

Protracted internal displacement in Europe

CURRENT TRENDS AND WAYS FORWARD



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

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The Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC) was established by the Norwegian Refugee Council following the request of the United Nations Inter-Agency Standing Committee to set up an IDP database in 1998. The Geneva-based Centre has since evolved into the leading international body monitoring internal displacement caused by conflict and violence in some 50 countries worldwide. IDMC is funded by a wide range of institutional donors and foundations.

The Internal Displacement Monitoring Centre focuses on the following activities:

- monitoring internal displacement worldwide and maintaining an online database on conflict and violence related internal displacement;
- increasing visibility and awareness of internal displacement and advocating for the rights of internally displaced people;
- providing training on the protection of IDPs;
- contributing to the development of guides and standards for the provision of assistance and protection to internally displaced people.

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Executive summary

Some 2.5 million people are internally displaced in Europe in 2009. They are in Armenia, Azerbaijan, Bosnia and Herzegovina, Croatia, Cyprus, Georgia, Kosovo, Macedonia, the Russian Federation, Serbia and Turkey. 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 have become 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 to overcome problems related to their displacement, concerning housing, jobs, documents and property, as well as access to psychosocial support.

Governments throughout the region have promoted the return of IDPs to their places of origin 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 people returned to areas of origin and then had to leave again due to the lack of jobs, adequate housing and re-integration assistance there. In some countries where IDPs have been blocked from returning home because there has been no political resolution to the conflict, governments nevertheless continue to promote return as the preferred durable solution. Given these political obstacles, return processes which have slowed, the profile of the populations still displaced and the emergence of a generation who may have 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 one day to return, stay where they are or settle elsewhere. Local integration is not actively encouraged in most countries, seemingly to ensure IDPs will return, and where governments have supported settlement elsewhere in the country, it has mostly been promoted as a temporary solution until return becomes possible.

The challenge of integrating the IDPs who have moved progressively to towns and cities has been great, since much social housing has been privatised; meanwhile the continued occupation of collective centres often conflicts with governments' privatisation policies, leading to the eviction and further displacement of residents. The influx of IDPs into urban areas has also put pressure on services and infrastructure which have not always been able to meet the increase in demand. Experience has shown that these IDPs are unlikely to return to predominantly agricultural areas when they have a chance to do so, 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.

The lack of basic information about IDPs seeking durable solutions other than return is a serious impediment to resolving protracted internal displacement situations in Europe. As protracted situations of displacement are usually characterised by an IDP population whose numbers and locations are relatively stable, attempts should be made to consult and involve IDPs in the design of policies and programmes addressing their needs and preferences for durable solutions. Monitoring of IDPs' achievement of durable solutions is also needed since they may still have problems related to their displacement despite having chosen to return or settle elsewhere. 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.

Recommendations

Recommendations to responsible authorities

On durable solutions:

- Ensure that in addition to return local integration and settlement elsewhere in the country are supported, and that IDPs are able to make a free choice between these options;
- Undertake a comprehensive profiling exercise to determine the achievement of durable solutions and the obstacles facing the remaining IDPs in private and government-provided accommodation in rural and urban areas;
- Design and implement programmes to adequately respond to the outstanding protection and assistance needs determined through a comprehensive profiling exercise;
- Seek the advice of international experts such as the Representative of the UN Secretary General on the human rights of IDPs and the UN Special Rapporteur on Adequate Housing on how to address the outstanding issues facing IDPs;
- Ensure the views of IDPs, including women, children, elderly and the disabled, are sought and taken into account in the development of policies which affect them and in ongoing peace processes;
- Take measures to facilitate reconciliation between communities involved in and affected by the conflict.

On access to documents:

- Establish effective systems for issuing or reissuing essential documentation to IDPs, including by using official records and alternative forms of evidence available to IDPs.

On housing and other social rights:

- Develop and implement a comprehensive livelihoods strategy to create income-generation opportunities for IDPs and other vulnerable groups in their current place of residence through a consultative process;
- Take measures to improve security of tenure for IDPs, particularly those residing in collective centres or in informal settlements in order to protect them from eviction;

- Ensure IDPs in need of assistance can access national social welfare systems, and in particular those promoting access to housing and livelihoods opportunities.

On general protection of human rights:

- Support accessible legal assistance programmes;
- Allow civil society organisations that promote the protection of human rights to function freely, with the possibility to receive funding from abroad and without excessive reporting requirements;
- Implement Council of Europe, UN Treaty Body and UN Universal Periodic Review recommendations pertaining to IDPs.

Recommendations to UN agencies and international NGOs

- Facilitate sharing of experiences and best practices among responsible authorities in the region, including on housing and education of IDPs;
- Continue to provide assistance to IDPs who do not enjoy their rights on par with their non-displaced neighbours, as well as to their most vulnerable non-displaced neighbours;
- Determine the outstanding issues facing IDPs living in private accommodation in urban areas;
- Monitor the achievement of durable solutions for IDPs;
- Advocate for the establishment of reconciliation mechanisms;
- Continue to advocate for peaceful and lasting resolutions to the conflicts where relevant.

Recommendations to the Council of Europe

On durable solutions:

- 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;
- Identify the remaining obstacles for securing durable solutions for IDPs in collective centres and makeshift housing.

