric-

tions on freedom of movement (Serb minorities are confining their travel to mono-ethnic Serb areas which limits their ability to access basic services such as health, education and social welfare). Vandalism and looting of damaged houses in many areas continues, according to recent reports. There have also been serious attempts to prevent minority returns in Kosovo, including physical attacks on returnees and their properties (for instance, in the region of Prishtine/Pristina). UN agencies and human rights committees express concern regarding the climate of impunity surrounding inter-ethnic crimes, the lack of systematic investigation and rarity of convictions of perpetrators of inter-ethnic crimes. The upsurge in violence in March has also prompted minorities to sell their properties and depart from Kosovo.

The ability of all IDPs to exercise their right to return continues also to be undermined by housing and property issues. Damage and destruction to 730 homes and public infrastructure (including churches, schools and health facilities in minority areas) caused by the recent violence prevents many recently-displaced people from returning to their homes. The UN administration in Kosovo established a system to resolve housing property claims, but up to 2003 the institution charged with the process, the Housing and Property Directorate, had been largely inefficient. There is still no system in place for reclaiming agricultural or commercial properties. There has also been no initiative to solve the property-related obstacles of the Roma, who due to the often informal nature of their property rights, face particular problems in regaining access to their homes.

Living conditions and vulnerable groups

Most IDPs in Serbia and Montenegro have an inadequate standard of living that is heightened by the country's poor economy, high unemployment, inadequate health and social welfare system, and a marked decrease in international assistance. Nearly 90 per cent of IDPs fall below the poverty line, according to an assessment by the ICRC. Lack of jobs is a primary cause of poverty. Between 65 and 90 per cent of the displaced population rely solely or partly on the grey economy as a source of income. The situation for IDPs is particularly serious in Mon-

tenegro where IDPs have no right to legal employment and must depend almost entirely on the informal sector for their livelihoods.

Limited access to housing in the country due to lack of government funding and capacity as well as the lack of alternative solutions such as local integration has increased the vulnerability of IDPs. Particularly affected are Roma, Ashkaelia and Egyptian IDPs, large numbers of whom shelter in 586 illegal makeshift settlements under extremely harsh conditions without electricity, water or sanitation. UNHCR has expressed concern that numerous Roma IDPs are being evicted as a result of the current privatisation process and that the legal framework in the country does not require that they be provided with alternative accommodation. Many are faced with homelessness, and other problems related to a lack of shelter including deterioration in health, insecurity, loss of employment and removal of children from schools.

There are some 8,000 IDPs who live in collective centres in the country in extremely poor conditions. Surveys indicate that the displaced in collective centres often find themselves isolated from their social environment, resulting in widespread depression and dependency. In 2003, some 5,900 IDPs in collective centres were still relying on food distribution. UNHCR has underlined the extreme vulnerability of elderly IDPs. The majority of elderly IDPs in Serbia and in Montenegro have not received their full pensions for many years now, leaving many of them destitute.

Legal status and access to basic services

IDPs in Serbia and Montenegro face difficulties in accessing personal documents such as birth certificates and citizenship papers which severely limits their ability to exercise their political, social and economic rights. Complicated, time-consuming and costly procedures prevent many displaced people from obtaining the necessary documents. IDPs have been unable to file applications from their place of temporary residence, meaning that they have to travel to a dislocated registry office covering their municipality of origin to apply for and to collect the required docu-

ments. Many IDPs face difficulties in securing personal documents due to the time and costs involved, and thus have no access to state services such as education, healthcare and social welfare. Although in principle measures were undertaken to resolve access to documentation for IDPs following a change in government policy in July 2003, UNHCR reported in August 2004 that no change had occurred in practice.

Recommendations to the government of Serbia and Montenegro

- Increase dialogue with the Kosovo Provisional Institutions of Self-Government in order to improve the situation for minorities in Kosovo
- Remove obstacles that prevent IDPs from accessing personal documents and gaining access to public services and pensions

Recommendations to the Kosovo Provisional Institutions of Self-Government

- Undertake genuine and concrete actions to ensure security and freedom of movement for minority communities
- Increase dialogue with the government of Serbia and Montenegro to improve the situation of minorities in Kosovo, such as ensuring access to courts, property, personal documentation, and pensions
- Increase sustained and widespread inter-ethnic reconciliation initiatives

Recommendations to the international community

- Enhance scrutiny and reform of the responsible national and international protection forces so that minority communities are not left vulnerable due to lack of security
- Increase support to investigation and judicial mechanisms to ensure those responsible for ethnically-motivated crimes do not go unpunished

