

Global IDP
PROJECT

**Protecting internally displaced persons
in the OSCE area:
A neglected commitment**

OSCE Human Dimension Implementation Meeting
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Acronyms

DFID	United Kingdom Government Department for International Development
EU	European Union
IDP	Internally displaced person
GTZ	Gesellschaft für technische Zusammenarbeit
ICRC	International Committee of the Red Cross
IMU	Islamic Movement of Uzbekistan
KFOR	Kosovo Force
NGO	Non-governmental organisation
OSCE	Organisation for Security and Cooperation in Europe
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugee

Foreword

The Norwegian Refugee Council (NRC) is pleased to be able to present, for the second time, a comprehensive overview of the situation of internally displaced persons in the OSCE region to the Human Dimension Implementation Meeting. The report was compiled by the NRC's Geneva-based Global IDP Project, the leading international body monitoring IDP situations worldwide, in cooperation with NRC field offices.

This overview clearly shows that internal displacement still is a major concern in the OSCE area. Three million people who were forced to leave their homes as a result of armed conflicts or human rights violations still wait for durable solutions to their plight. Many of them live in utter destitution and have no prospect to return in the near future as there is little hope that the conflicts that caused their displacement can be settled any time soon. Internal displacement is a grave humanitarian and human rights problem,

and it is a serious threat to security because it creates or perpetuates instability in the countries affected and the region as a whole.

Despite the scope of the IDP crisis in the OSCE area, international attention to the situation of internally displaced persons has been decreasing continuously, both in terms of policy priorities and funding. In view of this alarming trend, the OSCE, an organisation that is already dealing with the issue in a number of countries, could make more use of its potential as a key regional player with a unique mandate and a strong presence on the ground to address internal displacement in a more coherent and systematic manner.

We hope that this overview will contribute to refocusing attention to one of the most serious human dimension concerns in the OSCE region.

Raymond Johansen
Secretary General
Norwegian Refugee Council

Introduction

Repeatedly, the participating States of the Organisation for Security and Cooperation in Europe (OSCE) have expressed their concern over the plight of refugees and displaced persons. They have also committed themselves to facilitate the voluntary return, in safety and dignity, of refugees and internally displaced persons, and to pursue reintegration in their places of origin without discrimination, according to international standards.¹ The reality on the ground, however, is rather different.

Even though the number of internally displaced persons (IDPs) has decreased in recent years, safe and voluntary return has remained the exception throughout the region. Three million persons are still internally displaced in the OSCE area as a result of armed conflicts, generalised violence or other human rights violations. The majority of them continues to live in destitution and does not enjoy the full scope of rights granted to other citizens in their country. The region covered by the OSCE hosts about 12 per cent of the world's IDPs. Out of 55 OSCE participating States, 13 are affected by this large-scale human crisis. But in the absence of solutions to the conflicts which caused their displacement, and with international attention shifting towards emergency situations elsewhere, IDPs in the OSCE region are increasingly at risk of being ignored by their own governments and forgotten by the international community. The OSCE, an organisation already dealing with IDPs on an ad-hoc basis, would be in a unique position to address the issue in a more coherent and systematic manner.

A misleading decrease

The total number of IDPs in the region has slowly decreased in the recent years. Since 2001, when the Norwegian Refugee Council presented its last report on internal displacement to the OSCE Human Dimension Implementation Meeting, the number has dropped by 20 per cent, from 3,7 million to 3 million. This decrease is partly due to the settlement, in 2001, of the conflict in Macedonia, which had sparked the latest large-scale displacement crisis in Europe. Return figures have also increased elsewhere, including Bosnia and Herzegovina and Chechnya.

The decrease of Europe's IDP population, however, does not always reflect the implementation of durable solutions for the victims of forced displacement. In Croatia and Bosnia and Herzegovina, for example, there have been significant rates of return since 1999. But economic depression or discriminatory practices against minority groups mean that many returnees face difficult conditions on returning to their original homes. Continued monitoring efforts by human rights organisations are therefore needed to ensure security for returning ethnic minorities.

In the Russian Federation, human rights observers are concerned that the return of many IDPs to war-plagued Chechnya has not been voluntary. Furthermore, violence continues to generate new displacement in a number of countries, such as the Russian Federation, where the Chechnya conflict often leaves civilians no choice but to flee, at least temporarily, from their homes. In

¹ Lisbon Summit Declaration, 1996, par. 10; Istanbul Charter for European Security, par. 22.

Turkmenistan, following the adoption of decrees providing for the arbitrary relocation of “anti-social” groups in November 2002 and January 2003, the government decided to forcibly resettle 2,000 ethnic Uzbeks, as well as an unknown number of dissidents, relatives of critics of the regime, and other groups.

Protracted displacement

As a whole, the return of IDPs to their places of origin remains the exception in the OSCE area. In eight out of the 13 affected countries, the prospects for any return in the near future are extremely small. Hostages of “frozen conflicts”, IDPs in Azerbaijan, Cyprus, Georgia and Moldova are likely to be prevented from going back to their homes for many more years. In Serbia and Montenegro, the return of Serb Kosovars is on the political agenda of the UN administration in Kosovo, but the reality on the ground does not yet allow for any significant return.

Resettlement and integration of IDPs in other areas within their country is a solution rarely implemented. Several governments have long preferred to deter IDPs from this option, as a way of supporting their own sovereignty claims on secessionist or occupied territories. At the same time, as the case of Cyprus shows, displaced communities may be unwilling to renounce their identity of “displaced persons” as long as they remain unable to return home and recover their lost property.

Despair and destitution

While waiting for durable solutions, IDPs mostly live in squalid conditions, packed into sub-standard shelters, with poor access to water and other utilities, and with very little possibility to generate income. As a result, their physical and mental health deteriorates, and reports show they suffer from nutritional deficiencies, epidemics, and so-

cial marginalisation. In some countries, discriminatory practices and policies have made IDPs second-class citizens, with restrictions impeding their voting rights, access to documentation, freedom of movement, and access to public services. With the exception of Cyprus, national authorities in charge of IDPs have been largely unable or unwilling to fulfil their responsibilities towards these communities.

Improved international response

Since the early 1990s, the international community has come a long way in dealing with the crisis of internal displacement. The appointment of the Representative of the UN Secretary-General on IDPs, Dr. Francis Deng, in 1992 has been the starting point of a decade of significant progress. In 1998, the Representative released the Guiding Principles on Internal Displacement, which since then have been recognised by governments, international organisations and NGOs as the authoritative tool for enhancing the protection of IDPs. On the ground, efforts have also been undertaken to improve the operational response of the international humanitarian community to the plight of IDPs, through the promotion of a “collaborative approach” between all relevant actors.

In the OSCE region, the involvement of the international community has proved decisive for the protection of IDPs. In south-eastern Europe, the return of IDPs and refugees in Bosnia and Herzegovina and Croatia has been largely seen as the result of the strong pressure exerted on local actors by the international community through inter-governmental organisations, such as the UNHCR, OSCE and other international institutions.