On access to documents:

- 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;
- Encourage governments to initiate civil registration campaigns targeting groups of IDPs particularly affected by the lack of documentation, such as Roma people.

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;
- Continue to advocate for reconciliation mechanisms;
- 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.

Recommendations to donors

- Consider funding comprehensive IDP profiling exercises to document the whereabouts and needs of the remaining IDPs and develop programmes to address their outstanding problems;
- Consider funding programmes that help IDPs resolve their outstanding problems related to their displacement and monitor their achievement of durable solutions, as well as assist their most vulnerable non-displaced neighbours.

Internal displacement in Europe



Numbers of people displaced at the end of 2008 by conflict, generalised violence and human rights violations: see Table 1 on page 9 for more details.

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1 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 rights¹. 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 those IDPs able to do so have returned to their areas of origin, resettled or integrated in another area, those who remain displaced tend to be particularly vulnerable, and typically poor, unemployed, without assets and living in inadequate temporary shelter with little to no support. Studies on IDPs in south-east Europe and the Caucasus have shown that the living standards of IDPs and their enjoyment of their rights are mostly inferior to those of the resident population.

Another characteristic is that IDPs have increasingly moved to urban areas, and 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. Their displacement mirrors widespread patterns in the region of voluntary migration to urban areas, in the face of which several governments have limited migration to some cities.

Many governments (in Azerbaijan, Cyprus, Georgia, Kosovo and Serbia²) 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, limit IDPs' access to their rights during displacement and stalls their integration and return.

Governments in the region have usually either maintained the visibility of IDPs or denied their existence for political reasons. Some have promoted the return of IDPs in order to support claims to territory not currently under their control or to reverse the demographic impact of conflict and accompanying "ethnic cleansing" (in Azerbaijan, Bosnia and Herzegovina, Cyprus, Georgia, Kosovo and Serbia). Meanwhile, the governments of Armenia and Russia have played down the scale of displacement in an effort to portray the situation as resolved and to divert international attention.

Another characteristic of protracted internal displacement in Europe is that many IDPs have not secured justice for human rights violations they suffered. As a result of corrupt officials, ineffective investigations and biased trials, perpetrators of human rights violations and crimes committed during the armed conflicts have mostly remained at large, courts have ruled disproportionately against IDPs of certain ethnicities, and many IDPs continue to seek information on the fate and whereabouts of their disappeared relatives.

The decreasing interest of donors and the media in internal displacement in Europe has also contributed to the neglect of the remaining IDPs.

This paper outlines the rights which IDPs still do not enjoy fully, the efforts made to secure durable solutions to their displacement and the challenges to the sustainability of those solutions, and possible ways forward. Rather than presenting a comprehensive overview of internal displacement in Europe, it highlights the main issues with the most pertinent examples.

2 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 Turkey³. The total number of IDPs in the region is around 2.5 million: the country figures can be found in Table 1.

as IDPs in some countries, but not in others. In the Balkans, there is usually uncertainty regarding the number of internally displaced Roma people 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.

This figure is an imprecise estimate. In some countries data is lacking, while in others the numerous sources use different counting methodologies. For example, children born to IDPs after displacement are counted

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

Country	Reported figure	Number of years displaced	Nature of conflict
Armenia	8,400 (NRC, 2005)	Up to 20	Mixed international, non-international
Azerbaijan	572,500 (Government, 2008) 603,300 (UNHCR, 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	200,500 (Government of the Republic of Cyprus, 2008) 0 ("Turkish Republic of Northern Cyprus", 2007)	Up to 34	Mixed international, non-international
Georgia	Long-term displaced: 220,000 (UNHCR, 2007) 247,000 (Government, 2007) Newly displaced: 128,000 in August 2008; 32,000 in December 2008 (Government, 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	82,200 (Government, 2006) 58,000 in the north Caucasus (UNHCR, 2008) 40,000 outside the north Caucasus (UN, 2004)	Up to 17	Non-international
Serbia	205,900 (UNHCR, 2008) plus an estimated 20,000 unregistered Roma IDPs	Up to 9	Mixed international, non-international (NATO intervention)
Turkey	953,700–1,201,200 (Hacettepe University, 2006)	Up to 24	Non-international
TOTAL	2,411,370 – 2,732,470		

2.1 Vulnerable groups

Many of the countries in Europe with internal displacement situations are former communist countries whose 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, as well as other vulnerable segments of the population. Current and detailed information on the needs of vulnerable IDPs is required in order to design such a system, as shown in Table 2.

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	34,466 (17 per cent)	Unavailable	27,113 (14 per cent)	Unavailable	Government, 2008
Georgia	Unavailable		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 just those displaced due to insecurity

Particularly vulnerable IDPs in Europe include people who have suffered psychological trauma due to their displacement, disabled and chronically ill people, female heads of households, children and elderly people and members of minorities such as Roma people. 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, inadequate living conditions, lack of support and social stigmatisation. The most disadvantaged are those who have also lost the financial, physical and psychological support of their extended family, friends and networks. They are at risk of desperate poverty as well as exploitation and abuse. Feelings of insecurity and isolation and incapacity to plan their future stand in the way of their self-reliance.

