

# **PROTRACTED INTERNAL DISPLACEMENT IN EUROPE: CURRENT TRENDS AND WAYS FORWARD**

A Research Paper by the Internal Displacement Monitoring Centre  
of the Norwegian Refugee Council



January 2009

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## TABLE OF CONTENTS

EXECUTIVE SUMMARY .....	3
I. INTRODUCTION .....	4
II. NUMBER AND PROFILE OF IDPS .....	5
III. HUMAN RIGHTS OF IDPS DURING DISPLACEMENT .....	9
<i>Adequate housing</i> .....	9
<i>Access to documents and related rights</i> .....	10
<i>Discrimination</i> .....	11
<i>Inadequate education</i> .....	12
<i>Property restitution and compensation</i> .....	13
IV. CHALLENGES TO ACHIEVING DURABLE SOLUTIONS .....	16
<i>i) Return</i> .....	16
<i>ii) Local integration</i> .....	21
<i>iii) Settlement in another area of the country</i> .....	23
V. CONCLUSION .....	25
VI. RECOMMENDATIONS .....	25

This paper was prepared for (and following) the seminar entitled *Protracted Internal Displacement in Europe: Perspectives and Solutions* organised by the Council of Europe Parliamentary Assembly Committee on Migration, Refugees and Population in Geneva, on 26 November 2008.

For further information, contact:

Nadine Walicki, author, Country Analyst for Caucasus and Central Asia

Karim Khalil, Country Analyst for Turkey

Barbara McCallin, Country Analyst for the Balkans

Greta Zeender, Senior Country Analyst for Georgia

Internal Displacement Monitoring Centre, Norwegian Refugee Council, Chemin de Balexert 7-9, CH-1219 Châtelaine (Genève) ; tel : +41 22 799 0700 ; [www.internal-displacement.org](http://www.internal-displacement.org)

Cover photo: Displaced child in Leposavic collective centre, North Kosovo (Christophe Quirion, 2007).

## ***Executive Summary***

Some 2.5 million people are internally displaced in Europe. Most fled their homes more than 15 years ago as a result of violence and armed conflict, and are living in situations of protracted displacement. Over time, many became marginalised and have been unable to improve their situation. While the vulnerabilities of these internally displaced people (IDPs) are sometimes the same as the local population, many IDPs still need assistance with issues related to their displacement, including housing, jobs, documents and property issues, as well as access to psychosocial support.

Return of IDPs to their places of origin has been the durable solution promoted throughout the region since the beginning of displacement. However, only about 25 per cent of IDPs have returned to their homes. The percentage may be even lower since some returnees left after return as a result of the lack of jobs, inadequate housing and insufficient reintegration assistance. In some countries, IDPs have been blocked from returning because of the lack of a political resolution to the conflict, but governments nevertheless continue to promote return as the priority durable solution. Given such political obstacles, the residual nature of return processes, the profile of those still displaced and the emergence of a second generation that has often never visited their parents' place of origin, other durable solutions such as local integration in the area of displacement and settlement elsewhere in the countries concerned should be pursued.

Local integration and settlement elsewhere in the country are not necessarily incompatible with return. IDPs are entitled to enjoy their right to an adequate standard of living now regardless of whether they plan to return, stay where they are or settle elsewhere. Local integration is not actively encouraged seemingly to ensure IDPs will return, and where governments have supported settlement elsewhere in the country, it has mostly been publicised as a temporary solution until return becomes possible. But IDPs will be more able to make a truly voluntary choice about whether to return if they are able to live a normal life now. Local integration or settlement for the remaining IDPs in Europe requires assistance with income generating opportunities, housing and access to documentation.

The lack of basic knowledge about IDPs seeking durable solutions other than return in protracted situations is a serious impediment to resolving internal displacement situations in Europe. The progressive flow of IDPs to towns and cities also presents a dilemma for the achievement of durable solutions. As protracted situations of displacement are usually characterised by a relatively stable IDP population in terms of numbers and locations, attempts should be made to consult and involve IDPs in the design of policies and programmes addressing their needs and preferences for durable solutions. Internal displacement in Europe is a large-scale problem that requires further discussion, analysis and action, and involving IDPs would help move the search for solutions in the right direction.

## ***I. Introduction***

Some 2.5 million people are internally displaced in the Balkans (Bosnia and Herzegovina, Croatia, Kosovo, Macedonia and Serbia), the Caucasus (Armenia, Azerbaijan, Georgia and the Russian Federation), Cyprus and Turkey. Most of them fled their homes more than 15 years ago as a result of violence and armed conflict arising from territorial disputes and rejection of independence claims, and are living in situations of protracted displacement.

Protracted internal displacement is defined here as a situation in which the process for finding durable solutions for internally displaced people (IDPs) is stalled and/or IDPs are marginalised as a consequence of a lack of protection of their human rights<sup>1</sup>. Factors such as the amount of time in displacement or the number of people affected are not a primary consideration in determining whether a situation is protracted.

There are several characteristics of protracted internal displacement in Europe. Most remaining IDPs struggle to enjoy their rights and survive on the margins of society. As the IDPs able to do so have returned or integrated into another area, those who remain are among the most vulnerable as they are generally poor, unemployed, without assets and living in inadequate temporary shelter with little to no support.

Another characteristic is that IDPs have increasingly moved to urban areas such that the majority of IDPs in the region now live in towns and cities. Some initially took refuge in urban areas, while others gradually moved there in search of jobs and better living conditions and services. Many live with relatives or friends in crowded conditions. As a result of this rural to urban migration, several governments in the region have limited migration to some cities.

Many governments (Azerbaijan, Cyprus, Georgia, Kosovo and Serbia<sup>2</sup>) still do not exercise effective control over their entire territory in the absence of a political solution to the conflicts. The resulting parallel legal systems, as well as slow peace negotiations, continued insecurity and absence of organised reconciliation mechanisms, limits IDPs' access to their rights during displacement and stalls their integration and return.

Governments in the region have maintained the visibility of IDPs or denied their existence for political reasons. In order to support the claim to territory not currently under its control, some governments (Azerbaijan, Georgia, Kosovo and Serbia) have been pushing for the return of IDPs at the expense of local integration. In addition to compromising other durable solutions, this focus on return supports other political aims including the reversal of the effects of war, such as ethnic cleansing. Other governments (Armenia, Russia, and Turkey) have denied the scale of displacement in an effort to portray the situation as solved and to direct international attention elsewhere.

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<sup>1</sup> Definition as agreed by participants at the 2007 Expert Seminar on Protracted IDP Situations hosted by UNHCR and the Brookings-Bern Project on Internal Displacement.

<sup>2</sup> The United Nations Interim Administration Mission in Kosovo (UNMIK) was established in 1999 with a mandate to encourage provisional democratic self-government institutions in Kosovo until a final settlement is found. Since that time, Serbia has not had effective control of Kosovo. In February 2008, Kosovo proclaimed its independence which was rejected by Serbia. In practice, the Government of Kosovo controls the part of Kosovo south of the river Ibar while Serbia controls the part of Kosovo north of the river Ibar.

Another characteristic of protracted internal displacement in Europe is that many IDPs have not secured justice for violations they suffered. As a result of corrupt law enforcement officials, ineffective investigations and biased trials, perpetrators of human rights violations and crimes committed during the armed conflicts mostly remain at large, court decisions are disproportionately against IDPs of certain ethnicities, and many IDPs continue to seek information on the fate and whereabouts of their disappeared relatives. Donor and media fatigue regarding internal displacement in Europe contributes to the neglect of the remaining IDPs.

This paper outlines the main rights still not fully enjoyed by IDPs, efforts made to secure durable solutions and challenges to their sustainability, as well as possible ways forward. Rather than presenting a comprehensive overview of internal displacement in Europe, this paper highlights the main issues with the most pertinent examples. The information included in this paper is taken from various sources accessible at <http://www.internal-displacement.org>.