Ad-hoc OSCE involvement

There are wide discrepancies in the level of attention given to the protection and assis-

tance needs of IDPs, and the OSCE is no exception to this global pattern. Only two out of the eleven OSCE field operations located in countries affected by internal displacement have IDP issues specifically mentioned in their mandate (see map). Other field missions, for example in Bosnia and Herzegovina or Kosovo, have put much effort into IDP issues although IDPs are not specifically included in their mandate. The smaller field operations in the Caucasus have also interpreted their mandate broadly and have occasionally focused on IDPs in some of their activities. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) runs some programmes aimed at developing legal frameworks to protect the rights of IDPs. Despite all these efforts, OSCE activities related to internally displaced persons remain largely ad-hoc and inconsistent. For example, there are two countries in the region, which have major situations of displacement, Turkey and the Russian Federation. Yet the OSCE is not active in either of them at all, mainly because of political obstruction from the governments concerned.

Emerging gaps

With the exception of the Russian Federation, the immediate emergency phase is over in all situations of internal displacement in the OSCE region. Governments have progressively modified their approach to the problem of IDPs, moving away from humanitarian assistance and mainstreaming their response to protection and assistance needs of IDPs into development strategies and poverty reduction plans. In several countries, this means the phasing out of direct assistance to IDPs, as it is expected that IDPs will take advantage of the benefits provided by the regular social welfare system as other citizens do, based on socio-economic criteria.

Although this development strengthens the integration of IDPs into existing social structures and normalises their situation as citizens, it also creates the risk that their special needs are ignored. A considerable portion of the IDP population continues to live in collective centres, have no land to cultivate, no access to other income-generating activities, and face discrimination in gaining access to public services. Moreover, their right to return home remains unfulfilled. Thus, there is still a strong need for national authorities to devote resources, expertise and political will to address the specific vulnerability of IDPs.

In this delicate transition period for IDPs, a process of shifting responsibility for IDPs among international agencies has also been going on. Humanitarian agencies have reduced their activities on behalf of IDPs, as they expect development actors to step in and provide long-term responses. In particular, IDPs have progressively lost some of the attention given to them by one of their main advocates, the United Nations High Commissioner for Refugees. IDPs have been of concern to the UN refugee agency in eight of the 13 situations of internal displacement in the region. But the UNHCR's provision of assistance and protection to IDPs in the region has decreased in all countries during recent years. This has also affected the expertise and capacity support provided to national authorities with regard to the protection of IDPs in several countries.

A stronger role for the OSCE

The protracted displacement crises in the region and the related risks of gaps between shifting mandates and resources requires the vigilance of all relevant actors in the international humanitarian and human rights community. Due to the Organisation's extensive field presence and its multi-dimensional and co-operative approach, the OSCE is in a unique position to assist governments and

civil society in developing and implementing durable responses to the plight of IDPs. The OSCE should therefore consider putting its efforts into addressing this issue on a more coherent and systematic basis and contributing more actively in the collaborative response of the international community. Following the example of other regional organisations, participating States should consider incorporating the UN Guiding Principles on IDPs in the OSCE's normative framework.

About this report

This report contains a brief country-by-country overview of current protection problems affecting IDPs. It is based on information drawn from the Global IDP Database of the Norwegian Refugee Council (NRC) or collected by the NRC's field missions in the region. The Global IDP Database has been monitoring all situations of conflict-induced displacement since 1998. It collects, compiles and disseminates public information available relating to the protection needs of IDPs, as identified in the Guiding Principles on Internal Displacement. Through its humanitarian activities in seven of the 13 situations of internal displacement², the NRC has also become one of the best-informed monitors of the situation facing IDPs and refugees in the region. The NRC implements programmes of shelter, education, and legal assistance and counselling for displaced persons in the region. These activities have given the organisation a unique insight into problems encountered by IDPs in their daily life.

² Armenia, Azerbaijan, Bosnia and Herzegovina, Croatia, Georgia, Former Yugoslav Republic of Macedonia, and Serbia and Montenegro (including Kosovo)

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 NRC. The country sections end with recommendations to the national authorities and/or the de facto authorities which are in charge of the internally displaced population.

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 3³. In line with the approach advocated by the Representative of the UN Secretary General 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.

Recommendations to de facto authorities that have not been recognised by, or established under, the auspices of the United Nations do not imply any recognition on the part of the NRC but aim to highlight the obligations of non-state actors towards internally displaced persons who have settled in areas under their de facto control. Recommendations have also been made to international authorities in Bosnia and Herzegovina and in Kosovo, which have been mandated by the international community to supervise the administration of these territories for a transitional period.

³ 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.”

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.

With this report, the NRC wishes to contribute to raising the attention of OSCE participating States to the size and scope of this human crisis. It is the responsibility of states – as donors, asylum countries, providers of peace-keeping troops, and as members of a regional community committed to upholding the rights of every individual – to contribute to finding durable solutions to this crisis.

Country overviews

ARMENIA

During the conflict with neighbouring Azerbaijan in 1991-1993, many residents of several small villages along the Armenian-Azerbaijani border left their homes due to the fighting that took place in these areas. Most displaced persons have returned spontaneously in the meantime, but it is estimated that approximately 18,000 Armenians still have not gone back to their homes, largely for social and economic reasons.

While there is no official definition of these displaced persons, nor do specific legal mechanisms exist to address the specific situation of returnees and those still displaced, the government has identified reconstruction and rehabilitation needs in return areas in a report on 'Post-conflict rehabilitation of the bordering territories of the Republic of Armenia'. Together with the Norwegian Refugee Council, the government has also launched an in-depth survey of the situation of IDPs in the country. Lack of funds has been identified as being the most important obstacle for the return of the

vast majority of Armenia's IDPs. Only very few projects supporting IDP return have been realised during the past years, among them activities carried out by UNDP, DFID and GTZ. However, on the basis of the above-mentioned studies, the government should be in a better position to plan and attract support for a programme of addressing the needs of IDPs and returnees in Armenia.

Recommendations to the government

- Actively pursue stabilising activities along the Armenian-Azerbaijani border in order to improve the security situation in return areas
- Continue efforts to map the needs of IDPs and returnees, including through the IDP survey currently being conducted, with the goal of creating a realistic plan of action
- Provide funding from the state budget and actively identify financial resources from other donors to address the needs of IDPs and returnees and implement a plan of action

AZERBAIJAN

The large number of internally displaced persons in Azerbaijan has been the most visible sign of the unsettled conflict between Armenia and Azerbaijan over Nagorno-Karabakh. Almost 10 years after the 1994 ceasefire agreement, more than 575,000 persons displaced from Nagorno-Karabakh and surrounding districts under Armenian occupation continue to live in very precarious conditions.

Poor housing conditions

The vast majority of IDPs live in substandard shelters, such as tented camps, makeshift huts, uncompleted buildings and railway wagons. These temporary shelters offer inadequate protection from rain and extreme temperatures in winter and summer. Other displaced households live in public buildings, such as schools and tourist or health facilities. They rarely have at their disposal more than one room per family, with no proper kitchen installation, hazardous electrical wiring, sporadic water supply and insufficient sanitation facilities.