There are several factors that aggravate the situation of these vulnerable IDPs. 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, because they are unable to register as local residents or because they have lost the required skills since being displaced. As a result, many displaced families still depend on government benefits and food assistance. Many displaced elderly people do not receive their full pension entitlement, because they lost or left behind pension documents when fleeing their homes or because 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 in most affected countries continue to live in temporary accommodation provided by the government. Whereas young and healthy people were soon able to leave these "collective centres", IDPs who have been unable to repair, repossess, rent or purchase housing, or find space with friends or relatives, have remained there. Collective centres are often crowded, with no separation of the sexes or age groups, and personal living space is not adjusted as families grow. Kitchens, bathrooms and plumbing systems are often run-down. Residents usually have limited access to land to grow food and so spend most of their income on food or rely on food assistance.

These inadequate living conditions interfere with the health of all residents and the development of children. Depression reportedly affects many collective centre residents and they have difficulty providing for themselves. The lack of affordable housing is an obstacle to the return to normality for these IDPs.

The lack of comprehensive support programmes for the remaining traumatised and disabled IDPs ensures their continued marginalisation. While some IDPs have shown extraordinary resilience in the face of adversity, others have taken longer to recover. The traumatic stress of being uprooted was compounded for those who were victims or witnesses of abuse and violence, including sexual violence. The long-term effects of these experiences coupled with the social rejection of victims of sexual violence as well as of people with mental or physical disabilities has reportedly threatened IDPs' emotional, psychological and social wellbeing in several countries in the region. Traumatic events can also compromise adults' capacity to care for their children and parents.

In protracted situations of internal displacement, IDPs with specific needs are usually the last to find durable solutions. This is because their needs are overshadowed by general needs during the emergency phase of a crisis and their social marginalisation often prevents them coming forward and asking for assistance. While some of their needs are similar to those of the non-displaced population, finding durable solutions for these vulnerable IDPs requires that their access to services and benefits is ensured, including to appropriate health care, psychosocial support, housing, documentation assistance and income-generating activities.

3 Human rights of IDPs during displacement

The main barriers stopping IDPs in Europe from fully enjoying their rights include inadequate housing, lack of documentation, discrimination, disruption of education, and problems with property restitution and compensation.

3.1 Inadequate housing⁴

The majority of IDPs in Europe live in towns and cities in private accommodation that they rent or share. In Turkey, IDPs in private accommodation in urban areas live in crowded conditions with inadequate heating, sanitation and infrastructure. Those of Kurdish origin tend to live with people of similar ethnic background. IDPs from Chechnya living in urban areas outside of the north Caucasus spend most of their income on rent. Despite often having received compensation for property left behind, only three of 30 IDPs interviewed by IDMC in March 2008 had secured permanent housing. IDPs in Cyprus are the exception in the region in terms of housing, since they live in conditions similar to their non-displaced neighbours thanks to government assistance, a stable economy and their own initiative. The conditions of IDPs in private accommodation in urban areas of other countries in the region are largely unknown.

Other IDPs live in inadequate conditions in collective centres such as former university dormitories, schools and hospitals. 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 percentages of IDPs living in collective accommodation range from less than one per cent in Serbia to about seven 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 sped up the process to close all collective centres in 2008, which has been ongoing since 2006. In 2008, some 1,400 residents received new or abandoned apartments while others were offered accommodation in other collective centres, land plots, a one-off payment to rent temporary accommodation for six months or a letter of guarantee for a priority place on the list of those in need of housing. However, some IDPs were left without alternative shelter and humanitarian organisations are reconstructing or building them houses as a result. IDPs have been evicted from collective centres in Azerbaijan, Georgia and Russia, at times forcibly and often without compensation or an offer of alternative housing.

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 have 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 limits to their freedom of movement outside of the enclaves. Some IDPs in Azerbaijan live in such conditions uncomfortably close to the border with Armenia, in areas where continuing skirmishes put their physical security at risk.

Another issue related to inadequate housing of IDPs is insufficient security of tenure. Most of the countries in Europe with internal displacement situations have transitional economies, which create uncertainty in the housing market. Such economies are marked by often large-scale privatisation schemes that put IDPs at risk of eviction, especially those living in collective centres. In addition to privatisation, IDPs without adequate tenure security may also be evicted as a result of renovations

to a building, discrimination, or convenience of the owner. Some IDPs live in illegally occupied buildings or on undeveloped land in makeshift dwellings that they neither own nor rent. These IDPs face the continuing threat of eviction as they have no security of tenure. In Turkey, some IDPs squat in informal housing settlements 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 found⁵ 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 any time. As a result of their social exclusion and lack of documentation, Roma people in the Balkans often live in informal and/or illegal settlements which are not insulated or heated or connected to utilities and sewage systems. This problem is made more serious by the fact that the majority of Roma people cannot access health care due to their lack of documentation. A housing programme in favour of Roma people 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. Improvements in housing conditions have often been avoided because authorities perceived it as encouraging IDPs to integrate locally, which did not always serve their political aims. 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 making social housing programmes accessible to them. In Croatia, however, very few IDPs have benefited from housing care programmes open to refugees and IDPs who lost their occupancy rights during or after the war. 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, and has launched a plan to provide durable housing solutions for those displaced in the early 1990s. With the implementation of this plan, IDPs will be able to privatise their current living space in collective centres.