## ***II. Number and profile of IDPs***

The countries that will be discussed in this paper include Armenia, Azerbaijan, Bosnia and Herzegovina, Croatia, Cyprus, Georgia, Kosovo, Macedonia, Russian Federation, Serbia and Turkey<sup>3</sup>. All of these countries are members of the Council of Europe except for Kosovo. The total number of IDPs in the region ranges from about 2.5 million to 2.8 million, and the country figures can be found in Table 1.

The number of IDPs in the region is an estimate at best. In some countries data is lacking, while in others there are numerous sources that use different counting methodologies. In the Balkans, there is usually uncertainty regarding the number of internally displaced Roma who often do not or cannot register as IDPs for lack of documents or information. They are therefore not counted and only estimates of their number are available.

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<sup>3</sup> The situation of people displaced by the 2008 conflict in Georgia will not be considered since theirs is not a situation of protracted displacement. Montenegro will also not be considered as people displaced from Kosovo to Montenegro cannot be considered as IDPs since Montenegro's independence in 2006.

**Table 1. Number of IDPs in Europe, length of displacement and nature of conflict**

Country	Figure	Number of years displaced	Nature of conflict
Armenia	8,400 (NRC, 2005)	Up to 20	Mixed international, non-international
Azerbaijan	572,531 (Government, 2008)	Up to 20	Mixed international, non-international
Bosnia and Herzegovina	124,600 (Government, 2008)	Up to 16	Mixed international, non-international
Croatia	2,600 (UNHCR, 2008)	Up to 17	Mixed international, non-international
Cyprus	201,754 (Government, 2008)	Up to 34	Mixed international, non-international
Georgia	Long-term displaced: 220,000–247,000 (UN, 2006, 2007)  Newly displaced: 37,600 (UN, 2008)	Up to 16	Non-international  International
Kosovo	20,200 (UNHCR, 2008)	Up to 9	Mixed international, non-international (NATO intervention)
Macedonia	770 (Government, 2008)	Up to 7	Non-international
Russian Federation	85,000 (Government, 2006) 136,500 (UNHCR, 2007)	Up to 17	Non-international
Serbia	205,900 <sup>4</sup> (UNHCR, 2008) + an estimated 20,000 unregistered Roma IDPs	Up to 9	Mixed international, non-international (NATO intervention)
Turkey	953,680-1,201,200 (Haceteppe University, 2006)	Up to 24	Non-international
<b>TOTAL</b>	<b>2,461,281 – 2,787,301 IDPs</b>		

### Vulnerable groups

Many of the countries in Europe with internal displacement situations are former socialist countries in which comprehensive pension, health care and social welfare systems did not survive the transition to the market economy. While most countries in the region have adopted national legislation, policies or plans to uphold the rights of IDPs, there is still a general need to ensure that current social protection systems address the needs of the remaining IDPs, many of whom have specific vulnerabilities. Current and detailed information on the needs of vulnerable IDPs is required in order to design such a system, as shown in Table 2.

<sup>4</sup>The Serbian government has not recognised Kosovo's independence as declared in 2008. It continues to consider people displaced from Kosovo and residing in Serbia proper (excluding Kosovo) as IDPs, and that it is responsible for ensuring full access of IDPs to their rights. However, Serbia will face difficulties to support return, which has so far been its favoured durable solution, in view of the fact that it does not control the south of Kosovo and refuses to cooperate with Kosovo authorities.

Protracted internal displacement in Europe: Current trends and ways forward

**Table 2. Vulnerable IDPs in Europe**

Country	Elderly	Single-parent households	Children	Other vulnerable group	Source/Note
Armenia	1,260 (15 per cent)	Unavailable	1,680 (20 per cent)	Unavailable	NRC, 2005
Azerbaijan	78,692 (14 per cent)	Unavailable	202,623 (36 per cent)	276,621 in collective centres and makeshift housing (48 per cent)	Government, 2005
Bosnia and Herzegovina	2,467 (2 per cent)	30,720 (32 per cent)	19,000 (15 per cent)	8,845 physically and/or mentally disabled (7 per cent) 10,926 chronically ill (9 per cent) 8,500 in collective centres (7 per cent)	Government, 2006
Croatia	Unavailable	Unavailable	Unavailable	Unavailable	
Cyprus	Unavailable	Unavailable	Unavailable	Unavailable	
Georgia	38,000 (17 per cent)		50,000 (24 per cent)	96,970 in collective centres (44 per cent)	Ministry of Refugees and Accommodation, 2008
Kosovo	Unavailable	Unavailable	Unavailable	Unavailable	
Macedonia	Unavailable	Unavailable	Unavailable	Unavailable	
Russian Federation	1,055 (9 per cent)	517	4,196 (36 per cent)	3,130 in collective centres (28 per cent) 869 invalids (7 per cent) 34 orphans (less than 1 per cent) 21 elderly with inadequate social support (less than 1 per cent)	DRC, 2008 Data only available for Ingushetia
Serbia	Unavailable	Unavailable	Unavailable	5,500 in collective centres and specialised institutions (3 per cent)	UNHCR, 2008
Turkey	43,000-54,000 (4.5 per cent)	109,000-140,000 (11 per cent)	400,000-510,000 (43 per cent)	343,000-430,000 with inadequate income (36 per cent)	Hacettepe University, December 2006  Figures derived from survey of all internal migrants, not exclusively those displaced due to insecurity

In protracted situations of internal displacement IDPs with specific needs are usually the last to find durable solutions. They remain hidden during the acute phase of displacement due to their social marginalisation, which prevents them from coming forward to seek assistance. Their needs become more apparent usually only when donor funding and attention to IDPs

## Protracted internal displacement in Europe: Current trends and ways forward

decrease. While some of their needs are similar to those of the non-displaced population, IDPs in protracted situations also have needs related to their displacement. Finding durable solutions for these IDPs requires that their access to services and benefits be ensured, including to homes for the elderly, psychosocial support, housing, documentation assistance and income-generating activities.

Particularly vulnerable IDPs in Europe include people who are traumatised, disabled and chronically ill, female heads of household, children, the elderly and Roma. While some IDPs have been vulnerable since the beginning of their displacement, the vulnerability of others has increased over time as a result of family separation, miserable living conditions, lack of support to address their specific needs and social stigmatisation. The truly disadvantaged are those who have also lost the financial, physical and moral support of extended family, friends and professional networks. They are at risk of desperate poverty as well as exploitation and abuse. Feelings of insecurity and isolation due to war and uncertainty about the future stand in the way of their self-reliance.

While detailed information on vulnerable IDPs is lacking, there are several factors that aggravate their situation. Unemployment rates remain high in most areas of displacement in the region as the local economies continue to recover from conflict. Some IDPs live in places where there are few jobs, or in remote locations far from cities and jobs. Where there are jobs, many IDPs face obstacles in gaining official employment because of ethnic or social prejudice, the lack of residence registration or they have lost the required skills since having been displaced. As a result, many displaced families survive on government benefits and food assistance. Many displaced elderly do not receive their full pension entitlement because they lost or left behind pension documents when fleeing their homes or their pension documents are not recognised by the local authorities. Poverty and social inequality has put internally displaced women and children at increased risk of sexual exploitation and trafficking.

Many vulnerable IDPs continue to live in government-provided temporary accommodation, also called collective centres, which exist in most countries in the region. Whereas the young, healthy and able-bodied were first to leave the collective centres, vulnerable IDPs remain since they have been unable to repair, repossess, rent or purchase housing or find space with friends or relatives. Living conditions in collective centres are often crowded and inadequate with run-down kitchens, bathrooms and plumbing systems, with no separation of the sexes or age groups. Residents usually have limited access to land to grow a garden and as such spend most of their income on food or rely on food assistance. These inadequate living conditions interfere with the normal development of children and the health of all residents. Many collective centre residents seem to be affected by depression and cannot provide for themselves. The lack of affordable housing is an obstacle to the return to normalcy for these IDPs.

