

INTERNALLY DISPLACED PERSONS
IN THE CAUCASUS REGION
AND SOUTHEASTERN ANATOLIA

HEARING
BEFORE THE
COMMISSION ON SECURITY AND
COOPERATION IN EUROPE
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FIRST SESSION

JUNE 10, 2003

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AND SOUTHEASTERN ANATOLIA**

JUNE 10, 2003

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JUNE 10, 2003

**COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC**

The Commission met in Room 334, Cannon House Office Building, Washington, DC, at 2:00 p.m., Hon. Christopher H. Smith, Co-Chairman, presiding.

Commissioners present: Hon. Benjamin L. Cardin, Commissioner; and Hon. Joseph R. Pitts, Commissioner.

Witnesses present: Dr. Francis Deng, Representative of the U.N. Secretary-General on Internally Displaced Persons; Roberta Cohen, Co-director, Brookings-SAIS Project on Internal Displacement; Nicolas de Torrente, Executive Director, Doctors Without Borders—USA; Dr. Maureen Lynch, Director of Research, Refugees International; and Jonathan Sugden, Researcher, Europe and Central Asia Division, Human Rights Watch.

**HON. CHRISTOPHER H. SMITH, CO-CHAIRMAN,
COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. SMITH. This hearing shall come to order. Good afternoon, ladies and gentlemen. I am pleased to begin this hearing bearing witness to the plight of internationally displaced persons [IDPs] in Caucasus region and southeastern Anatolia.

As hundreds of thousands are displaced in refugee-like situations and remain unable to return to their homes, the north Caucasus region of the Russian Federation, Georgia, Azerbaijan, Armenia, and Turkey represent the greatest concentration of IDPs fleeing conflicts anywhere in the 55-nation Organization for Security and Cooperation in Europe [OSCE].

These protracted situations make the prospects for significant numbers of individuals returning home to safety and dignity seem remote. IDPs often exist in refugee-like situations, fleeing violence en masse and relocating to camps unable to return.

Not having crossed an international border, as we all know, IDPs are afforded no protection by the U.N. Refugee Convention despite similar needs as refugees. The country of nationality bears responsibility for the care of the IDP populations, which also limits the ability of the international community to respond effectively. As we will learn today, much needs to be done.

In Russia, reports continue to arise of authorities forcing IDPs to return to war-torn Chechnya despite continuous violence there. The most recent U.S. State Department Human Rights reports stated that approximately 140,000 persons remain internally displaced within Chechnya, with 110,000 more displaced in the neighboring Republic of Ingushetia.

Camp closures place thousands in a precarious position, and despite international attention, including a letter initiated last fall by the Helsinki Commission, the Russian Government continues to pressure IDPs to return, and also to limit the ability of NGOs to provide assistance.

More than 10 years after fighting began over in the Nagorno-Karabakh region of Azerbaijan, a very large IDP population remains. The U.S. Committee on Refugees estimated in 2002, Azerbaijan had roughly 570,000 internally displaced persons, with nearly 250,000 living in refugee-like circumstances.

The government appears unwilling to allow integration—keeping many thousands in squalid IDP camps. Effectively, the IDP population has become political hostages to this frozen conflict. It seems Azerbaijan fears allowing IDPs to resettle elsewhere, as it would signify the surrender of the Nagorno-Karabakh region.

Vulnerable internally displaced, equaling more than 264,000 persons in the Republic of Georgia, are a result of conflicts over the Georgian autonomous regions of Abkhazia and South Ossetia. Due to serious conflicts throughout the 1990s, hundreds of thousands fled their homes as the parties signed, broke and reestablished cease-fire agreements. U.N.-sponsored negotiations have failed to bring the contending parties to agreement in either of these cases.

Though some experts harbor cautious optimism about South Ossetia and Abkhazia, these conflicts seem as far as ever from resolution or even substantial progress.

Neighboring Armenia holds 50,000 IDPs fleeing fighting near the border areas with Azerbaijan. There are large numbers of Armenian refugees who fled Azerbaijan, but the focus of today's hearing is on internally displaced persons, IDPs, escaping an armed conflict.

We will, therefore, not be examining, for example, the situation of people displaced because of the earthquake in Armenia in 1987.

Kurdish IDPs remain in southeastern Turkey as a result of the conflict between the government forces and the Kurdish PKK terrorist group. Numerical estimates of the displaced range from 400,000 to 1 million, depending on whether the estimate comes from the NGOs, the United Nations or the Turkish Government.

With the lifting of the last state of the emergency in November 2002, the area continues to normalize. However, there appears to be no corresponding increase in the number of IDPs allowed to return home, despite a series of government programs.

The OSCE has repeatedly addressed the issue of IDPs, but usually in the context of specific country situations. While standard-setting language has been slow in developing, helpful commitments have emerged through the OSCE's consensus process.

Most recently at the 2002 Porto Ministerial, participating States unanimously adopted the following language: "We encourage additional steps by the countries concerned to facilitate sustainable solutions to their IDPs' plight, including the full exercise of their rights to return home and to repurchase their properties throughout the regions."

In closing, we must address this problem now as thousands and thousands of individuals are displaced and suffering. More must be done to find just, realistic, and durable solutions.

Considering the gravity of the situation, I am very pleased with today's panel of experts. The panelists will provide insight and ideas on how the United States, the OSCE, and U.N. policy can move and assist governments in finding durable solutions and end to the suffering.

I would like to yield at this point to the ranking member, then to the gentleman from Maryland.

**HON. BENJAMIN L. CARDIN, COMMISSIONER,
COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. CARDIN. Thank you, Mr. Chairman. I thank you very much for holding this hearing.

Two reasons why we hold hearings that I think are particularly appropriate today. One is that we try to find out facts, what the circumstances are. It is troubling for me to see the range of displaced persons—internally displaced persons—in Turkey, placed between 400,000 and 1 million. I think that trying to get a better handle on the number of people that they indeed internally displace would be useful for us.

It is also tough for us to understand why it has been so long for people to be able to return to their homes in the Kurdish areas. We just finished the conflict with Iraq, and we were quite surprised to see fewer displaced individuals in northern Iraq than we perhaps would have expected. The PKK issues, of course, have been—there was major progress made in the late 1990s and yet there are still a large number of internally displaced individuals.