3.2 Access to documents and related rights

In Europe documents are often essential for people to be able to exercise their rights, for example to access health care, pensions, housing and unemployment benefits. This is particularly the case in former socialist countries where states provided extensive social welfare services and benefits.

During armed conflict, IDPs may lose or leave behind their documents (identity cards, property titles, diplomas, work booklets), 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 where the archives have been moved, IDPs must often undertake costly travel to access them, sometimes putting their lives at risk. Lack of birth, marriage and death certificates prevents IDPs from receiving social benefits or conducting legal transactions.

Another obstacle to IDPs being able to access their rights is the lack of mutual recognition of documents between entities within the same country. For example, the citizenship law adopted by the de facto authorities in Abkhazia complicates the recognition of the legal identity of returning IDPs by administrative authorities. The Representative of the UN Secretary-General on the human rights of IDPs noted that the law could be seen as creating a hostile atmosphere towards returnees and thus constitute a psychological obstacle to return.⁶

In most countries, IDP cards have allowed IDPs to access various rights. IDPs nevertheless continue to struggle to access rights not covered by the IDP card, as well as to get the IDP card itself. Many IDPs in Russia who fled from Chechnya face difficulties in acquiring and extending residence registration, forced migrant status⁷ 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 have benefited from the “green card” which gives poorer people access to free health care, medication and other assistance, but many were ineligible since they owned property at their place of origin.

Many displaced pensioners in the region receive only a minimum pension due to their lack of documentation. Displaced elderly people from Chechnya living outside of the north Caucasus receive a lower pension than they are entitled to because the necessary documents and their archives were destroyed during the conflicts; no mechanism has been put in place to rectify the issue outside Chechnya. According to the Commissioner for Human Rights in the Russian Federation, there were in 2003 around 40,000 internally displaced pensioners from Chechnya in this situation, and their number was rising. In Croatia, a significant number of IDPs do not receive their full pension entitlement because they could not meet the short deadline to validate working years acquired during the war in Serb-controlled areas of Croatia. Many IDPs from Kosovo also struggle to obtain their full pension and unemployment benefits because authorities in Kosovo and Serbia do not recognise each others’ documents.

Roma IDPs are disproportionately affected by the lack of documentation in the Balkans. Some have never had identification documents or residence registration and must initiate costly procedures in order to be registered as residents and as IDPs. In Serbia, the lack of documentation and legal residence⁸ prevents them from registering as IDPs and accessing related assistance and rights (such as health care 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, in Serbia and in Kosovo, civil registration campaigns have been started to address this situation. But to register the large numbers of unregistered people will require major commitment, especially in the context of Kosovo’s independence where people will have to come forward to obtain new citizenship, and 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 and property compensation in Russia and Turkey. IDPs 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 have struggled to claim their properties because many civil registries and cadastral maps from Kosovo municipalities were taken to Serbia proper. Without documents establishing ownership rights for their houses or apartments, IDPs from Chechnya are unable to apply for compensation and other forms of assistance. In Turkey, applicants must reportedly present extensive documentation, rendering compensation more difficult. There is also no provision in the existing law for legal aid to help people prepare applications.

Another documentation issue that has emerged over time is the assignment of IDP status to the 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 a new IDP card. Unlike children of internally displaced men, children of internally displaced women in Cyprus and Azerbaijan are not eligible for the benefits deriving from the IDP status. This practice discriminates against the children of internally displaced women. 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.

3.3 Discrimination⁹

In most countries in the region people fled areas where they were in an ethnic minority and went to areas where they were part of the ethnic majority. During displacement, these IDPs do not generally face discrimination. However, they are often viewed as outsiders even years after arriving in their area of displacement, and may have more difficulty accessing employment, services and benefits than non-displaced local residents who have established social networks. IDPs are more often impoverished, unemployed, less educated and in a poorer state of health than their non-displaced neighbours.

Some IDPs are part of ethnic minorities in their area of displacement and many face discrimination. In the Balkans, displaced and non-displaced Roma people suffer from widespread discrimination in various ways, for example when applying for jobs or renting homes; their children face hostility at school. Their treatment and living conditions deteriorated with displacement as underlined by several studies, including one carried out by the UN Development Programme¹⁰. 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 campaign¹¹.

Ethnic Chechens displaced in the Russian Federation and ethnic Kurds displaced in Turkey also face discrimination. 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. 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 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.

3.4 Education of internally displaced children

The education of internally displaced children remains an issue, particularly in the Caucasus and Turkey, and mainly for financial reasons. In Georgia and Turkey, illiteracy rates among displaced children have reportedly risen. Parents of displaced children in Georgia have reported difficulties in buying clothing and school supplies in addition to paying for transport and informal school fees. In Turkey, fewer displaced children attend primary and secondary school than non-displaced children, and fewer displaced girls attend than displaced boys, due to the impoverishment of displaced families. 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 the early marriage of girls.