The lack of comprehensive psychosocial and other support programmes for the remaining traumatised and disabled IDPs sustains their marginalisation. While some of the displaced have shown extraordinary resilience and coped well with adversity, others are taking longer to recover. The traumatic stress of being uprooted as well as the violence and insecurity of displacement was compounded for those who were witnesses or victims of abuse and violence, including sexual violence. The long-term effects of these experiences coupled with social rejection of victims of sexual violence as well as people who are mentally or physically disabled, as is the case in several countries in the region, can be debilitating and harm IDPs' emotional, psychological and social well being. Traumatic events can also compromise adults' ability to care for their children and parents.



### ***III. Human Rights of IDPs during Displacement***

The main issues affecting IDPs' access to rights in Europe are inadequate housing, lack of documentation, discrimination, disruption of education, and problems with property restitution and compensation.

#### **Inadequate housing<sup>5</sup>**

The majority of IDPs in Europe live in towns and cities in private accommodation that they rent or share. In Turkey, IDPs living in private accommodation in urban areas live in extreme poverty and crowded conditions with inadequate heating, sanitation and infrastructure. Those of Kurdish origin tend to reside with people of similar ethnic background. The living conditions of IDPs in private accommodation in urban areas of other countries in the region are largely unknown. In rural areas many IDPs have been living for years in makeshift dwellings, without electricity, water or proper protection from the heat and cold and in crowded conditions with relatives. With no heating system or proper windows, these shelters fail to provide light, warmth, ventilation, physical security or privacy. Many IDPs living in such shelter must also contend with infertile land and having to pay for transport to access jobs and health services in neighbouring villages. Most IDPs in Kosovo live in enclaves in rural areas, often in poor conditions and many have problems accessing land because of limited freedom of movement outside of the enclaves. Some IDPs in Azerbaijan living in private accommodation in rural areas are located close to the front line with Armenia in areas where their physical security is at risk.

Other IDPs live in inadequate conditions in collective centres such as former university dormitories, schools and hospitals. The buildings were meant to temporarily house IDPs as they were not designed for long-term housing. Privacy and space is inadequate as families typically occupy one or two rooms with no separation of the sexes or age groups, and households share a kitchen and bathroom with others on their floor, which are usually in poor condition. The percentage of IDPs living in collective accommodation in the region ranges from less than 1 per cent in Serbia, about 7 per cent in Bosnia and Herzegovina, some 30 per cent in Azerbaijan, and close to 45 per cent in Georgia. Information on IDPs living in collective accommodation in Kosovo, Macedonia and Turkey was not available. In 2007, Croatia closed all state-run collective centres designed to house IDPs from the Danube region; residents were offered housing care assistance or were compelled to move to other collective centres outside the region. Similarly, in Russia the Chechen government closed all collective centres in 2008, offering residents various housing alternatives. However, it was unclear which criteria were used to offer other types of housing and whether the needs of all IDPs were met. IDPs have been evicted from collective centres, at times forcibly, in Azerbaijan, Georgia and Russia often without compensation or an offer of alternative housing.

Still others live in illegally occupied buildings or on undeveloped land in makeshift dwellings that they neither own nor rent and are at risk of eviction because of their lack of security of tenure. Some IDPs in Turkey squat in informal housing settlements, shantytowns or on public land, while others are homeless. Some 70,000 IDPs in Azerbaijan are occupying apartments and while an Azerbaijani presidential decree prevents their eviction, the European Court of Human Rights found in *Akimova v. Azerbaijan* (2007) that the indefinite postponement of the eviction of an internally displaced family unlawfully occupying an applicant's apartment interfered with the applicant's property rights. The applicant's possession was restored in March 2008. Other IDPs in Azerbaijan still do not have a title for the land they bought at the beginning of their displacement and fear they may be evicted at

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<sup>5</sup> Guiding Principle 18, ESC Article 31, UDHR Article 25(1), CESCR Article 11(1), CRC Article 27(3).

any time. As a result of their social exclusion and lack of documentation, Roma live in informal and/or illegal settlements which are not winterised and the connection to utilities and sewage systems has often not been put in place. This is a serious problem given that the majority of Roma cannot access health care due to their lack of documentation. A housing programme in favour of Roma initiated in Belgrade had to be stopped due to the hostility of the residents where the building was to be located.

The persistence of inadequate housing conditions so many years after the end of conflict indicates a lack of political will to address the issue. Improvement of housing conditions has often been avoided because authorities perceived it as encouraging IDPs to locally integrate which does not always serve their political agenda. As most social housing in the region was privatised during the transition to a market economy, IDPs are left with few options for affordable housing. The poor housing situation of IDPs in protracted displacement could be addressed by developing social housing programmes available to IDPs. Croatia has housing care programmes open to refugees and IDPs who lost their occupancy rights during or after the war. However, very few of them benefited from the programme. Similarly, the Russian government included some IDPs in its federal housing programme, but only 5,000 families will benefit from 2006 to 2010 since the programme is not adequately funded. In Georgia, the government is providing new houses and land to people displaced from South Ossetia in August 2008, as well as those displaced in the early 1990s, likely as a result of its experience with protracted internal displacement.

### **Access to documents and related rights**

In Europe documents are often essential for people to be able to exercise their rights. This is particularly the case in former socialist countries where states provided extensive social welfare services and benefits such as healthcare, pensions, housing and unemployment benefits. In the context of internal displacement the requirement to present documents in order to access services and benefits can seriously affect IDPs' ability to access their rights. During armed conflict, IDPs often lose or leave their documents (identity cards, property titles, diplomas, work booklet) behind, and official records and archives are often destroyed or moved to another location. In the case of destroyed archives, IDPs can usually only obtain personal documents through the courts, while IDPs must often undertake costly travel to access archives that have been moved, sometimes putting their lives at risk. Another obstacle to IDPs being able to access their rights is the lack of mutual recognition of documents between entities within the same country.

In the Balkans and the Caucasus, IDP cards were used as a substitute to many documents allowing IDPs to access various rights. IDPs nevertheless continue to struggle to access rights not covered by the IDP card, as well as the IDP card itself. Many IDPs in Russia who fled Chechnya face difficulties to acquire and extend residence registration, forced migrant status<sup>6</sup> and other documents required to access official jobs, services and benefits such as government-provided housing and free medical care. The inconsistent interpretation and respect of legislation by local officials and courts makes the application process for these documents unpredictable. Some IDPs in Turkey benefited from the "green card" which gives the poor access to free health care, medication and other assistance. However, many IDPs were ineligible since they owned property at their place of origin.

Many displaced pensioners in the region receive only a minimum pension as a result of not having the proper documents. Displaced elderly from Chechnya receive a lower pension than they are entitled to because the necessary documents and their archives were

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<sup>6</sup> Forced migrant status was issued to people who fled conflict in Chechnya and North Ossetia, and settled outside of those republics. The status gave them access to certain rights and benefits.

destroyed during the conflicts and no mechanism has been put in place to rectify the issue. According to the Commissioner for Human Rights in the Russian Federation, as of 2003 there were around 40,000 internally displaced pensioners from Chechnya who were in this situation, and the number was rising. In Croatia, a significant number of IDPs could not meet the short deadline to claim for validations of working years acquired during the war in Serb-controlled areas of Croatia. As a consequence, they do not receive their full pension entitlement. Many IDPs from Kosovo also struggle to obtain their full pension and unemployment benefits because Kosovo and Serbia do not recognise each others' documents.

Roma IDPs are disproportionately affected by the lack of documentation in the Balkans. Some never had identification documents or residence registration and must initiate costly procedures in order to be registered. In Serbia, the lack of documentation and legal residence<sup>7</sup> prevents them from registering as IDPs and accessing related assistance and rights (such as healthcare and housing). Thus, living in informal settlements without legal residence or identification, Roma IDPs cannot register new births, apply for citizenship or access social benefits, employment and education. In Bosnia and Herzegovina, Serbia and Kosovo, a civil registration campaign has been initiated to address this situation. But the considerable caseload of unregistered persons requires long-term action, especially in the context of Kosovo's independence where people will have to come forward to obtain new citizenship. Those without documents will be at risk of statelessness.