- Increase support to property claim mechanisms in order to facilitate returns
- Provide support to the reconstruction of houses, public infrastructure and cultural heritage sites

Turkey

Between 1985 and 1999, large numbers of people, mainly of Kurdish origin, were forcibly displaced from south-eastern Turkey during the armed conflict between government forces and the rebel Kurdistan Worker's Party (PKK). The Kurdish population constitutes the largest ethnic minority in Turkey. In 1984, the PKK launched attacks in south-eastern Turkey. The Turkish state responded with a violent counter-insurgency campaign, targeting both the PKK and the Kurdish rural population. Part of the state's strategy against the PKK was to employ paramilitary militia or "village guards". Village guards and their families were targets of deliberate and arbitrary killings by the PKK, while villagers who refused to join the guard often faced reprisals from Turkish security forces. Government security forces were granted exceptional powers under a State of Emergency Decree declared in ten provinces in 1987, which encompassed a heavy military presence, martial law and severe restrictions on civil and political rights enforced by a special Governor. With the arrest of PKK leader Abdullah Öcalan in June 1999 and his subsequent announcement of a unilateral cessation of armed activities by Kurdish armed groups, the level of violence in south-eastern Turkey decreased significantly.

The total number displaced during the conflict remains a controversial issue. The government maintains that 353,000 people were displaced; while some international observers and Turkish NGOs report between one and 4.5 million IDPs. Today, IDP return movements are obstructed by the village guard system, the lack of government support for return and reintegration, as well as poor socio-economic conditions in former crisis areas.

Physical security and internal displacement

Only a small percentage of IDPs have been able to return, and for most IDPs return continues to be difficult. Government authorities claim that 124,218 people returned to their villages between January 2000 and January 2003, but these figures have not been independently verified. Even if government figures on the number of IDPs and returnees are taken as accurate, the figures indicate the return of only a third of the displaced.

Despite improvements in the overall security situation, the declaration of an end to the ceasefire by the Kongra-Gel (formerly PKK) in June 2004 has augmented the security threat. Turkish human rights NGOs document ongoing human rights abuses in the south-eastern provinces. NGOs have also reported cases of displacement of villagers by Turkish village guards in the Curkurca District of Hakkari and the Cemisgezek District of Tunceli in 2003. A recent report by Human Rights Watch documents the displacement of villagers in July 2004 in the Sirnak province in the south-east.

The continued presence of village guards is the greatest obstacle to return. The government maintains some 58,000 village guards, mostly in the south-east, to control the Kongra-Gel. Village guards hinder return by setting up checkpoints, denying displaced villagers access to their fields and pastures and attacking or intimidating those attempting to return to their homes with official permission. Displaced villagers attempting to return to their homes have been murdered. Village guards have also occupied the homes and land of IDPs. Village guards and security forces are rarely convicted for these human rights abuses. Authorisation to return is often conditional on the willingness of returnees to serve as village guards.

Return movements are further hampered by the concentration of minefields in the south-eastern provinces. International human rights organisations have expressed concern following an increase in landmine accidents and allegations that the government had placed additional minefields along the Iraqi border in response to the conflict in Iraq.

Property and compensation

A further obstacle to return is administrative procedures that require IDPs to relinquish their legal right to seek compensation for their displacement. The government has required returnees to sign a document stating that they were displaced due to terrorism rather than by government actions. The forms also require the applicants to declare that they would not seek compensation from the state.

Over 1,500 applications have come before the European Court of Human Rights regarding compensation for property destruction and other human rights abuses. In July 2004, the government adopted a law on Compensation of Losses resulting from Terrorist Acts that would provide compensation to people who suffered material damage during the Emergency Rule period in 1986. There are a number of concerns about the application of the law. Human Rights Watch has pointed out that the assessment commissions responsible for evaluating compensation claims will not be composed of independent assessors, but of the same local authorities that were often responsible for the displacement in the first place. In addition, compensation under the law is limited to forced displacement within the emergency region, though displacement has occurred in other areas as well.

Critical socio-economic conditions

The European Commission describes the situation of internally displaced people as "still critical", noting that large numbers of IDPs live in "extremely poor conditions" on the periphery of cities and larger villages. IDPs face acute social and economic problems and limited access to educational and health facilities and psychosocial care. This is particularly the case for displaced women and children.

In addition, for many displaced people return is not an option due to an overall absence of basic infrastructure in former conflict areas. A mission undertaken by the Council of Europe found that the eastern and south-eastern provinces suffer from a chronic lack of social facilities and infrastructure.