While internally displaced students in Azerbaijan benefit from free school bags, uniforms, books and stationery, parents have reportedly not always received these items and so have had to pay for them themselves. Internally displaced children in Russia can now enrol in school regardless of their residence registration, but their access is also limited by the cost of transport and food. In 2006, almost 40 per cent of displaced children in the north Caucasus did not attend school regularly.

The quality of education also remains a concern. Many schools damaged by conflict have yet to be rebuilt or repaired, and so some internally displaced children are being taught 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 despite a government order and funds to install central heating units, and so 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. Many teachers have been displaced themselves and the trauma they have experienced can impair the quality of teaching they can offer. Low salaries and shortages of teachers in some countries have aggravated the situation. Difficult home conditions and the psychological state of displaced children have also marred their school performance.

Displaced children in some countries are 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. In Azerbaijan, displaced children may attend separate or mixed schools, but until recently they were educated separately, though sometimes in the same building as non-displaced children. While the government's aim was to preserve displaced communities, this approach may have interfered with the integration of displaced children. In Georgia, some 3,000 displaced children attend segregated schools. Many of these schools are connected to collective centres and are generally in poor condition due to lack of funds. However, the Georgian State Strategy for IDPs has proposed the closure of the segregated schools and the integration of displaced children and youth

into the national education 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.

3.5 Property restitution and compensation¹²

Restitution of property or compensation may remedy past violations such as forced evictions or the destruction of property, and may be essential to the achievement of durable solutions including local integration or settlement elsewhere in the country as well as return.

As shown in Table 3, most countries affected by protracted internal displacement in Europe have 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 have received reconstruction assistance, but not as part of a compensation scheme.

In the Balkans, the focus has been on restitution, which is more conducive to return than compensation. In Bosnia and Herzegovina the compensation mechanism provided by the Dayton Peace Agreement never received funding from donors. It was only in 2008, 13 years after the end of the conflict, that the national authorities considered activating a compensation mechanism as part of a revised strategy for durable solutions. Restitution has been successful in Bosnia and Herzegovina with 94 per cent of claimants repossessing their property, but this has mainly been due to the exceptional level of international intervention there.

IDPs in Croatia and Kosovo still face obstacles to repossessing their property. In Croatia, though the legal restitution of private property through the administrative process is largely complete, many dwellings have been damaged to the point that they are now uninhabitable, or their current occupants have blocked physical restitution by claiming compensation for un-

solicited repairs. In some cases, IDPs have struggled to repossess properties, for example when they have been sold fraudulently. In addition, the courts have yet to decide on over 20,000 claims to occupied properties. Contrary to other authorities in the Balkans, the government in Croatia has not recognised the right to restitution or compensation for people whose housing occupancy rights were terminated during the conflict there. Such occupancy rights evolved into very strong tenancy rights over time as a result of contributions to a housing fund, and could be inherited by relatives of the household. “Socially-owned” flats, as they were called, were usually located in towns and represented a valuable asset for occupancy-rights holders who managed to purchase their flat through pre and post-war privatisation programmes. Croatian Serb IDPs and refugees whose occupancy rights were arbitrarily cancelled were deprived of restitution and privatisation of their flats, representing a financial loss and hampering their search for durable solutions. Current housing care programmes do not provide an effective remedy and do not provide adequate compensation for their loss. The flats proposed to the displaced are not necessarily located in their area of origin and very few holders of tenancy rights have benefited from these programmes.

In Kosovo, there were in 2008 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 expropriation and construction, often without the knowledge of displaced owners. 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.

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, but compensation payments have been put on hold for extended periods and disputes over contested property have also stalled the process for many IDPs. The com-

Table 3. Remedies for lost or destroyed property

Country	Remedy	Number of successful applicants	Obstacles/shortcomings
Armenia	None for IDPs who fled due to conflict	–	- 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 for their apartments during and after the conflict
Cyprus	Property in areas under the control of the Republic of Cyprus: Local courts hear cases regarding restitution Property in areas under the control of the “Turkish Republic of Northern Cyprus”: the Immovable Property Commission offers restitution, compensation or exchange	1 56	- Government of the Republic of Cyprus views the Immovable Property Commission as illegitimate - Turkish Cypriot applicants to courts of the Republic of Cyprus report discriminatory procedures and unreasonable processing delays - There is no mutually agreed property claims mechanism due to the lack of political resolution to conflict
Georgia	Restitution according to Georgian legislation, but not applied	–	- 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 for security reasons
Russian Federation	Compensation	Over 85,000	- Insufficient amount to buy housing due to devaluation of Russian rouble and corruption - Process stalled for several years because of non-allocation of funding and corruption
Turkey	Compensation	82,893	- Unreasonable burden of proof on IDPs - Inconsistent calculation of compensation between provinces - Slow assessments and payments - No effective appeal procedure

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 there or elsewhere, and has responded by including forced migrants in a new federal housing programme. In Turkey, by the end of May 2008 about 314,000 people had filed an application for compensation: almost 127,000 applications had been processed, and almost 83,000 had been approved. Nonetheless, national and international NGOs and legal experts have drawn attention to a number of problems in the law and its implementation. Criticisms include the heavy burden of proof on IDPs, the unequal calculation of compensation between provinces, the slowness of assessments and payments, and the absence of an effective appeals procedure.