The lack of property titles has slowed and sometimes blocked property restitution and reconstruction in the Balkans. Those who never possessed ownership titles, such as Roma living in informal settlements in houses built without a permit, or women whose houses were registered under the name of their husband, have had particular trouble obtaining reconstruction assistance and repossessing their property. IDPs from Kosovo also struggle to claim their properties because a significant number of civil registries and cadastral maps from Kosovo municipalities were taken to Serbia proper. In Turkey, applicants bear a reported heavy burden of documentation, rendering compensation more difficult. There is also no provision in the existing law for legal aid to assist people in preparing their applications.

Another documentation issue that emerged over time is the assignment of IDP status to children of IDPs. In Georgia, one IDP card was issued per family, including children. Newly married couples that were internally displaced as children do not receive IDP cards. In Azerbaijan, children of internally displaced fathers are eligible for IDP status while children of internally displaced mothers are not. While the state can decide whether the next generation is eligible for IDP status, this practice is discriminatory against children born to internally displaced women. The practice was the same in Cyprus until 2007, but now children of both displaced mothers and fathers can obtain the status. Granting of IDP status to children of IDPs is not an issue in the Balkans where children of the internally displaced access rights and assistance on par with their parents.

## **Discrimination<sup>8</sup>**

In most countries in the region people fled areas where they were an ethnic minority and went to areas where they were part of the ethnic majority. During displacement, these IDPs are not generally faced with discrimination. However, they are often viewed as non-locals

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<sup>7</sup> In Serbia, having a legal residence (rent contract or living in an official collective centre) is a pre-condition to applying for IDP card.

<sup>8</sup> Guiding Principle 1 and 4, ECHR Article 14, UDHR Article 7, CCPR Article 2(1) and 26, CESCR Article 2(2) and CoE Rec(2006)6 paragraph 2.

even years after living in their area of displacement. Local residents who have established social networks often access employment, services and benefits easier than IDPs who have been living there for years. Studies on access of IDPs to their rights in southeast Europe and the Caucasus have shown that the living standards of IDPs and their access to rights are inferior to those of the resident population. IDPs are more often impoverished, unemployed, less educated and in a poorer state of health than their non-displaced neighbours.

Many IDPs who are ethnic minorities in their area of displacement face discrimination. In the Balkans, Roma suffer from widespread discrimination in various sectors of public life. They will usually not be recruited for employment or their children will face hostility at school, or when it comes to rent a house. The result of this treatment is that Roma tend to limit their social interactions with other groups, which reinforces their marginalisation. Their treatment and living conditions deteriorated with displacement. However, progress has recently been made at the institutional level to better represent and defend Roma's interest and improve their living conditions, in particular through the Decade for Roma inclusion<sup>9</sup>. It is also difficult for ethnic Chechens and Kurds to lead a normal life in displacement. The general population in Russia has increasingly associated ethnic Chechens with terrorists, and they therefore face particular difficulties in securing rental accommodation, personal documents and jobs outside of Chechnya. They are also a target of racially motivated attacks and selective identity inspections by law enforcement authorities. In Turkey, Kurds who publicly or politically assert their Kurdish identity or use the Kurdish language in public risk censure, harassment and prosecution. This treatment of ethnic minority IDPs highlights the outstanding need for reconciliation between groups involved in and affected by conflict in the region.

### **Inadequate education**

The disruption of education for internally displaced children remains an issue mostly in the Caucasus and Turkey, and primarily for financial reasons. The access of displaced children to schools in all countries is ensured, but attendance is not effectively free. Internally displaced students in Azerbaijan benefit from free school bags, uniforms, books and stationery, but parents report they do not always receive these items and so must pay for them, which is usually a considerable family expense. Similarly, the parents of displaced children in Georgia report difficulties in buying clothing, books, supplies and paying for transportation and informal school fees. The poor financial situation of families is also preventing internally displaced children from going to school in Turkey where fewer displaced children attend primary and secondary school than non-displaced children, and fewer displaced girls attend than displaced boys. In Georgia and Turkey displaced children are increasingly illiterate. Poverty has caused some internally displaced students in Turkey and Azerbaijan to drop out of school, as has the further internal migration of families and early marriage in the case of girls. While internally displaced children in Russia can now enroll in school regardless of their residence registration, their access is also limited by finances as transport and food are the biggest expenses. In 2006, almost 40 per cent of displaced children in Russia did not attend school regularly in North Caucasus.

The quality of education also remains a concern in the region. Many schools damaged by conflict have yet to be rebuilt or repaired. As a result, some internally displaced children are being educated in buildings in need of repair or not primarily constructed as schools. Despite significant reconstruction in Chechnya, many schools still need furniture, supplies, textbooks, playgrounds and additional qualified staff. Many schools do not have heating systems

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<sup>9</sup> The Decade of Roma Inclusion campaign, with backing from the World Bank and the Open Society Institute, aims to end the isolation of Roma by promoting Action Plans and legislation in all countries where Roma are living.

despite a government order and funds to install proper central heating units. As a result, lessons are shorter than required. In Turkey the Kurdish identity is not recognised in the curriculum and displaced children are taught in Turkish, not in Kurdish, their mother tongue. Continuing conflict and displacement also have an effect on the quality of education. In many cases teachers have been displaced themselves and those in need of psychosocial support can negatively affect the quality of education displaced children receive. Low teacher salaries and the general shortage of teachers aggravate the situation. Crowded home conditions and the psychological state of children after having been displaced also negatively influence their school performance.

Displaced children in some countries are being educated separately from their non-displaced peers. While in some cases this is for practical reasons, for example when displaced children do not live near a local school with a non-displaced population, in other cases it has been a deliberate policy. It was the case in Azerbaijan that displaced children were educated separately, though sometimes in the same building, as non-displaced children. While the government's aim was to preserve the social fabric of displaced communities, this approach may have interfered with the social integration of children. Displaced children may now attend separate or mixed schools in Azerbaijan. In Georgia, there are 16 segregated schools for displaced children called "Georgian Public Schools". They are connected to collective centres and are generally in poor condition due to lack of funds. The Georgian State Strategy for IDPs calls for closing down the segregated schools and for integrating displaced children and youth into the national educational system. In Russia, displaced children living in Ingushetia used to be educated in "parallel" schools since Ingush schools could not accommodate all children for lack of space. However, displaced children were integrated into the Ingush school system by the 2006-2007 school year.

### **Property restitution and compensation<sup>10</sup>**

Restitution or compensation for property left behind during conflict are remedies for past violations (such as forced evictions or destruction of property) and essential elements to facilitate the achievement of durable solutions. As such, property restitution and compensation mechanisms are relevant during displacement and in the context of return, local integration or settlement elsewhere in the country.

As shown in Table 3, most countries affected by protracted internal displacement in Europe have put property restitution or compensation mechanisms in place. It is difficult to report the number of IDPs who have benefited from such mechanisms since they are only one of many groups who have applied for restitution or compensation. Other groups include domicile residents and refugees. Still others received reconstruction assistance, but not as part of a compensation scheme.

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<sup>10</sup> Guiding Principle 29, ECHR Protocol No. 1 Article 1, UDHR Article 17, CESCR Article 11, CoE Rec(2006)6 paragraph 8.