Above-average poverty

Compared to the rest of the population, IDPs remain significantly more vulnerable to poverty. Unemployment among the displaced is extremely high; only 20 percent are employed and earn regular wages. The allocation of land to IDPs has been insufficient to relieve them from food aid dependency. A significant number of displaced persons have left rural settlements and moved to urban areas, where the poorest segment of the IDP population concentrates. There, IDPs face difficulties to find jobs on the labour market, as they have no access to information on vacancies and lack the skills in demand in cities. As a result, 63 percent of the displaced population live below the poverty line, com-

pared to 49 percent among the total population. School attendance of displaced children, particularly among girls, has been falling during the past decade, as parents cannot afford school expenses.

More government attention needed

In recent years, the displaced population has received more attention from the government. In 2001 and again in 2002, the president adopted several decrees ordering the State Oil Fund to provide funds to improve shelter and socio-economic conditions for IDPs through the State Committee for Refugees and IDPs. In rural areas, the government has undertaken the construction of 5,000 houses to eradicate the most squalid camps and create more durable shelter options for IDPs. The state retains the ownership of these houses, but the government has indicated that the houses may be given to those who wish to stay once return becomes possible. With the support of the International Monetary Fund and the World Bank, the government has released a National Poverty Reduction Strategy, which specifically targets IDPs among other vulnerable groups.

IDPs receive substantial social assistance from the government, but more could be done to normalise their status. In addition to food assistance from various international organisations, the government grants a monthly food subsidy of 25,000 AZM (5,20 US\$) per person. A decree of 2001 also substitutes various privileges previously granted to IDPs, such as tax exemption or free public utilities, with the payment of minimum social benefits. This is seen as a step forward, bringing the IDP regime closer to other social vulnerable groups.

Without prejudice to the right to return, there is nevertheless a widespread recognition among the international humanitarian community that more should be done to support the self-reliance capacity of the displaced community, through the development of income-generating activities or commu-

nity mobilisation. Furthermore, IDPs continue to face discriminatory policies and regulations, such as the obligation to register both in their area of original residence (in exile) and in their current residence in order to get access to various social services, or the de-facto impossibility for them to register as residents in urban areas.

Despite the vast needs on the ground, the international community has been progressively reducing its attention to IDPs. Lack of donor support has been a problem, for instance obliging UNHCR to cut much of needed support to urban IDPs at the end of 2002. It is also unclear whether the financial support by international donors for the National Poverty Reduction Strategy will be sufficient to meet the objectives defined for 2005.

Recommendations to the government

- Continue to improve living conditions of IDPs, particularly in urban areas, through the creation of more housing options, such as the construction of individual houses and the inclusion of IDPs in the process of privatisation of accommodation capacities
- Support the development of micro-credit schemes and community mobilisation projects among IDP communities
- Remove all legal provisions and end practices which are discriminatory against IDPs, in particular with regard to access to social services and free choice of residence

BOSNIA AND HERZEGOVINA

Despite continuous return since 1999, more than 350,000 persons remain displaced and in need of durable solutions in Bosnia and Herzegovina. Most IDPs were displaced during the war between 1993 and 1995, while some were forced to leave their home after the cessation of armed hostilities in 1995. Some of the current IDPs are refugees who returned to Bosnia and Herzegovina but were unable to move back into their pre-war homes. There are several reasons for the protracted displacement in the country, but the main obstacle to return has become lack of access to housing.

Diminishing funds for reconstruction

The limited availability of housing is often caused by a lack of adequate reconstruction programmes for war-affected areas. Donor fatigue for reconstruction has set in just at a time when the return of internally displaced persons is occurring in more significant numbers as a result of the partial removal of legal obstacles to return and the improved security climate. Premature discontinuation of reconstruction aid by international donors is thus threatening to cement the ethnic cleansing that resulted from the armed conflict.

In addition to scarce housing, returnees often struggle to re-establish their lives in a sustainable way, as their access to employment, health care, utilities and education in return areas generally remains very limited.

Security concerns

The security situation in return areas has improved markedly over the last years. This is reflected in high return rates, including

many returns to minority areas. However, as a UNHCR report of July 2003 points out, there are still large numbers of IDPs for whom safe return remains problematic. In 2002, some 430 return-related security incidents were recorded; another 155 during the first five months of 2003, including several fatal incidents caused by the explosion of booby traps and landmines.

Remaining legal obstacles

IDP return is also still hampered by remaining legal obstacles such as the deadline established by the High Representative for claiming occupancy rights, i.e. the lifelong right to use a specific apartment. There have been numerous cases where individuals have failed to properly apply for occupancy rights within the required timeframe, often for compelling reasons. The High Representative should consider eliminating this deadline. In treating occupancy rights differently from claiming private property, for which no such deadline exists, the current legislation appears to contravene a ruling by the Human Rights Chamber of Bosnia and Herzegovina, which confirmed that occupancy rights are possessions within the meaning of Article 1, Protocol 1 of the European Convention on Human Rights (*M.J. v. Republika Srpska*, (1999) 6 IHRR 590).

Croatian Serb refugees block IDP return

In the Republika Srpska, one of Bosnia and Herzegovina's two entities, many houses and apartments belonging to Bosnian IDPs are still occupied by Serbian refugees from Croatia who have not been able to return to their homes in the neighbouring country. Currently, there are some 23,500 Croatian Serb refugees registered in Bosnia and Herzegovina, close to 20,000 in Banja Luka, some 3,000 in the Bijelina area and the remainder scattered around Republika Srpska.

Recommendations to the government

- Ensure adequate level of funding for reconstruction programmes for both minority and majority return areas
- Address the issue of right to housing of citizens who have lost their homes during the war, and of refugees who cannot return to their place of origin
- Amend the property laws for both entities to treat occupancy rights in a manner consistent with the relevant ruling of the Human Rights Chambers

Recommendations to the international community

- Swiftly transfer responsibility of return-related issues to the government of Bosnia and Herzegovina, while providing continued support to the institutions responsible

CROATIA

In Croatia, 15,800 persons were internally displaced as of July 2003, according to official figures. Of those, 3,300 IDPs of Serb ethnicity await return to the Danube region. About 7,000 persons live in collective centres. Since 1995, more than 200,000 displaced persons and refugees have returned to their homes in Croatia. However, in addition to the small population still displaced within Croatia, there remain more than 200,000 refugees who have still been unable to return to Croatia, eight years after the cessation of the armed conflict.

Slow pace of return

The very slow pace of return of non-ethnic Croatian IDPs and refugees results from a series of legal and administrative obstacles that the Croatian government and the relevant local authorities have been reluctant to remove. This obstructionist attitude on the ground contrasts with official commitments made by the Croatian government to supporting the return of IDPs and refugees.

Assistance for reconstruction

While there are possibilities for IDPs to receive assistance for the reconstruction of war-damaged properties, the processing of applications by the relevant authorities has been extremely slow. As a result, an increasing number of applicants consider giving up return in the absence of any response regarding the status of their request.

Occupied properties

The recovery of occupied properties is largely stalled, as Croatian law favours temporary occupants and provides that alternative accommodation has to be found for the previous owners. In the rare case of an eviction order, there is a lack of enforcement against temporary occupants refusing to move out. Sometimes properties are looted

or destroyed before being given back to the owner. Hopes for the recovery of property seem so slim that many pre-war owners have sold their houses well beyond market value to the state-owned real estate agency, as a last chance to recuperate at least a small portion of their previous property.