So I think we would like to get a record as to what the current situation is.

Second reason that I think it is important, Mr. Chairman, for us to hold hearings is to put some attention to these issues. I daresay that I do not expect many people in our country realize how many people—in the states that we are holding this hearing on—how many people have been internally displaced.

We know there are problems in Russia with Chechnya. But it is shocking, at least to some of us, that Russia would be suggesting the return of displaced individuals when it is not clear about their safety. These are issues that I think we need to get more public attention on so that we can try to get the right policies.

In each state there are concerns. I hope today's hearings will help enlighten our Commission on the facts and what we can do as a Congress in a constructive way to help resolve these issues.

At a prior ministerial meeting, I was pleased to see that they did take this issue up. I wish they would have been more specific on steps to be taken to try to resolve the issues among the various states that have a large number of internally displaced issues.

I am hoping that today's hearing will give us the tools so that we can be a constructive partner in trying to help resolve these issues.

Thank you, Mr. Chairman.

Mr. SMITH. Mr. Cardin, thank you very much.

Mr. Pitts?

**HON. JOSEPH R. PITTS, COMMISSIONER,
COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. PITTS. Thank you, Mr. Chairman and thank you for holding this important hearing on IDPs in the Caucasus and Southeastern Anatolia.

Internally displaced persons around the world are some of the most disadvantaged and unprotected peoples. The international community has a clear mandate to assist refugees, but does not have clear direction to assist those who are displaced within their own nations, whether from natural disaster or violence.

IDPs throughout the world often have little or no access to food, to medical aid, to education or even places of worship. From the jungles of Burma to the mountains of Sudan to the mountains of the Caucasus, these displaced people struggle to survive. It is particularly difficult for those who are under attack from their own governments.

I would like to thank each witness for appearing today. Thank you for what you do to assist IDPs around the world.

This morning I had a very profitable discussion with the speaker of the Parliament of Georgia. During our meeting she expressed deep concern over the issues of refugees and IDPs in association with various conflicts in the region, and requested that the United States and the international community become more involved in helping bring an end to those conflicts and conditions.

The plight of IDPs in the Caucasus region and southeastern Anatolia is urgent. In addition to the physical suffering, reports from various organizations reflect the IDPs widespread fear of returning to their homes and communities. Some fear government action against them. Others fear rebel action. Others fear both.

So I look forward to hearing the testimony from our distinguished witnesses this afternoon about effective methods of addressing issues regarding IDPs, particularly in this region of the world.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you, Commissioner Pitts.

I would like to introduce our very distinguished panel beginning with Dr. Francis Deng, who is the representative of the U.N. Secretary General on Internally Displaced Persons, as well as Co-Director of the Brookings-SAIS Project on Internal Displacement. A tireless advocate for the displaced, as the U.N. Representative for IDPs, Dr. Deng is well acquainted with the Caucasus region and southeastern Anatolia. I look forward to his overview of the situation.

I will now introduce, if you do not mind, all of our distinguished witnesses. At the conclusion of all your statements, the members of the panel will then pose questions.

Next, we will hear from Roberta Cohen, Co-Director of the Brookings-SAIS Project on Internal Displacement. Ms. Cohen is a specialist in human rights, humanitarian and refugee issues and a leading expert on the subject of internally displaced persons. She also serves as Senior Adviser to Dr. Deng in his role as U.N. Representative on IDPs. Her testimony will flow from and complement Dr. Deng's, and she will address what role the OSCE can play in assisting displaced persons.

Next, we had planned to hear from Gabriel Trujillo, who is head of mission for Doctors Without Borders for the Russian Federation. He had planned on being here today. Doctors Without Borders has been actively assisting Chechen IDPs in and around Chechnya. However, Russian authorities have not issued the necessary documents for his family to exit and return to Russia. We regret this unfortunate development.

But to read Mr. Trujillo's statement is Nicolas de Torrente, Executive Director of Doctors Without Borders from the U.S. office. Before coming to the United States, Mr. De Torrente served the organization as emergency coordinator in Somalia, Liberia, the Democratic Republic of Congo, Macedonia and Afghanistan.

Then we will hear from Dr. Maureen Lynch. She is the Director of Research for Refugees International. Before joining Refugees International, she worked in the Washington office of the U.N. High Commissioner for Refugees, as well as the Immigration and Refugee Services of America. In October of 2002, she traveled on behalf of Refugees International to Azerbaijan and Georgia to evaluate the conditions faced by IDPs. She will share her observations with us today.

Based in London, finally, we will hear from Jonathan Sugden, who works in the Europe and Central Asia division of Human Rights Watch as a researcher on Turkey. He has researched and published several reports on Turkey in recent years, most recently on the displacement of hundreds of thousands of Kurdish villagers in the southeast. He will address the situation of IDPs in southeastern Turkey.

Dr. Deng, if you could proceed.

**DR. FRANCIS DENG,
SPECIAL REPRESENTATIVE OF THE UNITED NATIONS
SECRETARY-GENERAL ON INTERNALLY DISPLACED PERSONS**

Dr. DENG. Distinguished Co-Chairs, honorable Commission Members, ladies and gentlemen, I am very honored and pleased to have been invited to attend this hearing. I am particularly pleased that you are addressing an issue that is very often overlooked, although it affects large numbers of people around the world.

It is a great pleasure to listen to you and to see how much you are concerned. This is exactly the sort of thing we have been working to try to bring to the attention of the international community, and particularly to institutions like yours.

We are talking about a problem that affects 25 million people in 50 countries literally around the world, in all continents. Although it is global, some regions are much more affected than others.

Mr. Chairman, you have already given us statistics about the situation in various countries. In this region, we have some 3 million people. These are people who have been uprooted by conflicts, also violations of human rights, and other human-made disasters and natural disasters as well. Nevertheless, because we have not left their countries, they are presumed to be the total concern of their own governments and not like refugees who have crossed borders, the concern of the international community.

What is particularly ominous is as though, as you both said, and you all said, the situation of the internally displaced is comparable to that of the refugees. They have the same needs, but worse.

IDPs have not left their country and have remained more or less in the country zone, faced with the same threats that had plagued them in the first place.