**Table 3. Remedies for lost or destroyed property**

Country	Remedy	Number of beneficiaries	Obstacles/shortcomings
Armenia	None	-	-Lack of political resolution to conflict
Azerbaijan	None	-	-Lack of political resolution to conflict
Bosnia and Herzegovina	Restitution	201,902	- Some sensitive cases of military apartments still not solved
Croatia	Restitution	20,000  This does not include claims presented before courts	-Looted properties  -Restitution stalled by secondary occupants  - No remedy for the 30,000 mainly ethnic Serbs who arbitrarily lost their occupancy rights on their flats during and after the conflict
Cyprus	None	-	-Lack of political resolution to conflict
Georgia	None	-	-Lack of political resolution to conflict
Kosovo	Restitution	29,000	-Serbian authorities do not cooperate with the Kosovo Property Agency so it is difficult to obtain records which were taken away to Serbia  -Lack of property titles or forged ones  - No return of claimants to repossessed property because of security reasons
Russian Federation	Compensation	Over 85,000	-Insufficient amount  -Corruption  -Process stalled for several years
Turkey	Compensation	82,893	-Burden of proof on IDPs  -Unequal calculation of compensation between provinces  -Slow assessments and payments  -No effective appeal procedure

## Protracted internal displacement in Europe: Current trends and ways forward

In the Balkans, the focus has been on restitution, which is more conducive to return than compensation. In the context of ethnic cleansing where displacement of certain groups was one of the aims of the conflict, restitution and return was perceived as being the most efficient way to reverse the effects of the war. This is why, for example, in Bosnia and Herzegovina the compensation mechanism provided by the Dayton Peace Agreement never received funding from donors. It is only in 2008, 13 years after the end of the conflict that authorities envisage activating a compensation mechanism as part of their revised strategy for durable solutions. Restitution has been successful in Bosnia and Herzegovina with a 94 per cent repossession rate, but this was mainly due to heavy and exceptional international intervention.

IDPs in Croatia and Kosovo still face obstacles to repossessing their property. In Croatia, restitution of private property is largely complete, although properties are often looted to the extent they are unliveable, or occupants of the property block restitution by claiming compensation for unsolicited repair. In some cases, properties belonging to IDPs have been sold fraudulently and they encounter numerous obstacles in regaining the property. Contrary to the rest of the Balkans, Croatia has denied the right to restitution or compensation for wartime termination of occupancy rights. Housing care programmes put in place to address this loss are not an effective remedy. In Kosovo, there are 59,000 property claims for restitution and compensation pending, mainly from Kosovo Serbs. Kosovo's declaration of independence in 2008 worsened their situation because Serbia has since refused to cooperate with the Kosovo Property Agency (KPA) and closed KPA offices in Serbia. This will seriously undermine the restitution process since some 30 per cent of Kosovo's cadastral maps are located in Serbia. In addition to these administrative barriers, IDPs' properties in Kosovo are threatened by widespread illegal expropriations and construction for which IDPs are often not informed. Throughout the Balkans, certain groups of IDPs, such as Roma, face additional difficulties to claim for restitution or reconstruction due to their lack of property title.

Property compensation procedures in Russia and Turkey have not resulted in widespread reconstruction of private housing by IDPs. In Russia, over 85,000 people have received compensation for destroyed property. However, compensation payments have been put on hold for extended periods and disputes over contested property have also stalled the process for many IDPs. The compensation amount has become increasingly insufficient for IDPs to buy or build housing since the default of the Russian rouble in 1998, and more recently because of kickbacks demanded by compensation officials and the rising cost of construction materials. The Federal Migration Service has acknowledged that compensation paid to IDPs from Chechnya is currently insufficient to buy housing in Chechnya and elsewhere, and has responded by including forced migrants in a new federal housing programme. In Turkey, the deadline for compensation applications was 31 May 2008. By that time, about 314,000 people had filed an application and almost 127,000 applications had been processed. Of these, 82,893 applications were given a positive decision. National and international NGOs and legal experts have drawn attention to a number of problems in Turkey's compensation law and its implementation. Criticisms include the heavy burden of proof on IDPs, unequal calculation of compensation between provinces, slow assessments and payments, and the absence of an effective appeal procedure.

Mutually recognised property compensation or restitution procedures do not exist in Armenia, Azerbaijan, Cyprus and Georgia due to the absence of political solutions to the conflicts. A law on property compensation for property left in South Ossetia was adopted in Georgia proper, but could not be implemented since the de facto authorities in South Ossetia did not accept it. As for property in Abkhazia, the government of Georgia established the Presidential program "My House," a register of property lost in the conflict zone. However, this initiative also could not be implemented, as Abkhazia did not cooperate with Georgia on

this matter. The Turkish Cypriot administration established an Immovable Property Commission on the order of the European Court of Human Rights (ECtHR) to introduce a remedy for the protection of property and possessions in the area under its control. While some people displaced by the events of 1974 in Cyprus have exchanged their properties, received compensation or had their properties returned, the Greek Cypriot authorities consider this Commission and its decisions illegitimate.

Since the landmark decision *Loizidou v. Turkey* (1996), the ECtHR has played a significant role in confirming the right of IDPs to property and the peaceful enjoyment of their possessions, and granting them compensation for violations of these rights. In *Akdivar v. Turkey* (1996) the ECtHR found that Turkey violated the rights to respect for home and enjoyment of property of seven internally displaced applicants as a result of the burning of their houses by security forces, which caused them to abandon their village and move elsewhere. The Court also ordered Turkey to pay these applicants compensation. Similarly, in *Khamidov v. Russia* (2007), the Court found that the right of an internally displaced applicant to the enjoyment of his property was violated as a result of the temporary occupation of his estate by police units. The Court ordered the Russian government to pay the applicant compensation.

Some ECtHR decisions on property issues affecting IDPs have come under critique. In *Blečić v. Croatia* (2006), the Court ruled out an attempt to challenge the termination of occupancy rights which was a massive practice during and after the war affecting mainly Croatian Serbs. This missed opportunity leaves many Croatian Serbs without a remedy for the arbitrary termination of their occupancy rights. In *Icyer v. Turkey* (2006), the Court concluded that measures taken by Turkey to address the situation of IDPs, including the 2004 Law on Compensation, provided an effective remedy. Thereafter, some 1,500 claims pending before the ECtHR on the compensation law were declared inadmissible in light of the preceding decision. Observers have subsequently commented that since the ECtHR decision, there has been a noticeable deterioration in the implementation of the compensation law.

#### ***IV. Durable solutions***

Governments with internal displacement situations have overwhelmingly supported the return of IDPs to their place of origin over other durable solutions, even when return was not physically possible. Despite these efforts, only some 25 per cent of IDPs have gone home. The remaining IDPs who do not want or cannot return receive little to no support for local integration or settlement elsewhere in the country. The lack of support to durable solutions other than return has limited the possibility of IDPs to make a free and informed choice about their durable solution preference, and is a missed opportunity for achieving durable solutions. Many IDPs have managed to establish new social networks in their area of displacement, and a new generation of children prefers to stay in the only place they have known rather than return to their parent's place of origin. In order to bring displacement to an end, governments in the region must support local integration and settlement in another area of the country in addition to return.

##### **i) Return**

Return of IDPs to their place of origin has taken place in the majority of countries in the region. Some 1.3 million IDPs have returned home, which accounts for about 25 per cent of



## Protracted internal displacement in Europe: Current trends and ways forward

IDPs originally displaced (see Table 4). Most returns have taken place in Macedonia, Croatia and Bosnia and Herzegovina, with Macedonia having achieved the fastest and highest percentage return of IDPs in the Balkans. Return has largely been blocked in Azerbaijan, Cyprus and Georgia due to an absence of resolutions to the conflicts. Return to certain areas in North Ossetia has also not been possible since the government zoned them as water conservation areas. The sustainability of return is a challenge throughout the region mainly due to the lack of adequate housing, jobs and infrastructure, limited access to social services, ethnic prejudice, continued insecurity, insufficient reconstruction and unresolved property issues. These factors promote further internal migration of returnees.

**Table 4. Return of IDPs in Europe**

Country	Area of return	Number of returnees (per cent of those originally displaced)	Source
Armenia	Unrestricted	Unknown	
Azerbaijan	Fizuli district	54,000 (6 per cent)	NRC, February 2008
Bosnia and Herzegovina	Unrestricted	579,000 (44 per cent)	UNHCR, September 2008
Croatia	Unrestricted	344,200 (66 per cent)	Government, 2007
Cyprus	None	0	
Georgia	Gali, Abkhazia	45,000 (15 – 20 per cent)	UNHCR, 2008
Kosovo	Unrestricted	18,200 minority returns (7 per cent)	UNHCR, June 2008
Macedonia	Unrestricted	73,222 (95 per cent)	Government
Russian Federation	Unrestricted, except for some areas in North Ossetia	57,000-150,000 (10 - 25 per cent)	Swisspeace, 2007 ACCORD, 2008
Turkey	Unrestricted	112,000 – 124,000 (11-14 per cent)	Hacettepe Survey, 2006
<b>TOTAL</b>		<b>1,282,622 – 1,387,622</b>	

### Patterns of return

More than one million IDPs have returned to their homes in the Balkans, and more than half of these returns have taken place in Bosnia and Herzegovina. However, so many years after the conflict, return movements in the Balkans have considerably slowed down. While in the years immediately following the conflict in Bosnia and Herzegovina IDPs returned to areas where their ethnic group was in the local majority, by 2008 about half of the returnees had gone back to areas where they were ethnic minorities. Return figures for 2007 stood at 4,500 and this has been the annual average since 2005.