Return and reintegration

Consecutive governments have done little to support returns. National authorities have long denied the role of government forces in displacement and claimed two decades of terrorism as the root cause of internal displacement. Though the authorities have launched numerous projects to enable IDPs to return, the government's return policy has been questioned by international observers over its lack of transparency, a clear strategy or adequate consultation with the displaced population and the international community.

Implementation of the "Return to Village and Rehabilitation Project", launched in 1994, has drawn criticism from international organisations on the grounds that it has progressed slowly, is ad hoc, discriminatory, and under-financed. International observers point out that the state has generally failed to financially support return, provide compensation and develop basic infrastructure in return areas.

Until recently, international and Turkish organisations working with IDPs have been deliberately excluded from government return initiatives. Turkish NGOs working with IDPs continue to face difficulties.

The government has recently initiated "dialogue" with the international community, following a mission and recommendations by the UN Representative on IDPs, Francis Deng in 2002. In early 2004, government authorities met representatives of the UN, World Bank and EU to define a framework for collaboration. While this indicates progress in the government's willingness to work with the international community, organisations such as Human Rights Watch have expressed concern that no formal and public agreement has yet materialised.

Turkey was recognised as an EU candidate in 1999. In its October 2004 assessment of the country's progress towards accession, the European Commission notes that "... serious efforts are needed to address the problems of internally displaced persons and the socio-economic development of the region in a comprehensive fashion".

Recommendations to the government

- Make a formal and public commitment to collaborate with the international community
- Clarify and disseminate a clear policy on internal displacement
- Ensure return programmes are consistent with the UN Guiding Principles on Internal Displacement
- Address the current needs of IDPs and collection of data on the nature and scale of the problem
- Establish a specialised agency dedicated to IDP return
- Disarm and abolish the village guards system
- Ensure that the Committees undertaking evaluations for compensation are independent

Turkmenistan

Little has changed in Turkmenistan since 2002 when President Saparmurat Niyazov increased Turkmenistan's international isolation by making forced relocation an official means of oppression of those he views as disloyal to his regime. With the adoption of special decrees in November 2002 and January 2003 allowing forced relocation as a punishment, internal displacement has become a serious risk to the ethnic Uzbek minority, who are seen as a security threat by the regime. A failed assassination attempt on 25 November 2002 against Niyazov has also aggravated the risk of forced relocation for political opponents and their relatives.

As a result of total state control over the media, curtailed freedom of speech, and the absence of a civil society in the country, information on the extent of internal displacement in Turkmenistan remains extremely scarce. The OSCE and the United Nations Human Rights Commission have both requested that the government of Turkmenistan put an end to displacement and give the UN Representative on IDPs access to the country. As of October 2004 this still had not taken place. Reports from Human Rights Watch suggest the situation has deteriorated in the last year, especially for ethnic and religious minorities.

Internal exile

Another decree in March 2003 was passed so that any individual believed to “disturb the tranquillity of society” can be removed to designated areas. It is planned that volunteers from the rest of the population will also be encouraged to move to these areas to achieve a “rational distribution of manpower” (UNHCR, 2004). The target population is youth from large families but if numbers of volunteers are low they, as well as refugees in the area, could face forced relocation.

Those displaced are usually housed in settlements and have no reliable access to electricity or a gas supply. There are no water pipes so water is obtained from wells or alternative sources. Communication facilities, including telephones, are forbidden for the displaced and travel is restricted.

The ethnic minorities are particularly vulnerable to pressure by the regime. Ethnic Uzbek, Kazakh, Azeri and Russian citizens experience systematic employment discrimination, and have been expelled from state institutions and replaced by ethnic Turkmen. This has caused a large number of ethnic Azeris to leave Turkmenistan. In January 2003 over 2,000 Uzbeks were removed from the border with Uzbekistan to the Balkan region, which lacks water or arable land and offers little prospect for survival.

Freedom of movement

While there is an absence of information on specific restrictions on IDPs, freedom of movement is an issue for all Turkmen citizens. Movement within the country is restricted through checkpoints and the necessity of acquiring government permission to travel. Vehicles can be stopped and documents checked, with the least action being to register the name of those under suspicion. Furthermore, the whole Dashagous region (one-fifth of the country) is named a frontier territory meaning that no one is allowed entry without special permission.

Exit visas to leave the country are no longer required, after having been formally abolished in January 2004; however there is an official list of individuals, reportedly reaching the thousands, who are banned

from leaving the country. Citizens on this list would not know until passing through border control.