Now because the problem is internal, the involvement of the international community has been rather slow, and in many cases, is very reticent. The pressure from NGOs in 1992, and my colleague Roberta Cohen here was at the time also with an NGO, one of the individuals who are very involved in bringing the message to the attention of the

Commission on Human Rights—as a result of the pressure by those NGOs and a number of like-minded governments, the issue was brought to the attention of the Commission.

Even then, it was only with a great deal of reluctance that the Commission became involved and recommended that a representative of the secretary-general be appointed, which meant a procedure somewhat different from most of the issues in front of the Commission, which are often addressed by either upper tiers or working groups.

The idea was that because the issue is sensitive, it required a different approach, and they thought the recommendation of the secretary-general would indeed provide that [inaudible] sensitivity to the concerns of governments.

When I was appointed, my approach to the mandate had been, in a sense, to recognize the internal nature of the problem, its sensitivity in terms of the concerns with sovereignty. But I have also decided that the best way was being concerned with the positive constructive dialogue with governments is to recast sovereignty, not as a barricade to international involvement, but as a concept of responsibility, which means that this [inaudible] problem is first and foremost the responsibility of the governments, and that this responsibility, when discharged, is what gives governments their international legitimacy.

When large numbers of people suffer, as was just stated, and their governments are not able or not willing to provide adequate protection, and not interested in inviting the international community, the implication is that the world cannot sit and watch and do nothing.

We have of course to be very careful, because the implication here is that there will be consequences if the government does not discharge their responsibility.

But how credible is that threat?

Now in a sense we can range from diplomatic dialogue to various degrees of sanctions and in extreme cases more assertive involvement. But unless there is that kind of international involvement that will hold governments accountable and see sovereignty as a concept of responsibility, I am afraid we will find that the displaced persons, internally displaced persons, often fall into a vacuum of responsibility, particularly because in many of these conflict situations, you have a crisis of national identity. How the country is perceived, how the authorities see themselves in relation to the national framework and how these displaced populations, who often represent minorities or marginalized groups, are seen leaves a major gap.

They are not often seen as our citizens, our people who deserve protection and assistance.

Interestingly enough, in the area that is the focus of today's hearings, the situation is different. There is considerable sense of identification with the affected population. And it requires a different kind of treatment.

Let me just say a word about what I have tried to do in my mandate as representative of the secretary-general. We have focused on raising the level of awareness, on developing an appropriate legal framework, which is now in the form of the guiding principles on internal displacement.

I have engaged in country missions to dialogue with governments, and have undertaken some 25 missions around the world. Through the Brookings-SAIS Project on Internal Displacement, which Roberta Cohen and I co-chair, we have also engaged in research and related activities at various levels.

I should say that the project has been a very important way of enabling me to operate within the context of the U.N., and also outside the U.N.

There are certain constraints in being within the U.N. system as compared to being able to operate from an institution of independence, such as the Brookings Institution, and now the School of Advanced International Studies at The Johns Hopkins University.

The South Caucasus, particularly the countries of Armenia, Azerbaijan and Georgia, as I said, give us a rather interesting model, in which, because of the external dimension of the problem, the displaced are seen as citizens who merit protection and assistance.

There is a solidarity between the governments and their displaced populations. But unfortunately, this is a situation whereby the political agendas, in particular the ongoing conflicts and the emphasis placed on the goal of return, tends to make the IDPs hostages to the situation.

The idea being that if the problems of the displaced populations were solved, the pressure to find a solution so that people can return would be undermined. As a result, people are left living under deplorable conditions without adequate shelter, or means of livelihood or self-reliance, and all in all, in dreadful need for assistance.

I visited these countries from 1998 to 2000. Essentially, my dialogue with the governments was to persuade them that while priorities should be given to the search for peace, and while return is a right that everyone is entitled to and deserves, we do not know when peace will come, when the conflicts will be resolved, in Nagorno-Karabakh, in Abkhazia, that is in Georgia and Azerbaijan. I argued that it was important to find solutions now that would help build the capacity of these people, and their needs for assistance, so that when the time came for the conflicts to be resolved so that the displaced could go back, they would be in a position to contribute effectively to the building of the country.

In the case of Azerbaijan, everybody, at all levels, including the displaced populations themselves, emphasized the need for return and did not want to address the current needs of IDPs. When I met President Aliyev ... [inaudible]. He said, no one knew when peace would come, and that there was an urgent need to address the problems of internal displacement.

So, the idea of a new policy was accepted, I recommended that the government should then collaborate with the World Bank, UNDP and UNHCR to develop strategies for responding effectively.

In light of the experience in Azerbaijan I was pleased to find in Georgia that a new approach had been adopted which basically aims at the same thing: finding solutions to the problems now, even though the goal of return, once the conflict is resolved, remains a priority.

Unfortunately I have not been able to have first-hand experience with the situation in Russia, particularly in Chechnya, since 2002. In fact, I have been requesting to visit, and was eventually extended an invitation in 2002, but again the visit was postponed, allegedly for security reasons.

In April this year, I was informed that I would be able to visit toward the end of this year. I am now expecting to visit in September.

But, of course, these are concerns that are quite publically known, particularly in respect to the closure of the camps in Ingushetia and making people go back to conditions where, as you said, Mr. Chairman, the situation of security and the safety of the returnees are quite unsettled.

I hope, when I do go eventually to discuss the situation with the authorities and to see some improvement.

The situation in southeastern Turkey is another one in which, for a number of years, access was not possible.

In fact, our project commissioned a study on a number of countries in which access was denied and Turkey was one of them. But as a result of repeated discussions and dialogue with the Representative in Geneva, I was eventually invited, and I have to say that the invitation itself might have signaled a change of attitude, but the visit was quite constructive.

I had open discussion with the government, and the government expressed a willingness and the desire to address the problems of the displaced, with an emphasis on return.

There are still lingering problems that need to be addressed, particularly with respect to the nature of return, and the treatment of different people depending on what factors displaced them, whether they were displaced by the conflict with the government, or as the government would prefer to put it, as the result of terrorist activities. There are also concerns about priority being given to those who are considered village guards in the settlement process.

There are also differences of approach to resettlement, with the government wanting centralized settlements in order to be able to deliver services, and people still holding to their traditional pattern of settlement. Some of these are still tensions to be watched.