Minority returns also occurred in Croatia, though the return rate has been low there since the end of the conflict. The reasons for this low return rate can be partially explained by the difficult conditions in return areas and also because IDPs have established new links in their place of displacement. However, in the absence of assistance for durable solutions other than return, some IDPs are tempted to choose return, or express their intention to return,

since assistance is provided. The number of people returning to Kosovo in recent years has also been low. This is partially due to the uncertainty surrounding the political status of Kosovo, but also because many IDPs coming from remote and rural areas have become accustomed to city life and are reluctant to return to areas without adequate services and infrastructure.

Only small-scale return has occurred in the Caucasus and Turkey due to enduring conflicts and ongoing hostilities. In Turkey, IDPs have returned to south and southeast Turkey, and in Russia IDPs have returned to both Chechnya and North Ossetia. Georgian IDPs have returned to the Gali district in eastern Abkhazia, while IDPs in Azerbaijan have returned to Fizuli district. Information on the number and locations of returned IDPs in Armenia was unavailable.

The intention of IDPs to return is difficult to assess. In Turkey, some 55 per cent of IDPs reportedly want to return to their place of origin. However, some never owned land or houses there and will need significant assistance to return. In Bosnia, 40,000 internally displaced families (or 100 per cent of registered IDPs) declared their intention to return. Most of these families applied for reconstruction assistance for which expressed intention to return is an eligibility criterion. This link between intention to return and assistance can raise suspicion as to the sincerity of the intention to return.

#### **Facilitation of return**

Several governments have facilitated the return of IDPs to their original places of residence. The government of Bosnia and Herzegovina has financed the reconstruction of housing in return areas and supports a project aiming to close collective centres and provide residents with improved housing. Critical elements that created an atmosphere conducive to return in Bosnia and Herzegovina include a successful property restitution programme, an improved security situation in return areas and related freedom of movement, and sustained financial support of the international community. Croatia also supported return through restitution of private property and reconstruction assistance. In Kosovo, the government declared support for the return process, put a mechanism in place for property restitution, established local safety councils, continued implementing community programmes and rebuilt the homes of the majority of returnees. However, mismanagement of return funds by the Ministry for Return and Communities coupled with conditions not conducive to return resulted in a very limited number of returns.

Georgia's National IDP Strategy contains provisions for IDP return, as does the corresponding action plan. However, these provisions have yet to be implemented and return of IDPs to Gali district in Abkhazia has largely been spontaneous and seasonal, with some international assistance. In Azerbaijan and Russia, shelter assistance from humanitarian organisations was central to return since housing is the biggest expense for returnees. Armenia and Turkey both developed programmes to facilitate the return and integration of returnees. While returnees have benefited from Turkey's programme, Armenia has yet to adopt and finance its programme, which would also benefit the non-displaced population in returnee areas. Turkey's programme was supplemented in 2004 with a special compensation law, and in 2006 with the Van Action Plan, which aims to support IDP and returnee needs at the provincial level. The Plan is to be replicated in other provinces in Turkey.

Reconstruction and economic improvements in Chechnya since 2007 have created a situation conducive to return for some IDPs. However, government efforts in Russia seem to have put undue pressure on IDPs to return, including utility cuts, deregistration from lists granting humanitarian assistance and camp and collective centre closures in areas of

displacement. Russian law also provides more compensation for IDPs who return to Chechnya than for those who settle elsewhere in Russia, which may influence IDPs' choice of residence.

### **Challenges to return**

Data on the sustainability of return is only available for Croatia, where about 65 per cent of minority returns have been sustainable. In Bosnia and Herzegovina there are clear indications that many returns have not been sustainable. IDPs register their return, but confronted with difficulties they often decide to go back to their place of displacement or to settle elsewhere and do not de-register their return which makes it difficult to compile information on the sustainability of returns. In Macedonia, over 95 per cent of the people uprooted during the brief but intense conflict between ethnic Albanian armed groups and Macedonian security forces in 2001 have been able to return. But the achievement of large-scale return conceals the persistent division between the ethnic communities and the failure of returnees to reintegrate socially and economically. And while incidents of serious violence remain isolated, returnees continue to face underlying pressure to leave areas where they are a minority. In Kosovo, there is no reliable information on the sustainability of return. In Georgia, while tens of thousands of IDPs returned several years ago to Gali, many of them still shuttle regularly between Gali and Zugdidi in western Georgia mostly in order to tend to their hazelnut groves and collect their harvest in Gali. A new law on occupied territories in Georgia makes monetary transactions in the occupied territories illegal and will likely have an impact on the sustainability of return to Gali. In Azerbaijan, families continue to return to liberated areas and most intend to stay despite poor living and economic conditions because of the lack of viable alternative options.

The main challenges to sustainable return throughout the region are the absence of adequate housing and the lack of jobs and livelihoods opportunities. Living conditions for returning IDPs in Armenia and in Azerbaijan are miserable. Many of them returned to dilapidated houses in villages where infrastructure, schools and medical centres have only slowly been rebuilt. Others lost their homes, and in the absence of any compensation system, live in makeshift shelter. In Chechnya, the majority of returning IDPs could not afford to repair or rebuild their homes, partly due to compensation payments being put on hold, and were faced with living in temporary accommodation. Reconstruction has been confined to Grozny, and no initiatives for newly formed families and returnees who never owned property. The lack of available and affordable accommodation, as well as the means to repair or rebuild one's home, still poses a major obstacle to return in Chechnya. In Bosnia, about ten per cent of those whose houses had been destroyed - over 40,000 displaced families - still needed assistance to rebuild their homes in late 2007. In Croatia, owners of private properties have been able to benefit from reconstruction assistance. Holders of socially-owned properties were offered housing care which was not necessarily available in their area of origin. This programme has benefitted only very few holders of tenancy rights as for many years it was only available to ethnic Croat IDPs. Only in recent years has it been open to Croatian Serbs, who now represent the majority of recipients. This discriminatory approach to reconstruction has effectively blocked return for many IDPs.

In most return areas there are few jobs. In Bosnia and Herzegovina minority returnees reportedly face discrimination in competing for the few jobs that are available and so are disproportionately unemployed; while in Chechnya the salaries of returnees who work in reconstruction have been delayed. In Croatia returning IDPs have difficulty securing jobs in both the private and public sector, especially in the war-affected areas. In Kosovo, minority returnees' self-reliance is seriously compromised by an unemployment rate often reaching 100 per cent and difficulties to access land due to limited freedom of movement. In Kosovo, only some 17 per cent of restitution of residential property resulted in return, and in many

cases the property was then sold. In Turkey, there are only limited jobs for returnees. Most returnees in Armenia have no employment income because of the lack of jobs and barriers to working in agriculture such as the lack of equipment, damage of irrigation systems and landmines. They are therefore dependent on government assistance programmes. Returnees in Croatia also cannot depend on agriculture due to landmines or difficulties repossessing land, and Croatian Serbs often face discrimination in their search for employment. Agriculture serves as the main source of income for returnees in Azerbaijan, but the process of revitalization and cultivation has also been slow due to incomplete demining.