Pattern of discrimination

Return is also hampered by a clear pattern of discrimination against non-Croat minorities. Almost all ethnic Croats have been able to go back to their pre-war domiciles and they have been given quicker assistance than displaced ethnic Serbs. The remaining IDPs of Croat ethnicity appear to have chosen not to return, largely for economic reasons.

The international community, mainly through UNHCR, the OSCE and the European Union, has consistently pressured the Croatian government to allow IDPs and refugees to return to their homes. In the framework of Croatia's pledge for membership in the EU, the European Commission has recently sent the government a questionnaire which includes questions on the issue of return.

Recommendations to the government

- Speed up the processing of applications for reconstruction and provide adequate funding to reconstruction programmes
- Implement existing legislation regarding return of occupied properties, in particular the Law on Areas of Special State Concern as amended in July 2003
- Remove remaining legal and administrative obstacles to enable IDPs and refugees to return
- Combat discrimination against ethnic minorities in return areas

CYPRUS

Despite the failure of UN talks on the settlement of the Cyprus problem, positive developments on the ground have demonstrated the will of both communities to end the island's division. However, much remains to be done to put an end to the violation of property rights of more than 200,000 persons who were displaced by the communal violence in the 1960s and the Turkish occupation of the northern part of the island in 1974.

Failed peace plan

Almost four years of UN-sponsored negotiations between the (Greek) Cypriot government and the leadership of the Turkish Cypriot northern part of the island collapsed in March 2003, after the Turkish Cypriot side refused to continue the talks. In an apparent attempt to defuse public pressure in favour of joining the European Union as part of a reunified island, the Turkish Cypriot leadership eased border restrictions in April 2003, enabling thousands of Cypriots from both communities to cross the "green line" dividing the island for the first time in three decades.

Unsolved property claims

Despite the improved climate between both parties, a comprehensive settlement of the property claims of the displaced population is still lacking. The failed UN peace plan contained a comprehensive set of provisions regarding the settlement of property claims of displaced persons and the gradual restoration of their right to residence. The plan foresaw a balanced solution taking into account both the rights of dispossessed owners – in line with international standards developed recently by the international community in the former Yugoslavia – and the rights of current users.

A new 'Law on Compensation for Immovable Properties', adopted in June 2003 by the Turkish Cypriot leadership, addresses the issue by giving preference to financial compensation over restitution.

In two judgments adopted in July 2003, the European Court of Human Rights in Strasbourg confirmed its conclusions reached in the *Loizidou v. Turkey* (1996) and *Cyprus v. Turkey* (2001) cases. The Court confirmed that property titles issued before 1974 remained valid and held Turkey responsible for the violation of the right of displaced Greek Cypriots to return to their homes and enjoy their property. Thousands of similar cases are pending before the court.

Minorities in enclaves

More than 500 Greek Cypriots and Maronites continue to live in enclaves in northern Cyprus. According to a recent report of the Council of Europe, "the Turkish Cypriot authorities maintain a deliberate policy of confining and isolating members of these communities, and making their living conditions so difficult that they are forced to leave".

Recommendations to the government of Cyprus, the Turkish Cypriot authorities and the government of Turkey

- Seek a settlement for the property claims of displaced Greek Cypriots, which respects individual property rights and the right to free choice of residence, in line with standards developed by the international community

Recommendations to the Turkish Cypriot authorities and Turkey

- Lift restrictions to the movements and property rights of the Greek Cypriot and Maronite minorities still residing in northern Cyprus, and end all other discriminatory treatment and intimidation of these communities

GEORGIA

The overwhelming majority of Georgia's over 260,000 IDPs was forced to leave Abkhazia during the 13-month armed conflict which followed Abkhazia's declaration of independence in 1992 and resulted in the loss of control by the Georgian government over the secessionist, internationally not recognised republic. With a final settlement of the conflict still pending, there has been little prospect for the return of the displaced persons. In fact, the number of displaced persons in Georgia is growing as a new generation is starting families and non-IDPs have acquired IDP status through marriage.

In 1994 a peace agreement led to the deployment of a CIS peacekeeping force and the UN Military Observer Mission in Georgia. An agreement on return was signed by the Georgian and Abkhaz sides together with the Russian Federation and the UN High Commissioner for Refugees. Violence flared up again in 1998, however, resulting in the renewed displacement of around 30,000 persons who had returned to Abkhazia.

Due to continued political deadlock since 1998 and the lack of security there is little or no permanent return to Abkhazia. The vast majority of the displaced population has never been able to revisit their places of origin. They are accommodated in collective centres (former schools, hostels and hotels) in dire conditions dependant on financial support from the state. The wish to return is still strong among the IDPs, even ten years after displacement.

Seasonal return to Gali district

There is some seasonal return to the Gali region, in eastern Abkhazia bordering Georgia proper, and it is assumed that

currently some 35,000-40,000 Georgians live there more or less permanently. The de facto Abkhaz authorities, however, have little or no control in the areas of return and the Georgian population is subject to kidnappings, killings, robbery and harassment. Although it appears to be partisans or criminals who present the greatest threat to the Gali population, the Abkhaz authorities have apparently no interest or no capacity to maintain law and order. Furthermore, the authorities reject any discussion on the political status of Abkhazia and there are few indications that the situation will be resolved in the near future.

Integration of IDPs

The Georgian authorities, considering return to be the only viable solution, have been reluctant to address properly the needs of the IDP population and the issue of temporary integration. Maintaining a high number of IDPs also serves the purpose of reinforcing the government's territorial claim on Abkhazia. As Georgian citizens, the IDPs in principle enjoy the same rights as the non-IDP population, and in some areas they are awarded additional rights and benefits. However, they are rarely informed about their rights by the relevant state authorities, and corruption often prevents them from receiving the financial benefits they are entitled to.

The most precarious problem for IDPs is their dire living conditions in dilapidated buildings not suitable for residential purposes. There are very few donors who focus on the issue of resolving the accommodation needs of the growing IDP population.

In order to strengthen self-reliance of IDPs, several UN agencies and the World Bank have initiated a 'New Approach to IDP Assistance' and set up a fund, but few

projects have been awarded funding as yet and, despite promises, no additional money has been pledged by donors to expand the fund.

Displacement from South Ossetia

Around 30,000 IDPs fled from South Ossetia during the armed conflict that followed the region's declaration of autonomy in 1989. A ceasefire agreement was signed in 1992, followed by the deployment of a joint Russian, Ossetian and Georgian peacekeeping force. While there has been progress towards a peaceful settlement of the conflict through mechanisms facilitated by the OSCE, most IDPs remain reluctant to return to South Ossetia due to dire economic conditions and the lack of basic services. There remains much need for rehabilitation and development work in the region.

Recommendations to the government

- Clearly delineate the right to return from the legal status as IDP to dispel fears of losing the right to return and promote temporary integration
- Allow for permanent residency for IDPs in Georgia proper without this leading to the loss of IDP status and related benefits
- Clearly state the right of IDPs to vote and be elected in all elections by revising current ambiguous legislation
- Improve housing conditions, particularly by renovating collective centres
- Improve the knowledge of IDP rights and benefits among state officials and internally displaced persons

Recommendations to the authorities in Abkhazia

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

FORMER YUGOSLAV REPUBLIC OF MACEDONIA

The fighting between ethnic Albanian armed groups and Macedonian security forces between February and August 2001 resulted in the displacement of 170,000 persons, including some 74,000 internally displaced persons. After the peace agreement signed in August 2001, most IDPs were quickly reintegrated in their places of origin, but destroyed or damaged houses and security concerns still prevent some IDPs from returning to their homes. As of 1 August 2003, there were some 3300 registered IDPs in Macedonia: 44 percent ethnic Albanians, 38 percent Slav Macedonians, as well as ethnic Serbs, Roma and others.