What I found particularly problematic with respect to IDPs in Turkey was that the international community, concerned that the issue was not of interest to Turkey, and I am talking specifically of the U.N. system, were rather reluctant to raise the issue with the government, to get involved with the problem of internal displacement. Even half-way through my mission, the international presence there was still uncertain whether the government had in fact changed its policy.

So, one of the recommendations I made was that we should seize the opportunity of the government now opening up to respond and to help the government in addressing the problems of displacement and return.

Let me just say very quickly that the recommendations I would make today are basically the same that I made on my country missions. For Azerbaijan and Georgia, they essentially advocate the need to help the government, first, to reverse the emphasis on waiting for return and address the needs of the displaced in cooperation with the international community. Some steps were taken in that respect. They need to be encouraged and supported.

In Georgia, there were questions about legislative reforms to ensure the right of the internally displaced to vote. It is something I have since been discussing with their representatives. I was informed that the government was changing its policy in that direction. Indeed, that legislation has been effected that would allow internally displaced persons to vote in all the elections, local and national.

Another issue with respect to Georgia relates to property restitution or compensation, a measure which the OSCE has been encouraging and which could also be supported by the U.S. Commission on Security and Cooperation in Europe.

In Armenia, when I went there, despite interest in assisting those whom earthquakes had displaced, the issue of internal displacement resulting from conflict was not being addressed. But I have to say that as a result of the mission, the level of concern was raised and the government expressed a willingness to address the problem, and even began to design a comprehensive project that they hoped they would be able to get international support for, that I would strongly recommend.

It has also been recommended that the government in Armenia formulate or develop a law that would be much more precise in defining internally displaced persons, because at the moment, they tend to be confused with a number of other categories of people, resulting from a number of causes, which dilutes the focus on the displaced.

I suppose the situation in the Russian Federation as has been mentioned, with respect to Chechnya, focuses primarily on the issue of return with dignity and safety. That is the subject of ongoing concern in the international community, and it is something that, again, the Commission could use its good offices to raise the concern with the relevant authorities.

It is also said that in the case of Russia, IDPs are classified together with forced migrants, which, in the words of some authorities, makes them get lost. In fact, they get lost in the crowd of forced migrants. It is necessary, therefore, to urge the government to be much more precise in the definition of displacement when responding to the return phase.

In Turkey, I would only say that we should take advantage of the changing attitude of the government and particularly with respect to return.

Let me just conclude, Mr. Chairman, that in all these countries, we are dealing with symptoms. Internal displacement is a symptom. Even the conflicts that displace people are symptoms. Ultimately, real solutions must come in addressing the root causes behind the conflict. That is why on my country missions and in my reports I always end by calling on the authorities to turn the crises into opportunities for addressing fundamental problems of their countries so that a national network is created in which every citizen has a sense of belonging and can rely on the government for protection and assistance.

Thank you very much, sir.

Mr. SMITH. Thank you very much for your testimony and for your outstanding work on behalf of a great number of suffering people.

Ms. Cohen?

**ROBERTA COHEN, CO-DIRECTOR,
BROOKINGS-SAIS PROJECT ON INTERNAL DISPLACEMENT**

Ms. COHEN. Thank you very much. I am very pleased and honored to be testifying, and like Francis Deng, very heartened by the statements made by the Co-Chairman and other Commission members, expressing concern for the plight of internally displaced persons.

In the Caucasus region and Turkey today, there are more than 2 million persons forcibly uprooted from their homes by conflict and human rights violations, many for 10 years or more.

My testimony will focus upon the role that the Organization for Security and Cooperation in Europe can play to more effectively deal with the serious problem of internal displacement in the European region.

It follows from and complements the testimony of Francis Deng.

The OSCE, more than most regional organizations, has tremendous potential for dealing with the problem of internal displacement.

It also has the responsibility to do so. Its participating States have committed themselves to the principle that matters related to human rights are of direct and legitimate concern to all of the states, and in particular have undertaken to address the problem of internal displacement.

Indeed, OSCE's engagement with situations of internal displacement has expanded significantly over the past decade. Its conflict-prevention machinery, its missions to different countries, its field staff, its election monitoring and technical assistance programs, and its Office for Democratic Institutions and Human Rights, have all engaged in activities that help improve the plight of internally displaced persons.

But it is also evident that these steps are largely ad hoc, and often minimal to the situation. Indeed, because of the ad hoc nature of the OSCE response, in September 2000 the OSCE/ODIHR office took the important step of convening a Supplementary Human Dimension Meeting on Migration and Internal Displacement.

The meeting called upon the OSCE to systematically integrate the issue of internal displacement into all the activities of the organization, and to use the Guiding Principles on Internal Displacement, the first international standards for IDPs, as the framework for so doing. The following year, in 2001, at the Human Dimension Implementation Meeting in Warsaw, participants again made recommendations to integrate the issue of internal displacement into the activities of the OSCE.

But the OSCE has still not formally moved to make internal displacement a priority issue and to integrate it systematically into the programs and activities of the organization.

Recognizing the sensitivity of certain OSCE governments to the subject, in particular the Russian Federation and Turkey, it is nonetheless essential, given the severity of the problem, for the OSCE to take the steps, to make the recommendations that are put forward at its own meetings a reality.

To accomplish this goal, the Brookings-SAIS Project, which, as Francis Deng mentioned, I co-direct with him, offers 10 recommendations. If carried out, they should have a positive impact upon the situation in the Caucasus countries and Turkey, the countries of concern in today's hearing.

First, the OSCE should formally recognize internal displacement as a human dimension issue of direct concern to the organization. This would assure a regular and systematic review of situations of internal displacement at Human Dimension Implementation Meetings. Reviews would be particularly important for countries where there are no OSCE missions, as is currently the case with the Russian Federation and Turkey.

Second, the Permanent Council of the OSCE should, on a systematic basis, discuss situations of internal displacement in all the 10 countries affected by it in the region, and develop specific strategies for addressing the problem. To reinforce the Council's role, the issue of internal displacement should be mainstreamed throughout the organization. The

Representative of the U.N. Secretary General on Internally Displaced Persons should be invited on a regular basis to address the council on internal displacement conditions in countries within the OSCE region.