Returning IDPs also did not receive adequate assistance. In Turkey, the state of development in rural areas has placed doubt on the sustainability of return. Long before displacement, the rural areas of south and southeast Turkey from which the displaced originate had limited social and physical infrastructure. Nearly two decades of displacement and conflict have left properties such as arable land, houses and basic infrastructure unattended and in need of reconstruction. Government efforts to assist returnees totalling some \$80 million remain marginal in light of the scale of required reconstruction. The absence of adequate support to livelihoods in Bosnia and Herzegovina has rendered many returns unsustainable. However, in 2008, the government incorporated infrastructure and support to income-generating activities as part of its assistance to return. The spontaneity of return in Azerbaijan coupled with the lack of initiative on the part of the government delayed returnees' potential to reintegrate and re-establish their livelihoods. Returnees had to mostly rely on traditional information and assistance sources as the government slowly took responsibility for repair of basic infrastructure and establishment of social services. IDPs have not been a priority for the Armenian government, and there is no information on how this has affected the sustainability of return. In Georgia, the lack of government assistance to returnees was due to doubts about the sustainability of return in the absence of a resolution to the conflict.

Other issues that challenge the sustainability of return but are present only in some countries include ethnic prejudice, property issues, continued insecurity and education. The persistence of the ethnic divide in national political discourse and policies encourages IDPs to remain displaced in areas where they belong to a majority group. In Bosnia and Herzegovina the lack of harmonised national legislation on social benefits such as healthcare, pensions, or compensation for civilian victims of war is an obstacle to return and its sustainability if entitlements are lower in the area of return. This has convinced many IDPs not to return, while some of those who had returned chose to leave again. Others who returned have kept their registered residence in areas of displacement, in order to continue profiting from better social services.

The denial of property rights is also affecting return. As already mentioned, return to urban centres in Croatia, where most people were occupancy or tenancy right holders, has been extremely slow due to the discriminatory policy which led to massive cancellation of tenancy rights pertaining to Croatian Serbs, and the lack of an effective remedy. In Azerbaijan, only a small number of returnees have managed to obtain property deeds because property restitution or compensation mechanisms have not been put in place and procedures were bureaucratic with high fees. Some people, especially members of female-headed households, widows and Roma, never officially owned property or do not have the documents necessary to reclaim their property and request for its reconstruction. Some IDPs in Croatia and Russia cannot return because other persons are occupying their homes, or their homes are destroyed and they cannot afford to rebuild.

Insecurity is still an obstacle to return in Armenia, Azerbaijan, Russia and Turkey. In Turkey, renewed hostilities between the Kurdistan Worker's Party (PKK) and government forces, landmines and the reinforced village guard system are still serious deterrents to return. While Chechnya has started to recover from years of conflict, the security situation still discourages the return of some IDPs. Both the government forces and militants continue to perpetrate human rights abuses and enjoy general impunity, while victims who seek justice through the police and courts are pressured to withdraw their claims. Many non-Chechen IDPs, in particular ethnic Russians, still fear that their personal safety and that of their children would not be guaranteed in Chechnya and have chosen to settle elsewhere. Insecurity also challenges the sustainability of return in Azerbaijan and Armenia since return areas are near the line of contact and there are frequent exchanges of fire.

Education also has an impact on the sustainability of minority returns. In Bosnia and Herzegovina, the curriculum in a given area still caters to the local ethnic majority. As a result some children are travelling long distances to attend the curriculum of their choice. The persistence of segregated schools where children are separated based on their ethnicity is an example of continuing ethnic divisions and represents a serious obstacle to future reconciliation. Language of instruction is also an issue affecting the sustainability of return in Georgia. Restriction of the use of the Georgian language in public schools in Gali district interferes with the right of returnee children to education since most returnees are ethnic Georgian and do not speak Abkhaz.

Other important obstacles to return include impunity of war criminals and perpetrators of human rights violations. The lack of transparency surrounding war crime indictments in terms of the process and the grounds on which individuals were indicted as well as the ethnic bias that affects such trials is another obstacle to return. Returnees resent the impunity enjoyed by certain perpetrators of war crimes, and fear being arrested or convicted. Trials and decisions are often biased according to ethnicity in the Balkans meaning that arguments of non-Serbs usually prevail. Widespread impunity for perpetrators is also an obstacle to return in Georgia. In several countries perpetrators of human rights violations have taken up government or security positions, which does create a sense of protection among returnees.

In Azerbaijan, Cyprus, Georgia and Kosovo, broader political processes continue to block IDPs from returning to their homes. The stalemate persists between Azerbaijan and Armenia over Nagorno-Karabakh and as a result prospects of large-scale return are dim, although the government of Azerbaijan has developed a plan for the return of IDPs. Resolutions to the conflicts in Georgia seem more distant than ever after renewed conflict in August 2008, and this prevents any organised return of IDPs to Abkhazia and South Ossetia. Similarly in Cyprus, while the resumption of talks between the Cypriot government and the Turkish Cypriot administration produced encouraging results in 2008, issues of security, territory and property remain major stumbling blocks to return. The non-recognition of Kosovo's independence by Serbia is blocking any cooperation on return and is creating a volatile atmosphere that is not conducive to return, especially in northern Kosovo.

## **ii) Local integration**

While many governments have demonstrated political will and allocated resources for return, the same has not been true for local integration. On the contrary, states have seemingly limited self-reliance of IDPs in areas of displacement in an effort to push IDPs to return. The apparent lack of political will to acknowledge the presence of IDPs where they are on a permanent basis hampers local integration processes and reinforces the situation of IDPs as marginalised, dependent on aid and feeling out of place. However, some governments have recently changed their approach to local integration, such as Georgia and Turkey. Georgia acknowledged the right of IDPs to local integration in its National IDP Strategy and Turkey

did the same in a national strategy framework document issued in 2005. In both cases, this marked a significant promise of departure from the previous approach, which did not recognise the specific needs of IDPs.

### **Facilitation of local integration**

There is a paucity of information on local integration efforts and experiences in the region. Most information available on local integration of IDPs in the region pertains to IDPs from Chechnya opting to settle in Ingushetia and outside of the North Caucasus. IDPs from Chechnya were originally transported to other areas of Russia where they had relatives and many have since stayed despite particular challenges they have faced. In Ingushetia, humanitarian organisations helped IDPs who decided to stay in their area of displacement with housing. The lack of a methodology to measure and identify integrated IDPs as well as those who are in the process of integrating stands in the way of gaining knowledge on local integration and designing appropriate responses that assist IDPs and host communities in line with government programmes.

Progress has recently been made with regard to support to local integration in Bosnia and Herzegovina, though the term “local integration” is not used. The revision of the Annex VII strategy undertaken in 2007 by the Ministry for Human Rights and Refugees aims to improve the situation of people still displaced as well as the situation in return areas. Although yet to be finalised, the process acknowledges that solutions other than return will need to be sought, in particular for vulnerable IDPs residing in collective centres, and returnees will need more specific and sustained support than they have thus far received.

Turkey’s Van Action Plan is different from previous government programmes targeting IDPs since in addition to return, it also focuses on the integration of IDPs in urban areas through improved infrastructure and income-generating activities. It also includes psychological assistance and capacity building activities in addition to making basic services accessible to IDPs.

### **Challenges to local integration**

The main challenges to local integration in Europe are political goals, the lack of jobs and housing, registration requirements and the vulnerabilities of IDPs. In Bosnia and Herzegovina, the government and the international community have not promoted local integration in order to avoid consolidating the results of ethnic cleansing<sup>11</sup>, one of the main features of the war in the former Yugoslavia. In contrast, nationalist political parties, particularly in Republika Srpska and in the Croat part of the Federation of Bosnia and Herzegovina, have supported the local integration of displaced people to limit their return and maintain their own local ethnic majority. Large numbers of people have thus received land and construction assistance from the local authorities and nationalist parties to settle, particularly in Serb and Croat majority areas.

In other countries in the region, motives behind not encouraging the integration of IDPs at their current residence have not been openly stated. In Serbia, the government was hesitant to allow IDPs from Kosovo to permanently settle in Serbia and pushed for return of Kosovo Serb IDPs to reinforce their claim over Kosovo. In the case of Turkey, local integration has not been openly encouraged though it is unclear why this is the case. Most government programmes in Turkey have focused on return and neglected the situation of IDPs who have opted not to return, and this approach changed only recently. Similarly in Georgia and Azerbaijan, the government avoided taking measures to improve the living conditions of IDPs

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<sup>11</sup> Ethnic cleansing is any policy or action that intends or results in alteration of the ethnic, religious or racial composition of the affected population.

until recently, presumably to maintain the visibility of IDPs in order to regain territory not under its effective control.