Security is the main obstacle to return for 57 percent of the displaced population. Real or perceived fear for personal security affects primarily those from ethnic mixed villages and particularly those associated with the conflict. In some villages, displaced ethnic Albanians are concerned over nearby army presences. In some parts of the country, a general sense of insecurity persists after dark, as a result of the presence of armed groups and organised crime units. Lack of security is the likely motive behind reported cases of displaced Slav Macedonians selling their houses to ethnic Albanians at prices below market value.

The return of IDPs is also hampered by the destruction or damaging of their houses, a primary concern for 43 percent of the remaining IDPs. There have been reports of persistent vandalism of empty Slav Macedonian homes, both repaired and damaged ones. Although funding for reconstruction of houses is secured from the Dutch, Italian, German and Austrian governments as well as from the European Agency for Reconstruction, the reconstruction process has not been completed for most of the current IDPs. The government has failed to provide sufficient incentive for return in the form of social assistance.

Recommendations to the government

- Strengthen the presence and pro-active patrolling of ethnically mixed police in multi-ethnic villages
- Remove army presences in ethnic Albanian villages, where such presences are creating tensions, and replace the army by police
- Grant meaningful material incentives to encourage return to safe areas
- Encourage the active involvement of local authorities in inter-ethnic dialogue meetings and other activities related to community-building and reintegration of returnees

MOLDOVA

The armed conflict between Moldovan government forces and secessionist armed groups in the Transdnestrian region along the eastern border with Ukraine displaced up to 130,000 persons, 51,000 of them within Moldova. Following the ceasefire signed in July 1992, most displaced persons returned home. According to the Moldovan government, up to 25,000 persons are still displaced outside Transdnestria, although an unknown number of IDPs is believed to have resettled durably elsewhere in the country. 1,000 internally displaced persons in Moldova remained of concern to the UNHCR as of early 2003.

Most measures taken by the government targeted the households displaced before or during the 1992 armed conflict, while persons displaced from the Transdnestrian region after the ceasefire have been largely ignored. The Republican Committee created in 1992 to deal with the displacement crisis was dissolved in 1995. Since then, there has been no legal framework providing for special protection of IDPs nor any plan for emergency preparedness in case of new displacement crises. The registration of IDPs has also been disrupted, explaining the absence of reliable statistics. However, the creation of a focal point for IDPs in the Ministry for Reintegration in December 2002 signals the government's intention to support durable solutions for these populations.

Although freedom of movement between Moldova proper and the Transdnestrian region has been restored generally, conditions for the return of ethnic Moldovans to the Transdnestrian region continue to be difficult. Schools providing education in the Latin script for this community have been constantly under pressure from the

Transdnestrian authorities. Parents who send their children to these schools lose their jobs in enterprises and institutions run by the Transdnestrian authorities. Children are discriminated against, as neither the Transdnestrian authorities nor the Moldovan government provide material support for these schools. There are also reports that "abandoned" properties in the Transdnestrian region have been re-allocated by the secessionist authorities to newly arrived Russian citizens. Property destruction has prevented an unspecified number of households to return home.

Recommendations to the government

- Ensure that any settlement of the conflict with the Transdnestrian authorities upholds the right of the displaced persons to return to their homes in the Transdnestrian region, in particular through the resolution of outstanding housing and property problems
- Support the integration of the remaining IDPs in Moldova through the provision of housing and socio-economic assistance, in cooperation with international agencies

Recommendations to the authorities in the Transdnestrian region

- Ensure that the rights of the ethnic Moldovan population in the Transdnestrian region are respected, in particular with regard to the use of the Moldovan language in the Latin script in schools
- Protect properties of displaced persons who have not yet returned against illegal occupation

RUSSIAN FEDERATION

According to data compiled from the federal government and international agencies, an estimated 290,000 persons remain internally displaced in the Russian Federation as of August 2003. The vast majority has been displaced as a result of the current armed hostilities in Chechnya, which uprooted up to 600,000 civilians at the height of the conflict at the end of 1999. Throughout this conflict, both federal forces and the rebel Chechen armed groups have blatantly ignored their obligations towards the civilian population under international law: disappearances, arbitrary arrest and detention, torture, rape, indiscriminate attacks and disproportionate use of force have left residents in Chechnya no other choice but to leave their homes and find safety elsewhere, primarily in neighbouring Ingushetia.

Forced return

The humanitarian community is concerned about the decrease in the number of IDPs in Ingushetia, which – to a large extent – is due to measures by the federal authorities to pressure displaced persons to return to Chechnya despite the prevailing lack of security in the republic. In 2002, the closure of IDP camps was suspended or postponed only after strong protests from human rights NGOs and international humanitarian agencies. However, the intention of federal authorities to accelerate the return of IDPs to Chechnya appears to have remained unchanged. In June 2003, local officials announced plans to close all IDP camps in Ingushetia by the beginning of October 2003.

Federal authorities have used pressure and intimidation to induce IDPs to return to Chechnya. Since April 2001, IDPs newly arrived from Chechnya have not been registered by the federal migration services in

Ingushetia. In 2003, authorities have also de-registered several hundred IDPs, particularly those staying in temporary settlements, from state distribution lists. The suspension of government subsidies for gas, electricity and food has driven house owners to evict many of these IDP. There are also reports about an increase in abusive security operations in Ingushetia, with sweep operations conducted in camps and IDPs arbitrarily arrested and detained by Russian forces. The Russian NGO “Memorial” reported that about 20 displaced persons snatched during such operations in June and July 2003 were still missing. In August 2003, UNHCR protested publicly against “the aggressive and unacceptable manner in which IDPs from the camps were treated”, as residents of the Bella camp had been evicted and moved several times to other substandard shelters. Federal and Ingush authorities have obstructed the provision of alternative shelters to IDPs evicted from their camps.

Insecurity in Chechnya

A survey conducted by Médecins Sans Frontières in early 2003 confirmed that 98 percent of the Chechen IDPs in camps did not want to return to Chechnya, mainly because of fear for their life. Since the beginning of 2003, violence from both parties against civilians in Chechnya has escalated significantly, even after the constitutional referendum held in March. In June 2003, rebel forces caused 49 casualties in less than 20 days, through suicide attacks, landmine explosions, and ambushes on government officials. Although federal security forces have ended large-scale sweep operations, more targeted raids still claim an increasing number of disappearances. Measures adopted by the federal military and the prosecutor general to limit abuses by security personnel during those raids through increasing transparency and civilian presence have had little effect to reduce the violence. Furthermore, security forces continue to enjoy de facto impunity as only a very

low proportion of cases have resulted in judicial proceedings and sentences.