Third, the Guiding Principles on Internal Displacement should be formally acknowledged by the OSCE, and used as a framework for policies and activities by the organization. The principles have been formally acknowledged by other regional organizations, including the European Union, and by the United Nations. The principles could serve the OSCE in the following ways—as a benchmark for monitoring and evaluating conditions in different countries, as a source of guidance in drafting laws, constitutions and administrative regulations, as a basis for dialogue, as a tool for training staff and as a means of raising visibility to the plight of internally displaced persons. The principles are being submitted for inclusion in the record, and they are, as I mentioned before, the first international standards developed for internally displaced persons, and were presented by Dr. Deng to the United Nations in 1998.

Fourth, greater support should be given to OSCE/ODIHR to enable it to expand its projects to help improve the legal situation of IDPs in the OSCE region.

OSCE/ODIHR over the past two years co-sponsored a project with the Brookings-SAIS Project and the Georgian Young Lawyers Association enabling teams of lawyers from Georgia, Armenia and Azerbaijan to analyze the laws and administrative regulations in their respective countries in terms of the guiding principles. Overall, the studies made governments, international organizations and civil society aware of gaps in the law and obstacles to its implementation, and had an important impact in stimulating legislative reform.

OSCE/ODIHR should undertake comparable projects in other OSCE countries. For example, in the Russian Federation, restrictions remain on freedom of movement, and there is a lack of clarity in the law on forced migrants when it comes to internally displaced persons.

Fifth, OSCE technical assistance programs should promote the creation of national institutions to address the needs of the internally displaced, and undertake a review of the extent to which existing government offices and institutions in countries suffering internal displacement effectively address the needs of the displaced and identify, where appropriate, the gaps and how best to remedy them.

Sixth, in carrying out its election monitoring functions, the OSCE should ensure that the internally displaced are able to freely exercise their right to vote, and do not face discrimination with regard to political participation.

Seventh, the scope of action of the OSCE High Commissioner for National Minorities should be expanded to enable more regularized focus on the situation of internally displaced persons who are members of racial, ethnic or religious minorities and who are often marginalized by systems of inequitable and discriminatory governance. In the case of Turkey, a dialogue between the High Commissioner and the Turkish Government concerning the situation of ethnic Kurds is long overdue and should be initiated and pursued without delay.

Eighth, the OSCE should systematically train its staff, both at headquarters level and in the field, in the subject of internal displacement.

Ninth, OSCE/ODIHR's migration unit should be reinforced, so that it will be effectively able to serve as focal point for internal displacement within the OSCE.

Tenth, the OSCE should develop strategies for promoting greater responsibility and accountability toward displaced populations by non-state actors in the region.

To conclude, the scale and severity of internal displacement in the OSCE region make it imperative that the organization give more systematic attention to this problem. The United States, and in particular the U.S. Commission on Security and Cooperation in Europe, can play an important role both in encouraging the OSCE to integrate internal displacement fully into its programs and in prompting participating States to fulfill their commitments to displaced populations.

Thank you very much.

Mr. SMITH. Thank you very much for not only your work, but your recommendations, which this Commission will look at very carefully going forward to see what we can do. You have given us 10 very specific things to act on.

I would like to ask Mr. Torrente if he would proceed.

**NICOLAS DE TORRENTE, EXECUTIVE DIRECTOR,
DOCTORS WITHOUT BORDERS—USA**

Mr. DE TORRENTE. Thank you, Mr. Chairman.

Mr. Chairman, distinguished members, I thank you for the opportunity to address the Commission on the urgent matter of the fate of Chechen civilians affected by war, particularly displaced persons currently in Ingushetia and who are being forced to return to Chechnya against their will.

Gabriel Trujillo, our head of mission in Russia would have very much liked to be here today and to share with you his first-hand experience of working with this population. I regret that administrative delays have prevented him from testifying today.

Medecins Sans Frontieres, Doctors Without Borders, which I will shorthand MSF, is an international medical humanitarian organization. We deliver emergency aid to victims of armed conflict, epidemics and other disasters in more than 75 countries.

Since the resumption of the war in Chechnya in 1999, we have provided humanitarian assistance in Ingushetia, Chechnya and Daghestan.

In Ingushetia, MSF runs prenatal, gynecological, pediatric and general health clinics in Nazran, Karabulak, Sleptsovskaya and Malgobek. We provide medicines and medical supplies to the Ingush Government's health structures throughout the republic.

We also continue to work to improve the basic living conditions of displaced Chechens in Ingushetia through the provision and repair of shelters, as well as through the provision of essential non-food items, water and sanitation facilities.

In Chechnya, MSF provides medicines and medical equipment and supplies to about 30 health structures. We have carried out small rehabilitation projects as well. However, since the kidnapping of MSF volunteer Arjan Erkel on August 12, 2002, by three unknown gunmen in Makhachkala, Daghestan, all activities have been suspended in Daghestan and only emergency donations are carried out in Chechnya.

So as the war in Chechnya continues and continues to generate massive suffering for the civilian population, particularly due to the extremely brutal way in which this war is being waged, I would like to turn now to the issue of the displaced, as this war has forced many people to leave their homes.

According to UNHCR, as of December 31, 2002, there were 142,000 internally displaced persons in Chechnya itself, 8,000 in Daghestan and 40,000 in other regions of the Russian Federation.

In addition, as of May 2003, there were approximately 89,000 displaced persons living in very deplorable conditions in Ingushetia.

Fifty-five percent of these Chechen IDPs in Ingushetia are staying in host families. Eighteen percent live in tented camps, and 27 percent are squatting in farms, abandoned factories, hangars and cellars and other collective settlements.

MSF is particularly concerned about this displaced population. They live in very harsh and squalid conditions, particularly those in tented and collective settlements. It is also increasingly difficult to provide them with even minimum assistance. I will come back to that later.

We are also particularly concerned about their safety. Their right to be protected from violence and to enjoy safe refuge is increasingly under threat.

In February 2003, our teams conducted an extensive survey of Chechen displaced persons living in five official and three unofficial tented camps in Ingushetia. The main objective of this survey was to identify clearly which and how many families were in need of alternative shelters in Ingushetia, and then to select the most vulnerable families to benefit from a program of constructing alternative shelters.

A total of 3,209 families, amounting to 16,499 people, were interviewed by MSF teams. Only 39 families were not interviewed, as they could not be found after repeated visits to the camps.

The results of the survey are a clear indication that the basic rights of displaced people to seek safe refuge, to be protected and assisted properly in a time of conflict, and to only return home voluntarily as guaranteed by international humanitarian law are not being respected.