Recommendations to the government

- Abolish legislation providing for the arbitrary relocation of people on political, ethnic, religious and other illegal grounds
- Begin cooperating with UN and OSCE bodies regarding IDPs
- Allow access to and assessment of IDP communities and restore their rights

Uzbekistan

In 2000 the government of Uzbekistan forcibly relocated as many as 4,000 people along the border with Tajikistan. Since then these individuals, mostly ethnic Tajiks, have been living in barren villages, receiving no help from the authorities and with no access to sources of income. The displacement was in reaction to an armed incursion by the Islamic Movement of Uzbekistan (IMU) from Tajikistan. People from several villages were relocated some 200 km away from their homes and so far there has been no permission to return.

Estimates of numbers vary widely. At the lowest end the Uzbek authorities' figure is 1,333 people, whereas the International Helsinki Federation reports between 2,500 and 4,000, and the ICRC states 3,400 people were displaced. Human Rights Watch estimates just over 4,000, saying that the number could in fact be higher because some of the displaced went to stay with families after leaving their homes and were therefore not registered in the relocation villages.

Living Conditions

People were forced out of their homes, at gunpoint, with little or no warning. Most families left a large portion of their personal belongings behind, including food supplies and livestock. Many houses were then looted and burnt by the authorities, and those

who voiced opposition were beaten. At first villagers were told the move was temporary but shortly after, they were told it was in fact permanent and have been denied permission to go home or even visit their villages.

Living conditions in the relocation villages are deplorable. There has been inadequate humanitarian assistance and protection by state authorities. Most displaced were moved to desert-like areas with little arable land, and no alternative means of employment or livelihood. Shelters have become uninhabitable, food shortages have been reported and drinking water is lacking in some places. The ICRC and Uzbekistan Red Crescent intervened, getting the authorities to improve access to drinking water and repair some houses in two relocation villages in 2002.

Fears that already scarce foreign assistance is further endangered have emerged in the wake of a resolution issued by the Uzbek government in February 2004, allowing humanitarian assistance to be taxed at the rate of 40 per cent. Foreign donors will be less likely to contribute knowing almost half is going to the government and not to those who are in need.

Displaced communities have been subjected to continued harassment by authorities. During the forced relocation villagers were arrested and charged with attempts to undermine the state. In 2001, 73 men were convicted of collaboration with IMU and given lengthy prison sentences. Trials were conducted without families allowed to be present, many of those accused claimed to have been tortured into confessing to fabricated charges, but according to Human Rights Watch, the only international observer permitted to attend the trials, this was not taken into account by the court.

Freedom of movement is limited in Uzbekistan, further blocking IDPs from accessing sources of income. The choice of residence is restricted by the propiska system, an obligatory residence permit, which is issued by local committees called mahalla. This traditional community organisation has come under the control of the state and therefore often imposes similar discrimination when issuing documentation. Human Rights Watch has reported permits being denied to those suspected of affiliation with unregistered religious groups, or issued with conditions, such as removing headscarves.

No permission to return

So far the displaced population has been unable to visit their villages of origin, despite the threat from IMU being considerably lessened since the US-led intervention of Afghanistan in 2001. Furthermore, landmines pose a huge threat should return be permitted, as thousands were planted along the borders with Tajikistan and Kyrgyzstan. In 2001 the UN Human Rights Committee recommended that compensation be paid to those displaced for the loss of property and their suffering.

Recommendations to the government

- Abolish the taxing of humanitarian assistance to halt the withdrawal of donors and aid agencies
- Cease harassment and discrimination against IDPs by police and judiciary
- Improve the living conditions of IDPs and increase their access to employment, including by respecting their freedom of movement
- Allow IDP families to return to their villages and provide for assistance and property restitution

About the Global IDP Project

The Global IDP Project, established by the Norwegian Refugee Council in 1996, is the leading international body monitoring internal displacement worldwide.

Through its work, the Geneva-based Project contributes to protecting and assisting the 25 million people around the globe, who have been displaced within their own country as a result of conflicts or human rights violations.

At the request of the United Nations, the Global IDP Project runs an online database providing comprehensive and frequently updated information and analysis on internal displacement in over 50 countries.

It also carries out training activities to enhance the capacity of local actors to respond to the needs of internally displaced people. In addition, the Project actively advocates for durable solutions to the plight of the internally displaced in line with international standards.

For more information, visit the Global IDP Project website and the database at www.idpproject.org.