In Cyprus and Georgia, the absence of political solutions to the conflicts has prevented mutual recognition of property claims procedures. 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. Initiatives of the government of Georgia regarding property lost in the conflict zone in Abkhazia also could not be implemented without the cooperation of the authorities in Abkhazia. On the order of the European Court of Human Rights (ECtHR), the "Turkish Republic of Northern Cyprus" established an Immoveable Property Commission in 2005 that offers restitution, compensation or exchange of property lost as a result of the 1974 conflict and de facto division of the island. While some have exchanged their properties, received compensation or been recognised as the legal owners, the Greek Cypriot authorities consider this Commission and its decisions illegitimate.

Since the landmark decision in *Loizidou v. Turkey* (1996), the ECtHR has played a significant role in confirming the rights of IDPs to property and the peaceful enjoyment of their possessions, and ordered governments to pay 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. 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.

ECtHR decisions on property issues have not always been in favour of internally displaced applicants. In *Blečić v. Croatia* (2006), the Court ruled out a challenge to the termination of occupancy rights which affected many Croatian Serbs during and after the war. In *Icyer v. Turkey* (2006), the Court concluded that measures taken by the government of Turkey to address the situation of IDPs, including the 2004 Law on Compensation, provided an effective remedy; some 1,500 pending claims on the compensation law were thus rendered inadmissible. Observers have commented that the implementation of the compensation law has noticeably deteriorated since the ECtHR decision.

4 Durable solutions

Governments with internal displacement situations in Europe have overwhelmingly supported the return of IDPs to their place of origin over other durable solutions, even in the absence of a resolution to the conflict. Despite these efforts, only some 25 per cent of IDPs have gone home. The remaining IDPs who do not want to or cannot return receive little or no support to help them integrate locally or settle elsewhere in the country. The lack of support to durable solutions other than return has rendered it impossible for IDPs to make a free and informed choice about their residence, and has prevented the achievement of durable solutions. Many IDPs have managed to establish new social networks in their area of displacement, and in many countries children have expressed a preference to stay at their current residence 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 their country in addition to return.

4.1 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 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 rate of return of IDPs in the Balkans. Return has largely been blocked in Azerbaijan, Cyprus and Georgia as the conflicts there have not been resolved. The sustainability of return is also a challenge throughout the region, due to the lack of adequate housing, jobs, infrastructure and social services, continued insecurity and ethnic prejudice, and unresolved property issues. These factors have promoted further internal migration of returnees.

Table 4. Return of IDPs in Europe

Country	Area of return	Number of returnees (percentage 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)	Hacetepe Survey, 2006
TOTAL		1,282,622–1,387,622 (around 25 per cent)	

Patterns of return

More than one million IDPs have returned to their homes in the Balkans, and more than half of them 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 in ethnic minorities.

IDPs in Croatia also returned to areas where they are in a minority, though the return rate has been low there since the end of the conflict. The reasons for this low return rate include 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 other durable solutions, some IDPs have chosen to return, or expressed their intention to return, in order to access assistance.

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 have become accustomed to city life and are reluctant to return to remote and rural areas without adequate services and infrastructure.

Relatively few IDPs have returned in the Caucasus and Turkey due to enduring conflicts and ongoing hostilities. In Turkey, some IDPs have returned to south and south-east Turkey, and in Russia IDPs have returned to both Chechnya and North Ossetia. IDPs in Azerbaijan have returned to Fizuli district, while Georgian IDPs have returned to Gali district. Some 45,000 IDPs from Gali returned relatively quickly after being displaced in the early 1990s, and when they were displaced again in 1998 they also returned soon thereafter. Therefore many of those who originally fled have mainly resided at their original places of residence since their displacement and so have been returnees for some time. 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, all 40,000 internally

displaced families have declared their intention to return. Most of these families have applied for reconstruction assistance for which expressed intention to return is an eligibility criterion, and so the sincerity of the declared intention to return may be called into question.

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 has supported a project aiming to close collective centres and provide residents with improved housing. Critical elements that have created an atmosphere conducive to return in Bosnia and Herzegovina include a successful property restitution programme, improved security in return areas and related freedom of movement, and the sustained financial support of the international community. Croatia has also supported return through restitution of private property and reconstruction assistance. In Kosovo, although the government has 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, conditions not conducive to return coupled with mismanagement of return funds by the Ministry for Return and Communities have resulted in a very limited number of returns.

Georgia's national IDP strategy and action plan contain provisions for return, but these provisions have yet to be implemented. Tens of thousands of IDPs returned several years ago to Gali to tend to and harvest their hazelnut groves there, but returns were spontaneous, seasonal and without government assistance. Many of the returnees still travel regularly between Gali and Zugdidi in western Georgia. In Azerbaijan and Russia, shelter assistance from humanitarian organisations has been central to return since housing is the biggest expense for returnees, even in Russia where a compensation programme is in place. 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 the compensation law, and in 2006 with the Van

Action Plan, a provincial programme to support IDP and returnee needs which 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 actions seem to have put undue pressure on IDPs to return, including utility cuts, de-registration from lists granting humanitarian assistance, and closures of camps and collective centres 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.