Only 50 families surveyed are planning to return home in the near future. More than 98 percent said that they did not want to go back to Chechnya in the near future. This represents 3,151 families out of the total of 3,209. Among them, 93 percent expressed fears for their safety as the main reason for wishing to remain in Ingushetia.

The following from displaced people are typical, and I quote, "My husband went through a filtration camp. His shoulder was broken, and he still has many scars from his detention"—end quote.

Quote, "Our son born in 1984 disappeared after being arrested at a checkpoint in Urs Martan."

Another quote, "During the day, I am afraid of the Russian soldiers. At night, I am afraid of the rebels."

The vast majority of the families who were interviewed continue to live in unacceptable conditions. More than half, 54 percent, live in tents that leak with no insulation and even no floors.

Eighty-eight percent of the families, in fact, do not consider humanitarian assistance when deciding whether to return to Chechnya or stay in Ingushetia. The very poor quality of aid in Ingushetia is definitely not an incentive for people to stay there.

This really contradicts statements made by Chechen, Ingush, and Russian authorities, who have argued that assistance in Ingushetia is preventing people from going back home. This reflects the reality that in 2003 authorities have significantly cut public assistance programs for the displaced in Ingushetia.

At the same time, assistance provided by international humanitarian organizations has been limited by increased administrative constraints applied by the authorities, as well as by insecurity.

As one interviewee told us, living conditions are worse than in Grozny, but at least here in Ingushetia we have less fear for the lives of our sons and husbands.

Another terrible finding of the survey is that families are being forced to choose between living in deplorable conditions in Ingushetia or returning to Chechnya and risking their lives and those of their family members.

If the flow of refugees returning to Chechnya is growing—and it is: More people are leaving Ingushetia to return to Chechnya, as I will explain later—it is because people are being left without a choice.

What are they going to do if the camps are closed? Most people do not know where to stay.

As one man said, “If the camps are closed, I will dig a place in the ground and sit there with my children.”

Another said, “I think no reasonable man would go to Chechnya now.”

“If you ask where do we expect to stay, you will hear only one answer: nowhere.” Do these desperately displaced Chechens have a real choice to stay in their current place of refuge? According to this survey, out of the 98 percent of the families who have not planned to go back home in the near future, 90 percent did not know about any alternative place to stay in Ingushetia, other than the camp in which they were currently living.

The MSF survey clearly shows that displaced Chechens do not want to return to Chechnya and that the authorities are not offering any real option to stay in Ingushetia. People do not return on a voluntary basis, but after several months of pressure by the authorities, they simply give up. They are forced to accept the unacceptable, the denial of their basic right to safe refuge.

Yet despite a deteriorating security situation in Chechnya, the forced return of IDPs from Ingushetia to Chechnya has already begun. U.N. estimates said up to 38,000 IDPs living in Ingushetia and 2,000 living in Dagestan have returned to Chechnya during the year 2002.

Between January 1 and May 2003, UNHCR registered 5,768 returns from all over Ingushetia to Chechnya. Yet in a report published in February 2003, UNHCR, United Nations High Commissioner for Refugees, stated that the conditions to assure a voluntary return of the displaced, namely decent security and living conditions, have not been met.

So why are displaced Chechens leaving Ingushetia on a daily basis to return to Chechnya where continued insecurity and lack of services make life unbearable for them? Simply because in the past several months, Russian, Ingush, and Chechen authorities have begun implementing a systematic policy to force displaced Chechens back to Chechnya. They have employed many means that make it near impossible for Chechen IDPs to refuse returning.

This has been an incremental process. In mid-2002, Russian, Ingush and Chechen authorities adopted a 20-step action plan for the return of all displaced Chechens living in neighboring republics, including suspension of governmental aid for the displaced, some promised assistance—like aid packages for returning to Chechnya that have yet to materialize—and announcing a complete closure of all tented camps in Ingushetia.

At the present, authorities continue to state that all remaining camps will be closed in the coming months.

Following the adoption of the plan, authorities closed two tented camps in Znamenskoye, northern Chechnya, in July 2002.

In December 2002, authorities also closed the camp in Aki Yurt, Chechnya, which accommodated nearly 2,000 IDPs.

Since the election of the new Ingush president, in April of 2002, Russian federal troops have been positioned in Ingushetia. After the hostage crisis in Moscow in October 2002, these troops have also been positioned in the direct vicinity of camps for displaced Chechens. The presence of these troops has resulted in the dramatic increase in the psychological pressure on Chechen IDPs through aggressive control of identification papers, arrests of IDPs on false charges, disappearances, threats, intimidation and the deletion of names from the list of beneficiaries for government assistance programs.

In addition, Chechen authorities and FSB officials have increased visits to the IDP camps, further pressuring displaced Chechens to sign up for registration for return.

Officials have threatened to cut off assistance to those who refuse to leave, and tell IDPs that they will not get any financial compensation to rebuild their lives or to have access to temporary accommodations in Chechnya if they do not return immediately.

All of the IDPs have been told that the camps will be closed in the spring of 2003 with the closures of Aki Yurt and the Znamenskoye cited as examples.

In Ingushetia, provision of governmental assistance to displaced Chechens, such as food, non-food items, gas, electricity and water have been dramatically reduced in the signature of the 20-step repatriation plan of May 2002. At the same time, Ingush authorities have passed a number of orders directly limiting assistance programs from international humanitarian organizations.

They have banned the construction of new camps to accommodate displaced persons currently squatting in unsuitable locations, and they have also requested NGOs to stop replacing torn tents in camps or to extend the capacity of camps to improve living conditions.

After the closure of the Aki Yurt camp, the need to build alternative shelters to accommodate displaced persons who might be evicted became alarmingly relevant and we received approval from President Ziazikov for the construction of alternative shelters, for those Chechens who did not want to return home.

As of January 2003, 180 alternative shelters constructed by MSF were ready to use.

However, on January 28, the government of Ingushetia passed an instruction declaring that all alternative shelters were illegal according to local construction codes.

Despite having obtained all of the required authorizations from relevant services, we received an ultimatum to start destroying the shelters.

Our plans to build an additional 1,200 shelters, as well as plans by other organizations to build 1,500 more, have been indefinitely suspended.