Local integration of IDPs in Azerbaijan and Russia is also hindered by the lack of shelter and the requirement for residence registration. Most of the some 300 families opting for local integration in Ingushetia stated that they need shelter support in order to settle permanently. The Ingush government has declared on several occasions that it will support local integration through land allocation and housing subsidies, yet many IDPs wishing to stay in Ingushetia have yet to receive such support. Citizens must register their residence as part of an internal registration system, the so-called *propiska* regime. Many IDPs who move to find jobs elsewhere struggle to register their new residence, though other citizens face difficulties as well. Without residence registration, IDPs have problems accessing official employment, housing, medical services, education and pensions. Uniquely in Kosovo, a rental scheme was put in place allowing the owner who was not willing to return to receive rent from the KPA. However, in practice very little rent is collected from the 2,500 properties included in the scheme.

The lack of jobs in towns and villages is pushing IDPs to look for work in cities. While many IDPs in cities in Azerbaijan have managed to find jobs, unemployment is rife in villages and towns. Few IDPs have jobs other than a small number working as teachers, medical personnel, local government administrative staff, taxi drivers and small retailers. The government has tried to address this issue by introducing financial credit and quotas for employment of IDPs. However, IDPs report that the government quotas have not helped them find employment and that loans are inaccessible due to their high interest rates and the collateral required. In Turkey, IDPs living in cities encounter a host of interrelated problems, including poverty and unemployment, inadequate housing and barriers to accessing health care and education. Various surveys conducted among IDPs in Diyarbakir and other cities reveal unemployment rates between 60 to 80 per cent. The aged and especially elderly women seem to have most difficulties integrating in cities since they have lost or lack basic educational, occupational and linguistic skills.

The specific vulnerabilities of some IDPs are an obstacle to their local integration. In Georgia and Azerbaijan, besides their often harsh living conditions, many IDPs in collective centres suffer from dependency, passivity and depression due to the conflict or their experience after the conflict. This has hindered their social integration and self-reliance potential.

### **iii) Settlement in another area of the country**

#### **Facilitation of settlement in another area of the country**

The governments of Azerbaijan, Georgia, Russia and Turkey have settled IDPs elsewhere in their country. Starting in 2001, the government of Azerbaijan closed some of the worst IDP camps and built new villages for some 90,000 IDPs. Resettlers received a new house and a small plot of land to use until return to their original homes becomes possible. In late 2007, the President of Azerbaijan approved an investment of over \$1 billion until 2011 for additional resettlement of IDPs and the creation of livelihood opportunities for IDPs.

In Russia, the authorities in North Ossetia established the village of Novy for IDPs unable to return to their original homes. While some 250 internally displaced families accepted the offer and resettled in Novy, others insisted on their right to return to their places of origin in what is now a water conservation zone. The government maintains that return to those villages is forbidden and is trying to find a compromise based on resettlement, including in apartments or on new land.

The Turkish government's projects of "central villages" and "model villages" foresaw the resettlement of the displaced to rural areas selected by the government rather than return to their original villages. These villages were to be formed by combining a few villages, enabling provision of infrastructure in a more rationalised way. However, these projects have not met with much success because IDPs have not been willing to settle in places other than their original villages and the process has been criticised for being undemocratic, non-transparent and non-inclusive of IDPs.

In Georgia, the government is constructing some 6,200 homes and other housing for IDPs from South Ossetia, including those displaced in 2008. The resettlement process began in mid-November 2008 and the government expected that some 21,000 displaced persons would be accommodated in new housing by the end of 2008. The government has not yet provided details of eligibility criteria determining allocation of housing, though it appears IDPs will receive ownership titles to their homes.

In other countries in the region, such as Armenia and Bosnia and Herzegovina, settlement is believed to have been spontaneous on the initiative of IDPs with no specific programmes or assistance to encourage it. It is unclear to what degree the remaining governments in the region have explored settlement as a durable solution.

#### **Challenges to settlement in another area of the country**

Inadequate housing conditions, the lack of jobs and the temporary nature of settlement challenge the sustainability of this durable solution. While most resettlement areas in Azerbaijan have medical centres, daycares and schools and generally offer a higher quality of accommodation, the new villages are often in remote economically depressed areas with few jobs and without public transport links. The physical security of IDPs is in a few cases compromised by the proximity of the line of contact with Armenia and uncleared landmines. Some houses were constructed poorly, reportedly because of corruption in the construction process, and the land accompanying them is often salty and infertile. There are few opportunities to earn an income and many IDPs have left the settlements to search for jobs elsewhere. Settlement has led to isolation and further marginalization of some IDPs, though current government efforts may change this.

Settled IDPs do not receive property titles for their new houses and this coupled with the absence of a property compensation and restitution mechanism means the initiative cannot be considered a durable solution for IDPs. The government in Azerbaijan maintains that settlement to new villages is temporary until return becomes possible. As such, IDPs do not own the houses given to them. They must hand over the houses in their original condition to the government when it is possible to return. While the initiative has improved the lives of many IDPs, the temporary nature of their settlement may prevent their integration in the area.

Despite government efforts to settle IDPs in Russia, IDPs face difficulty securing adequate housing, acquiring residence registration and other personal documents, as well as a lack of jobs.



## ***V. Conclusion***

IDPs in Europe continue to struggle to improve their housing conditions, access documents and related rights, gain a quality education and repossess or receive compensation for their lost properties. Many also face discrimination in their daily life. Vulnerable IDPs continue to have special needs related to their displacement and finding durable solutions for them requires that their access to services and benefits be ensured, including to homes for the elderly, psychosocial support, housing, documentation assistance and income-generating activities.

Governments in the region have mainly prioritised return over other durable solutions. After an average of 15 years of displacement, only about 25 per cent of IDPs returned to their homes. The majority of IDPs opted not to return and many still require assistance to achieve durable solutions. A shift in the government focus away from return and towards local integration and settlement in other areas of the country is therefore needed. Programmes supporting the local integration and settlement of IDPs elsewhere in their country should include assistance for adequate housing and livelihood opportunities, as well as promote the free choice of IDPs to permanently settle where they are or return to their place of origin.

## ***VI. Recommendations***

To the Council of Europe's Committee on Migration, Refugees and Population:

On access to documents:

- Encourage governments to establish institutional mechanisms and facilitated procedures for issuing or reissuing essential documentation to IDPs, including by using official records and alternative forms of evidence available to IDPs;
- Support access to rights and justice for IDPs by ensuring issues of documentation and rule of law are included in the training and monitoring activities of the relevant bodies of the Council of Europe;
- Conduct research on the impact of the lack of documentation and non-recognition of documents and legislation in countries with competing legal systems on IDPs' access to rights, with a view to identifying ways to limit the negative impact of this situation on IDPs, and
- Encourage Governments to initiate civil registration campaigns targeting groups of IDPs particularly affected by the lack of documentation such as Roma.

On housing and other social rights:

- Encourage governments to ensure social welfare systems can benefit IDPs in need of assistance with a special emphasis on housing and livelihood opportunities.

On general protection of human rights:

- Support national human rights institutions in their capacity to encourage governments to address the limited access of IDPs to their rights;
- Encourage governments to support accessible legal assistance programmes, and
- Lobby the European Commission to more comprehensively reflect issues facing IDPs and access to their rights in EU progress reports, and to assess progress in the accession process against improvement of the situation of IDPs.

On durable solutions:

## Protracted internal displacement in Europe: Current trends and ways forward

- Conduct research on spontaneous and organised local integration and settlement of IDPs in Europe with the purpose of exploring the possibility of these durable solutions in the region, and
- Identify the remaining obstacles for securing durable solutions for IDPs in collective centres and makeshift housing.