A decade of armed violence has left Chechnya in a state of devastation which severely affects living conditions of residents, displaced persons and returnees. Humanitarian organisations report serious health risks among the population, linked to malnutrition, poor hygiene and shelter conditions, as well as high levels of psychological stress. High rates of tuberculosis, hepatitis A, HIV cases, mental disorders and injuries caused by landmines and unexploded ordnance are among the most serious problems on the ground. There is a lack of space in collective accommodation centres for returning IDPs in Chechnya, while available buildings often have no heating, electricity, and water. The governmental rehabilitation plan for Chechnya is still at an embryonic stage, a situation aggravated by reported diversion of federal funds. On 4 July 2003, the federal government adopted a decree providing for the payment of compensation for conflict-related property losses and damages, to be implemented before the end of 2003, but no clear provisions were made on how applications would be processed.

Discrimination

Displaced Chechens are often faced with discriminatory treatment by the federal authorities. The vast majority of the persons displaced by the current conflict have been denied the status of “forced migrant”, which authorities have refused to grant to persons exposed to violence perpetrated by federal security forces in Chechnya. This status was created by law in 1993 to facilitate the integration of displaced persons in their new place of residence.

Since the beginning of the current conflict in 1999, displaced Chechens have also been hampered to seek safety outside Ingushetia and Chechnya as a result of discriminatory policy and practices implemented by authorities in other regions of the Russian Fed-

eration. Chechens have been denied registration as residents in several regions and in Moscow. Deprived of any status and residence permits, Chechen IDPs have been exposed to harassment from police forces and have not been able to exercise their social and civil rights, such as access to legal employment, health care and education.

Difficult access to IDPs

Humanitarian access to the displaced population in Ingushetia and Chechnya has been of serious concern to the international community. Although humanitarian organisations have generally received the authorisation to work in Chechnya and Ingushetia, the high risk of abductions and assaults has remained a critical impediment to their work in the area. Human rights institutions have also faced serious constraints to their monitoring activities in the region. Since 1999, Human Rights Watch has been denied access to Chechnya, while local human rights advocates have been exposed to harassment from the authorities. The mandate of the OSCE Assistance Group in Chechnya, which contributed to the monitoring of human rights and the rule of law, was terminated in December 2002, while the deteriorating security situation forced experts from the Council of Europe to leave Chechnya in April 2003.

In a positive development, the federal government invited the UN Representative on IDPs to visit the Russian Federation, including the northern Caucasus in September 2003. However, the experience of UN agencies has shown that official commitments made by the authorities have often failed to translate into any significant change of attitudes on the ground.

Displacement in North Ossetia

In October 2002, the presidents of North Ossetia and Ingushetia signed a cooperation agreement committing both sides to acceler-

ate the repatriation of the ethnic Ingush displaced to North Ossetia. In 1992, the Republic of Ingushetia faced an influx of several thousand displaced persons from neighbouring North Ossetia, as a result of communal violence in the district of Prigorodny, an area disputed between Ingush and Ossetians. More than half of the 35,000 Ingush displaced persons have been able to return to North Ossetia, although problems with their re-registration in their place of former residence have been reported. The rest of the Ingush displaced population is still awaiting return in Ingushetia or is likely to settle in Ingushetia permanently.

Recommendations to the government

- Cease all pressure on internally displaced persons in Ingushetia to return to Chechnya, safeguarding Ingushetia as a safe haven for IDPs
- Increase security in Chechnya by holding federal security forces accountable for human rights violations against civilians through effective investigations and prosecutions
- End discriminatory practices with regard to the free choice of residence, free movement, and access to documentation and public services

SERBIA AND MONTENEGRO

Serbia and Montenegro is host to the largest number of refugees and IDPs in southeastern Europe. There are some 600,000 persons in need of durable solutions, among them 234,000 IDPs, according to recent figures by the UNHCR (205,400 persons in Serbia and 28,600 in Montenegro). In addition, there are 27,200 IDPs in Kosovo (see below “Kosovo”).

The vast majority of the IDPs in Serbia and Montenegro are Serbs and Roma who fled Kosovo after the arrival of NATO-led ground troops in 1999.

Thousands of ethnic Albanians from southern Serbia left their homes and fled to neighbouring Kosovo as a result of the conflict caused by an armed insurgency launched by the Liberation Army of Presevo, Medvedja, and Bujanovac (UCPMB) in 2000. Most of them returned after the signing of a peace agreement in May 2001, but as of August 2003 there were still 5,000 IDPs from southern Serbia in Kosovo.

Humanitarian concerns

Increasing internal stability in Serbia and Montenegro has led to a shift of focus from post-conflict emergency support to development and reconstruction. However, there are serious concerns that development programmes may not adequately address the needs of individuals still dependent on humanitarian aid. A survey conducted by the ICRC in early 2003 concluded that the most vulnerable categories of IDPs in Serbia and Montenegro were Roma and families in collective centres. These groups now are in danger of falling even deeper into poverty if they are not provided with minimum economic security.

Return vs. local integration

The government of Serbia adopted a ‘National Strategy for Resolving the Problems of Refugees and IDPs’ in May 2002. Together with a poverty reduction strategy, expected to be finalised in 2003, it constitutes an important element in addressing the needs and problems of refugees and IDPs. The Strategy provides refugees from Croatia and Bosnia and Herzegovina with a choice to opt for either return or local integration. As regards IDPs, however, it focuses on return to Kosovo without paying much attention to their local integration as an interim or durable solution.

Although the majority of IDPs are privately accommodated, 490 official and unofficial collective centres still exist in Serbia and 49 in Montenegro, housing altogether 14,000 persons. The closure of the centres is given a high priority by the government, with the support of the UNHCR.

Neither able to return to Kosovo, because of the security situation and the political stalemate over the province’s future status, nor to fully integrate into their new environment, most IDPs currently live in a state of legal and social “limbo”.

Access to documents and registration

In June 1999, many status and property registry books, as well as court archives were removed from Kosovo and brought to municipal registry offices “in exile” established in various locations in central and southern Serbia. IDPs faced numerous difficulties in obtaining documents such as birth certificates or citizenship certificates from these dislocated registry offices. Complicated, time consuming and costly procedures prevented many IDPs from obtaining important personal documents.

Displaced persons who were required to register – either for the first time or because registry books were missing or destroyed –

faced similar problems, severely hampering their ability to enjoy their legal rights. Roma encountered additional difficulties because they rarely were registered in birth registry books and therefore often do not possess identification cards.

Although new legislation providing for the transfer of the Kosovo registry books to Serbian registry offices came into effect on 7 June 2003, the administrative practices have not improved significantly under the new authorities.

Return conditions in Kosovo

While it is unclear how many IDPs will ultimately return to Kosovo, it is highly unlikely that large numbers of displaced persons will go back in the near future. It is estimated that one third of the IDPs have sold their property in Kosovo, a figure that is likely to increase further.

For more return movements to occur, security and minority rights need to be improved substantially on the ground. The security situation and the protection of minority rights by the authorities in Kosovo have improved since 1999. But precarious inter-ethnic relations, violence, lack of confidence in the rule of law, unsolved property claims and the lack of material and economic opportunities in return areas continue to affect the return process adversely. In 2002, only 2,756 returns to Kosovo, mainly by ethnic Serbs, were recorded. At the same time, more Serbs and Roma continue to leave Kosovo, probably outnumbering the return movements.