The claim by Ingush authorities that MSF has not conformed to administrative instructions is just the latest in a long series of political measures exercised against the Chechen displaced population, which leaves them with no other choice but to return to Chechnya against their will.

We must also emphasize that access by humanitarian organizations to populations in need has been hampered by security constraints, not only in Ingushetia and Daghestan, but also in Chechnya.

And there is a whole list and series of problems that NGOs have faced in Chechnya.

In particular, the security situation for foreign aid workers in the northern Caucasus is a very alarming problem. Since the beginning of the second Chechen conflict in 1999, dozens of aid workers have been taken hostage. In January of 2001, MSF volunteer Kenny Gluck was abducted in Chechnya and released three weeks later.

In 2002 alone, four aid workers were kidnapped. Nina Davidovitch of the NGO Druzba was freed in January 2003, after more than six months in detention. In November 2002, two ICRC [International Committee of the Red Cross] drivers were abducted in Chechnya and released three days later. And MSF volunteer Arjan Erkel was abducted in Daghestan in August 2002, and he is still missing.

If present security conditions in Chechnya and the neighboring republics are not adequate for humanitarian workers to carry out assistance activities, why would they be considered adequate for civilian Chechens to return and resume their normal lives?

To conclude, I would like to turn to the role of the international community in what we feel has been a failure to uphold the rights of Chechen civilians, and in fact abandoning them to their fate.

With the exception of making obligatory statements at summit meetings, press conferences, and public forums, the international community, including the United States, has failed to alleviate the suffering of Chechen civilians.

For years the United States has made general statements that there must be accountability for human rights abuses in Chechnya, that humanitarian organizations must have unlimited access to people in need and that displaced Chechens should not be forcefully sent home.

I believe this administration has also stated that it raises these points with their Russian counterparts at every possible occasion. Yet, the results are that the strategy has not had any positive impact on the lives of civilians in Chechnya and displaced Chechens in Ingushetia.

On January 2003, after the closure of the Aki Yurt camp, the State Department spokesperson welcomed Russia's repeated assurances that persons displaced in Chechnya would not be forced to return against their will.

These so-called assurances did not prevent the campaign of pressure on displaced Chechens to return. It seems clear that it is not enough for the United States and the international community to repeat the same empty diplomatic statements on their worries about the situation in the region.

The U.S.-led war on terror also should not be used as a pretext for Russia to continue violating fundamental rights. By linking incidents in Chechnya with the global war on terror, the Russian Government has written itself a blank check to continue its repressive campaign with impunity.

Quite simply put, the international community, including the United States, has abandoned Chechen civilians.

We welcome, however, the constant efforts of the members of the Helsinki Commission to raise the situation in Chechnya and neighboring republics to the U.S. administration and to Russian authorities. In particular, we appreciate the letters sent by the Helsinki Commission to Presidents Bush and Putin over the past year that raised the issue of forced repatriation and the humanitarian situation in the region.

We're also grateful for the letter sent to Ambassador Ushakov of Russia regarding Arjan Erkel's fate.

To conclude, the recommendations that we'd like to make, MSF would urge the U.S. Government and the U.S. Congress, to take all appropriate measures, whether political, diplomatic or public to urgently press Russian, Ingush and Chechen authorities to immediately cease all official and unofficial measures currently forcing displaced Chechens to return to war-torn Chechnya, particularly from Ingushetia.

We also urge the United States to press Russia to respect displaced persons' physical integrity and their basic rights to be adequately assisted and protected in a safe region in Ingushetia and elsewhere in the Russian Federation. To press Russia to respect its obligations according to international humanitarian law, to allow humanitarian organizations to fully exercise their rights to assist Chechens in the northern Caucasus, especially by lifting administration measures blocking the provision of the alternative shelters for displaced Chechens in Ingushetia.

Press Russia to take all necessary steps to bring an end to the illegal detentions and other forms of violence affecting humanitarian workers in the northern Caucasus and assume their basic responsibilities, according to the international humanitarian law, is to provide safety, security and freedom of movement for humanitarian personnel.

Also, to urgently raise the case of kidnapped MSF volunteer Arjan Erkel to President Putin and other high-ranking Russian officials, particularly by asking them to give the highest political commitment and priority to assure the immediate, unconditional and safe release of our colleague and ask them to accept meetings with MSF representatives to discuss the investigation of the case.

Arjan Erkel has been missing now for 10 months. We have been informed by authorities that they have knowledge that he is still alive, but they have failed to provide us with any verifiable information on where he's being kept, who has abducted him, for what reason, guarantees for his current safety, and the way to move forward to secure his safe release.

After 10 months, the lack of significant progress in this investigation points, in our view, to an obstruction of Arjan's release, and raises concerns about the willingness of Russian authorities to really solve this case.

As of today, our repeated requests for a meeting with the presidential administration in Russia to discuss the case have been denied, even as we brought over 300,000 signatures from concerned citizens from around the world requesting this meeting.

So we urge President Putin to take all necessary means in his power to assure Arjan Erkel's rapid and safe release. Thank you very much.

Mr. SMITH. Mr. Torrente, thank you very much for your testimony, and I appreciate the comprehensiveness of your testimony. On Arjan Erkel, as a Commission we will initiate our own request to try to bring some focus and some attention to it.

So I do appreciate you bringing that to our attention, and we will follow up on it. I would like to now ask Dr. Lynch, if you would proceed?

**DR. MAUREEN LYNCH, DIRECTOR OF RESEARCH,
REFUGEES INTERNATIONAL**

Dr. LYNCH. Co-Chairman Smith, Representative Cardin and Representative Pitts, ladies and gentlemen, I do want to first thank you for the invitation to address you today.

In October, 2002, I did visit Azerbaijan, Georgia and Ingushetia on behalf of Refugees International, where large numbers of people continued to be displaced, many of them locked in rather hopeless circumstances, which is what I'll talk about today.

The majority of the people of concern in the south Caucasus, which is the area I specifically have been asked to talk about today, were displaced, as mentioned, in the conflict between Armenia and Azerbaijan over Nagorno-Karabakh, and by Abkhazia's attempt to break away from Georgia.

So we're talking about some 572,000 in Azerbaijan and well over 250,000 in Georgia unable to return to their homes in safety or to integrate satisfactorily in the places to which they have fled.