Barriers to return

Data on the sustainability of return is only available for Croatia, where about 65 per cent of minority returns have proved sustainable. In Bosnia and Herzegovina there are clear indications that many returns have not been sustainable. Many IDPs have registered their return but have subsequently decided to go back to their place of displacement or to settle elsewhere; the fact that most have no incentive to declare this makes it difficult to compile information on the sustainability of returns. Similarly, in Kosovo, only 17 per cent of cases of restitution of residential property resulted in return, and in many cases the property was then sold. In Macedonia, over 95 per cent of IDPs have been able to return, but divisions between the ethnic communities have persisted and many returnees have failed to reintegrate socially and economically. While incidents of serious violence remain isolated, returnees continue to face underlying pressure to leave areas where they are in a minority. 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 alternatives.

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 generally extremely difficult. 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 there have been no initiatives in support of newly-formed families or 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, but this process was only effectively opened to Croatian Serbs, who now represent the majority of recipients, after reconstruction of houses belonging to ethnic Croats was completed. This discriminatory approach to reconstruction has effectively delayed or blocked return for many IDPs. The impossibility for former occupancy-rights holders to repossess their socially-owned apartments¹³, and the fact that few of them benefited from the housing care programme, has considerably limited return to urban areas and only 3 per cent of returnees are found in settlements of more than 100,000 inhabitants¹⁴.

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. In Croatia returning IDPs have difficulty securing jobs in both the private and public sectors, 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 in accessing land due to limited freedom of movement. In Turkey, there are only limited jobs for returnees. Most returnees and others affected by conflict in Armenia have no employment income because of the lack of jobs and barriers to agriculture such as the lack of equipment, damage to irrigation systems and landmines. They are therefore dependent on government assistance programmes. Returnees in Croatia are also prevented from farming by 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 re-establishing production has also been slow as demining activities have not been completed.

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 the massive cancellation of tenancy rights of 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 have been bureaucratic and expensive. 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 its reconstruction. Some IDPs in Croatia and Russia cannot return because other people are occupying their homes, or their homes have been destroyed and they cannot afford to rebuild them.

Returning IDPs have seldom received adequate assistance. In Turkey, the state of development in rural areas has placed doubt on the sustainability of return. The rural areas of south and south-east Turkey from which the IDPs originated always had limited social and physical infrastructure. Nearly two decades of displacement and conflict have left arable land, houses and infrastructure in need of reconstruction. Government efforts to assist returnees, totalling some \$80 million, have been insufficient to meet 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 returns in Azerbaijan coupled with the lack of assistance on the part of the government slowed returnees' efforts to reintegrate and re-establish their livelihoods. Returnees had to mostly rely on traditional information and assistance sources as the government only slowly started to repair basic infrastructure and establish 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.

Other issues that obstruct return but are present only in some countries include ethnic prejudice, education, continued insecurity and impunity, and the lack of resolutions to the conflicts. 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 health care, 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 returned have chosen to leave again. Others who returned have kept their registered residence in areas of displacement, in order to continue to profit from better social services.

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 travel long distances to attend school. The persistence of segregated schools perpetuates ethnic divisions and represents a serious obstacle to future reconciliation. In Georgia, the language of instruction is also an issue affecting the sustainability of returns. Returnees are mostly ethnic Migrelian with their own spoken-only language. The majority learned Georgian in schools in Georgia proper, but have now returned to where the language of instruction is Abkhaz and Russian, languages they often do not know.

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, the government's reinforced village guard system and landmines are still serious deterrents to return. While Chechnya has started to recover from years of conflict, insecurity 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 where skirmishes continue to occur.

Another important obstacle to return is the impunity of war criminals and perpetrators of human rights violations. War crimes trials processes have not always

been transparent, in terms both of the process and the grounds on which individuals were indicted and in terms of the risk of ethnic bias. Potential returnees resent the impunity enjoyed by certain perpetrators of war crimes, and fear being confronted by them or arbitrarily arrested or convicted for alleged war crimes, which was the case in Croatia until recently. Trials and decisions are often biased according to ethnicity in the Balkans. Criminal activity due to weak law enforcement is also an obstacle to return in Georgia. In several countries perpetrators of human rights abuses have taken up government or security positions, which does not 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 seemed more distant than ever after conflict broke out again in August 2008, and this situation 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. Serbia's non-recognition of Kosovo's independence is blocking any cooperation on return and is creating a volatile atmosphere that is not conducive to return, especially in northern Kosovo.

4.2 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 the self-reliance of IDPs in areas of displacement in an effort to push them to return. The apparent lack of political will to acknowledge the permanent presence of IDPs has hampered local integration processes and reinforced their marginalisation, isolation and dependence on aid. 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 in 2007 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 little information on local integration efforts and experiences in the region. Most information available pertains to IDPs in Cyprus or IDPs from Chechnya opting to settle in Ingushetia and outside the North Caucasus. Living conditions and access to services of IDPs in areas under the control of the Republic of Cyprus appear to be the same as the non-displaced population, though the rights of IDPs to property and return are still denied. A government housing programme for IDPs as well as an equal allocation of burden scheme have facilitated this integration, though some IDPs are only receiving titles to the property given to them now, 35 years after being displaced. IDPs from Chechnya were originally transported to other areas of Russia where they had relatives, and many have since stayed despite the particular challenges they have faced. In Ingushetia, humanitarian organisations helped IDPs who decided to stay in their area of displacement with housing since Ingush authorities lack federal budgetary support.