The prospects for return vary considerably from area to area and among different ethnic groups. In some locations IDPs with a strong desire to return did so through establishing contacts with the receiving communities. In other locations, the opening of a dialogue between potential returnees and receiving communities requires greater efforts and time. While some Roma, Ashkali

and Egyptian populations have experienced some progress in their relation with the majority population, security remains a major concern for most non-Albanian minorities. In some cases, opposition to return is motivated by material interests, such as the occupation of houses or land usurpation. Except for returns to established Serbian enclaves and areas, returnees effectively require round-the-clock protection, and are barely able to travel without escort.

In addition to security, minority rights and inter-ethnic relations, housing is a fundamental aspect of the return and integration process. Uninhabitable or illegally occupied housing and damaged or destroyed social infrastructure undermine the ability of IDPs to exercise their right to return. Economic opportunities are extremely limited, as is the availability for minorities of adequate schooling and access to other social services.

A ‘Rapid Response Returns Facility Programme’ was launched recently to provide assistance for small-scale or individual returns of displaced minorities to their place of origin. The Office of Returns and Communities within the UN Temporary Administration for Kosovo and UNDP, in close cooperation with UNHCR, have established the programme in order to provide a rapid, flexible and coordinated response to IDP return, including through housing assistance and socio-economic support. The programme is still in its early stages and no results or lessons learned have been published yet.

“KFOR cases”

There have been cases of KFOR members occupying housing property and land owned by IDPs since 1999 without paying rent. KFOR, the international military force in Kosovo, refuses to pay rent to IDPs as long as their ownership has not been verified by the Kosovo Housing and Property Directorate. As the Directorate has not yet dealt with

numerous cases, the affected IDPs have been de facto deprived of revenues deriving from their property for years.

Recommendations to the government of Serbia

- Remove all obstacles for the access of IDPs to personal documents, in particular by allowing IDP to request and collect their documents in their area of residence
- Address the integration needs of IDPs in the ‘National Strategy for Resolving the Problems of Refugees and IDPs’
- Continue the dialogue with the authorities in Kosovo on the return of IDPs, access to documents still in Kosovo, and the recovery of lost properties

Recommendations to the UN Mission in Kosovo

- Ensure that minority communities are not left vulnerable due to lack of security
- Increase support to property claim mechanisms in order to make the claims process more expeditious

- Support economic self-reliance of ethnic minorities, including by giving minorities employment opportunities in public services (positive discrimination)
- Provide donor resources for return projects early enough in the year to enable returned IDPs to achieve some grade of self-sustainability before the winter
- Ensure that IDP return support is based on needs, paying more attention to Roma and Bosniak communities

Recommendation to the Provisional Institutions of Self-Government

- Demonstrate genuine commitment to the return process through concrete actions

TURKEY

Between 1984 and 1999, large numbers of people, mainly of Kurdish origin, were forcibly displaced from Turkey's southeastern region during the armed conflict between government forces and the rebel Kurdistan Workers' Party (PKK). The total number of displaced remains a controversial issue. While the Turkish government claims that 378,000 persons "migrated" from some 3,000 villages, NGOs put the overall number of IDPs at up to 2-3 million. The US State Department considers a figure of one million a credible estimate.

The Kurds, who constitute the largest ethnic minority in Turkey (26 percent of the total population), have been denied minority rights since the origin of the Turkish Republic, and manifestations of Kurdish identity have often been brutally repressed. In 1984, the Kurdistan Workers' Party (PKK) launched a guerilla war to which the Turkish State responded with a violent counter-insurgency campaign. Under a State of Emergency Decree, the armed forces were granted exceptional powers, which meant heavy military presence, martial law and severe restrictions to civil and political rights.

Since the arrest of the PKK leader Abdullah Öcalan in June 1999 and his subsequent appeal for a unilateral cessation of armed activities by the Kurdish armed groups, the level of violence in southeastern Turkey has significantly decreased. Following the improvement in the security situation and the end of the fighting, the systematic internal displacement of the Kurdish population has stopped. Nevertheless, only few IDPs have been able to return to their villages so far.

The most common form of displacement was the forced eviction of entire villages by Turkish security forces. The Government justified this practice as a means of protecting civilians and depriving the PKK of lo-

gistical support. Another factor leading to displacement has been the "village guard" system. Village guards, comprised of villagers pressured to join, and their families have been the target of deliberate and arbitrary killing by the PKK. The refusal of villagers to join the guard has often been followed by the evacuation of their villages by Turkish security forces, carried out in the most brutal ways, with reports of property destruction, rape, torture and extra-judicial executions. The European Court of Human Rights has found Turkey responsible for violations of the European Human Rights Conventions in numerous cases of arbitrary evictions, property destruction, disappearances and torture.

Socio-economical destitution

Following the forced evacuation of villages, the Turkish Government failed to provide emergency assistance to the people displaced. The majority of the displaced civilians were forced to the nearest provincial capitals, which as a result saw their populations increase significantly. While some IDPs found accommodation with extended family members, most gathered in slums on the outskirts of these cities. The majority of the displaced have continued to live in difficult circumstances of overcrowding and poverty in towns and cities throughout the country. Malnutrition, insufficient and dirty drinking water, improper disposal of sewage and garbage are common problems.

The situation of the displaced is further aggravated by the disastrous economic conditions prevailing in the southeastern provinces. The armed conflict and two decades of emergency rule have disrupted a region which even before had been one of the least developed parts of Turkey. Destruction of infrastructure, economic resources, livestock, crops, houses, and farming machinery has made large areas uninhabitable. Cultivable land and irrigation channels have fallen into disuse, with numerous landmines adding to the problem.

The displaced Kurdish population faces an increased risk of diseases such as tuberculosis and malaria. Many IDPs suffer from traumata connected to their forced displacement. The local NGO Gök-Der reports that the inability of social adaptation is another concern, which has been caused by unemployment, shelter problems, children's educational problems, health problems, environmental pollution, cultural differences and feelings of exclusion.

Return and resettlement plans

With the security situation steadily improving, it should now be possible for those who want to return to their villages to do so. Voluntary and assisted resettlements have been ongoing, but only a fraction of the evacuees have returned. The Government estimates that 58,000 persons returned from June 2000 to October 2002 as part of the 'Back to Villages and Rehabilitation Project'. Another programme is the central villages project, which envisages resettling evacuated villagers into newly built villages.

However, a number of serious impediments to return remain. According to Human Rights Watch, inadequate government assistance and continued violence and harassment by security forces and village guards discourage returns or even cause returnees to flee again. The Government's return plans have failed to meet international standards and have therefore not attracted international funding. With regard to the 'Back to the Villages' programme, only a few villagers have in fact been given permission to return to their homes. Moreover, "authorised" returnees have often not been allowed to enter their villages by the local military, or have been forced to sign forms stating that they were displaced due to terrorism. HRW has criticised the programme as being largely fictional with most abandoned settlements remaining no-go areas.

Highly dependent on agricultural resources, a significant proportion of Kurdish households have reportedly been unable to access any land to cultivate, as authorities have failed to address the issue of landmines and the illegal occupation of their land by village guards. Households applying for return assistance have been pressured by authorities to give up claims on compensation for loss of properties.

Even if the government's most optimistic figures are correct, only 10 to 20 per cent of the displaced population has returned. NGOs in close contact with the IDPs such as Gök-Der and the Turkish Human Rights Association believe that the government's figures are exaggerated and that in fact relatively few villagers have been able to return permanently.

Improved access

The Turkish Government has long hampered any attempt by the international community to monitor the situation of the Kurdish minority in Turkey. Most international humanitarian organisations, including the ICRC, have been refused access to the southeastern provinces. Some can only operate under close police surveillance. Local organisations have faced relentless harassment by the authorities.

However, recent developments give cause for careful optimism. A few international organisations have finally been invited to visit Turkey, including the UN Representative on Internally Displaced Persons. In addition, a number of democratic reforms introduced by the Turkish Parliament since August 2002 have included the easing of restrictions on both foreign and local non-governmental organisations working in Turkey. Amnesty International and HRW are

now able to visit the southeastern region, though under close surveillance. International humanitarian NGOs, however, remain largely absent from the area.

Dr. Francis Deng, the Special Representative of the UN Secretary General on Internally Displaced Persons, acknowledged after his visit to the country in May 2002 the more open approach by the government to return, and emphasised that the international community should take advantage of the changing attitude in Turkey in light of the country's efforts to become member of the European Union, particularly with respect to the nature of return.

Recommendations to the government

- Publish information on existing and planned return programmes and ensure that these programmes are consistent with the UN Guiding Principles on Internal Displacement
- Establish an interim programme of practical and financial support of villagers before, during and after return, ensuring adequate return conditions
- Take measures at all levels to stop the harassment of IDPs, the recently returned, and those who assist them
- Establish a specialised agency dedicated to IDP return
- Grant full access to the region for non-governmental organisations

TURKMENISTAN

Since 2002, President Saparmurat Niyazov has increased Turkmenistan's international isolation by making forced relocation an official means of repression of those he views as disloyal to his authoritarian regime. On 19 November 2002, President Niyazov issued a decree to forcibly relocate people "who disturb tranquility in society with their immoral behaviour and do not carry out their civic duty to strengthen the country's economy, [and] who have lost trust and deserve general condemnation". According to the decree, these people are to be resettled in various areas in southern and western Turkmenistan, "without privileges being granted".

The Uzbek minority under threat

In practice, this decree has been used as a means of clamping down on the Uzbek population which is perceived as a threat by the regime. On 6 January 2003, the President decided to resettle around 2,000 such "unworthy" citizens from the border with Uzbekistan to the Balkan region, a desert on the border with Kazakhstan, which lacks water or arable land and offers little prospect for survival.

Internal exile

Forced relocation has also been used against political opponents of the regime. The alleged assassination attempt against the president on 25 November 2002 triggered a wave of arrests and unfair trials: as many as 60 people have been convicted and given sentences ranging from five years to life imprisonment, and their property has been confiscated. Those who are due to be released from prison after serving their sentence will be forced to live in a restricted zone for a five-year period. The government has also deported relatives of dissidents living in exile.

Such measures are also used as a means of punishment for government officials who have fallen from favour. Since 2001 the Criminal Code of Turkmenistan includes resettlement as a punishment for some specified crimes, such as "misappropriation of state funds" or "abuse of power and position".

Members of religious minorities have also been under threat of eviction from their homes and internal exile. On numerous occasions, persons hosting meetings of unrecognised religious groups, such as Baptist, Adventist, Pentecostal, Jehovah's Witnesses, Hare Krishna and Baha'I communities, were evicted from their apartments. Several religious activists have been sent into internal exile or corrective labour colonies.

The president's beautification programme in Ashgabat has led to the demolition of numerous private homes in the capital, leaving their occupants without proper compensation.

The Turkmen authorities have so far refused to cooperate with the international community on human rights issues.

Recommendations to the government

- End the forced displacement of populations, by abolishing legislation, decrees and other decisions providing for the arbitrary relocation of persons on political, ethnic, religious and other illegal grounds
- Restore the rights of the displaced persons, in particular by allowing them to recover, and return to, their homes
- Invite the Representative of the UN Secretary-General on IDPs and the OSCE High Commissioner for Minorities to visit the country

UZBEKISTAN

In Uzbekistan, approximately 3,500 persons, mostly ethnic Tajiks, have been displaced by the government through the evacuation of some 22 villages in the Sukhandaria region along the border with Tajikistan. The evacuation was prompted by armed incursions of the Islamic Movement of Uzbekistan (IMU) from Tajikistan in summer 2000. The villagers were moved to relocation villages, where they were expected to cultivate the land and rebuild their lives on their own.

Destitution in relocation villages

Since their relocation, the displaced communities have been left without adequate humanitarian assistance and protection by the state authorities. In several villages, shelters have fallen apart and have become uninhabitable. Access to drinking water is also lacking in several locations, while food shortages have been reported, especially in the Sherabad district, where IDPs have been living in extreme poverty. Their situation further deteriorates during winter. Upon intervention of the ICRC and Uzbekistan's Red Crescent, the authorities improved water supply and helped repair some houses in two relocation villages in 2002.

The displaced communities have been exposed to harassment from the police and the judicial authorities. In 2001, 73 male villagers were found guilty of collaborating with the IMU and sentenced to three and 18 years' imprisonment. Family members were not allowed to attend the proceedings. According to a Human Rights Watch observer, the only international presence admitted in one of the trials, the court failed to consider allegations of the defendants that they had been forced by torture to confess to fabricated charges. Following an amnesty in December 2002, 37 of these men were released from prison.

Limited freedom of movement within the country has hampered the ability of the displaced villagers to find other sources of living in urban centres. The *propiska* system, an obligatory residence permit inherited from the Soviet Union, restricts the choice of residence. IDPs cannot afford paying for this permit and risk being imprisoned or expelled from the capital Tashkent if caught as illegal workers.

No permission to return

The displaced population has so far been refused permission by the authorities to visit their villages of origin, although the threat from IMU has considerably lessened since the US-led intervention in Afghanistan in 2001, where the IMU had bases. Besides the destruction inflicted in villages, another impediment to return is the large number of landmines planted by the Uzbek military along the border with Tajikistan and Kyrgyzstan to prevent armed incursions. In April 2001, the UN Human Rights Committee expressed concern about the fate of the displaced Tajiks and recommended that the government should compensate the displaced persons for their property losses and their suffering.

Recommendations to the government

- Provide adequate assistance to the displaced communities in their relocation villages, in particular regarding housing, access to water, and self-reliance
- Allow the displaced communities to return to their villages of origin voluntarily, in safety and dignity, and provide for the reconstruction of damaged houses and the removal of landmines in return areas
- End the discriminatory treatment of displaced communities by police and the judicial system and remove restrictions to freedom of movement and free choice of residence in the country

About the Global IDP Project

The Global IDP Project, based in Geneva, monitors internal displacement in over 50 countries worldwide. The Project, established in 1998 by the Norwegian Refugee Council at the request of the United Nations, is a leading information source and centre of expertise on internally displaced people. Through its online database, it provides comprehensive and regularly updated profiles of all conflict-induced internal displacement situations around the world.

The IDP Project also raises awareness of the plight of internally displaced people through advocacy activities and promotes the implementation of the UN Guiding Principles on Internal Displacement by organising training workshops for governments, NGOs and international organisations.

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

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