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. It is unclear to what degree IDPs choose to integrate where they are; it seems rather to happen naturally over time as they get on with their lives after being displaced, and especially when return is not among their options in the absence of a resolution to the conflict.

Progress has recently been made on support to local integration in Bosnia and Herzegovina, though the term "local integration" is not used. The new strategy developed 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.

Barriers to local integration

The main challenges to local integration in Europe are incompatible 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 avoided promoting local integration so as not to consolidate the results of ethnic cleansing¹⁵. 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, the motives behind not encouraging the integration of IDPs at their current residence have not been openly stated. In Serbia, it may be that the government was hesitant to allow IDPs from Kosovo to permanently settle in Serbia and pushed for return of Kosovo Serb IDPs to reinforce Serbia's 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 measures to improve the living conditions of IDPs until recently, presumably to maintain the visibility of IDPs in order to demonstrate its continuing claim over territory not under its effective control.

The local integration of IDPs in Azerbaijan and Russia is also hindered by the lack of housing and the requirement for residence registration. Most of the 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 from the government. Citizens in both Russia and Azerbaijan 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.

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 elsewhere. 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 have revealed unemployment rates between 60 and 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.

Uniquely in Kosovo, a rental scheme was put in place allowing displaced owners of property to receive rent from the KPA and so ensure some income. However, in practice very little rent is collected from the 2,500 properties included in the scheme.

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 depression due to the conflict or their experience after the conflict. This has hindered their social integration and capacity to become self-reliant.

4.3 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 the further resettlement of IDPs and the creation of livelihood opportunities for them.

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 are still displaced as they wish to return to their places of origin but are unable to do so as their homes are located within a water conservation zone, as well as in areas affected by floods, where returns and habitation are not possible. 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, and providing 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 people would be accommodated in new housing by the end of 2008. The majority of these IDPs will receive ownership titles to these new 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.

Barriers 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 solution. While most resettlement areas in Azerbaijan have medical and day care centres and schools, and generally offer a higher quality of accommodation, the new villages are often in remote areas with few jobs or 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. Many IDPs have left the settlements to search for jobs elsewhere. Settlement has led to further isolation and marginalisation of some IDPs, though current government efforts may change this.

Settled IDPs in Azerbaijan 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 establishment of sustainable lives in the area.

Despite government efforts to settle IDPs in Russia, IDPs face difficulty securing adequate housing, acquiring residence registration and other personal documents, and finding work.

5 Conclusions

Most IDPs in Europe continue to struggle to improve their housing conditions, access documents and related rights, earn a regular income, 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. This includes homes for the elderly, psychosocial support, adequate 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 the remaining IDPs still require assistance to achieve durable solutions. The apparent lack of political will to acknowledge the permanent presence of IDPs has hampered local integration processes and reinforced their marginalisation, isolation and dependence on aid. 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 durable solutions for IDPs should include assistance for adequate housing and livelihood opportunities, as well as promote the free choice of IDPs to permanently settle where they are, elsewhere in the country or return to their place of origin. The views of IDPs should be sought out and included in peace negotiations to help ensure the eventual peace will hold. The achievement of durable solutions requires monitoring to ensure IDPs who return, stay where they are or settle elsewhere in the country do not face new protection risks on account of their settlement preference.

Governments of the region all have years of experience with internal displacement, 35 years in the case of Cyprus. While some governments, like Cyprus, have ensured adequate housing for IDPs, others are still struggling with the issue. Likewise, some governments

have facilitated return of IDPs to their homes, while others are drafting a plan for return ahead of a peace agreement. Between them, the governments have much expertise to share and by combining guidance from international experts with their own political will, they could bring displacement to an end for the remaining IDPs.

Endnotes

- 1 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.
- 2 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.
- 3 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.
- 4 See also Guiding Principle 18, ESC Article 31, UDHR Article 25(1), CESCR Article 11(1), CRC Article 27(3).
- 5 Akimova v. Azerbaijan (2007).
- 6 United Nations Commission on Human Rights (CHR), 22 March 2006, Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, Mission to Georgia (21 to 24 December 2005).
- 7 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.
- 8 In Serbia, it is necessary to prove a legal residence (based on a rental contract or living in an official collective centre) to apply for an IDP card.
- 9 See also 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.
- 10 United Nations, 2006. Roma and the Displaced in South East Europe. Accessed from: http://europe-andcis.undp.org/uploads/public/File/rbec_web/vgr/FastFacts_At_Risk_report.pdf.
- 11 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.
- 12 See also Guiding Principle 29, ECHR Protocol No. 1 Article 1, UDHR Article 17, CESCR Article 11, CoE Rec(2006)6 paragraph 8.
- 13 See also pp. 16-17.
- 14 Current challenges for return in the Western Balkans: an NGO perspective, European Council on Refugees and Exiles, October 2007.
- 15 Ethnic cleansing is any policy or action that intends or results in alteration of the ethnic, religious or racial composition of the affected population.