I'll speak first about Azerbaijan and make some recommendations in that situation, followed by the situation of Georgia.

Speaking with IDPs, they'll tell you very clearly that their greatest need is for a political solution, and they'll all tell you about their very strong desire to return home.

However, they also continue to face many, many hardships, specifically lack of economic opportunity, inadequate shelter and placement on non-arable lands and the insufficient responses of both the Government of Azerbaijan and the international community.

Looking at the very broad picture, solutions to the long-term problems are very temporarily or poorly thought out. It's a theme throughout the situation. The Azeri Government's unwillingness to consider all possible outcomes to the dispute has made the IDPs political pawns.

In addition, many NGOs have now shifted from emergency assistance to development-related activities. While there's generally reported to be effective coordination among the NGOs at the field level, it was repeatedly brought to RI's attention during this visit that the United Nations' development programs are isolated from the rest of the aid community and performing less than efficiently.

Shelter conditions of the displaced are quite inadequate with irregular access to energy and to water.

About 10 percent of the Azeri IDPs live in camps, and the rest live in a wide array of situations—abandoned railways, box cars, dugouts in the ground, old apartment complexes, makeshift shanties and new homes that have been provided by the government. I'll describe each of those in a little more detail. We did have opportunity to visit all of those situations.

The older box cars are in the simplest terms like an oven in the summer and a like a refrigerator in the winter. The folks who live under the ground, what I was describing earlier, is the Agebedi region. Historically this has been an area where people bring their herds in the winter. These homes are built as holes in the ground. They're covered in most cases with dirt, sometimes also with sticks, plastic, cardboard. If the occupants have a piece of plastic to insulate the ceiling in the home, when it rains, it just collects the water and if you put your hand up and touch it, it's palpably moldy. What that creates is a situation where children are then susceptible to allergies and other respiratory infections.

In the urban setting of Sumqayit, IDPs reside in very crowded, very suffocating living conditions. At one dark and damp flat that we visited, 72 families shared one shower and a few kitchens. A kitchen being a single gas burner and maybe a faucet. Ninety percent of the IDP families in that particular residence were unemployed. In a shanty community that we visited, we spoke with a bedridden resident, whose leg was crushed when a rain-weakened shelter collapsed on him.

In rural areas, lack of access to water has prevented communities from agricultural self-sustainability.

New homes that are funded by oil revenues, we must appreciate and recognize the government's efforts on that. But they are located where there are no viable agricultural or economic opportunities.

The IDPs say, "We have many trainings, but what we need is jobs."

So Azerbaijan is an oil-rich country. It has a high literacy rate, and there is so much potential for that country. The answer to Azerbaijan's trouble is not found only in resolution of the Nagorno-Karabakh conflict, but Azerbaijan must protect itself from corruption and use all of its resources to look into the future.

We recommended several things. First for the Government of Azerbaijan to seek a permanent and peaceful solution to the Nagorno-Karabakh conflict with a view to return for all who—all of the displaced wanting to do so. Also, however, provide durable solutions, including integration for those who chose that alternative. Provide new settlements and in regions with viable economic opportunities. Develop and implement long-term development strategies, including diversification economy to sectors other than oil. Provide irrigation programs in IDP and refugee settlements. Ensure transparency in all transactions.

And to the international community, expedite efforts to negotiate permanent political solution. Continue providing humanitarian aid and ensure no phase-outs before replacement by development assistance.

And specifically to the United Nations Development Program, we ask them to assertively fulfill their leadership and coordination roles.

One other brief note on the situation in Azerbaijan. With the large numbers of war-displaced depending upon the government, very little aid is made available to the Chechen community, who have asked for assistance and number between 5,000 and 10,000.

Let me now turn to the situation in Georgia.

In Georgia, the numbers are smaller, but the IDP crisis itself is just as acute and even more complex. Most of Georgia's IDPs face unemployment, horrible living conditions, a full range of relief and development needs and a lack of health care. Originally, the host populations in

Georgia accepted them, but in time, it has just put such a strain on the local and host communities. The majority of IDPs are dependent on state assistance, often distributed with great delay.

Their plight is illustrated by a young man I'll now call Zuhra, who is eighteen. He escorted our team into a dilapidated and windowless room that he shares with his 12-year-old brother. When Zuhra was 8 and his brother was 2, the orphans left war-torn Abkhazia.

They now stay in a hotel—an abandoned hotel—and they have a small bed, a space heater and each other. They use a neighbor's stove to cook. The bathroom, shared by half of the buildings' residents, is on the second floor.

Occasionally Zuhra finds work as a day laborer. But making ends meet is impossible in Georgia's economy. When RI asked if Zuhra had anything else to add to his story, with a very depressed expression on his face, he simply looked around at his surroundings and said, "Isn't it enough what I have already said?"

In addition to inadequate shelter, there is a diverse array of needs among the displaced population. Many IDPs are still in need of relief aid, rather than development. The poor payback of micro-credit initiatives, a usual sign of economic development, indicates that people have very few viable financial opportunities. When asked about food, the IDPs replied that there was no pattern to the sporadic food distributions.

One elderly displaced woman told us, "It is impossible to live like that. What can we eat?" And another IDP asked, "Are two kilos of macaroni supposed to feed me for the rest of my life?"

Another problem is the lack of transparency. It's too hard to find anyone honest in government RI was told repeatedly. For fear of companies importing products duty free under the guise of humanitarian aid, the Georgian Government has also imposed an import tax on humanitarian goods. One NGO requested to us specifically, "Tell the world to wake up and push the Georgian Government to allow NGOs to work freely."

There is a great need for affordable and accessible health care. In virtually every settlement RI visited, there was a health care gap. This is particularly disturbing since IDPs are dying from curable ailments, in particular tuberculosis. With no insurance, or even if health care is available, it is not affordable. One pensioner had the option of having her leg amputated, or dying. With no money, she was laying there in bed just waiting for her unknown fate.

And finally, another concern for IDPs is the availability of psychosocial assistance. Few international organizations have addressed the psychosocial needs of Georgian IDPs. With their displacement having lasted ten years, the IDPs' psyche itself has been adversely affected.

"Everyone is concerned about going to Abkhazia, to their native home. We have no real hope," they told us. What they want is just to return. One IDP woman said, "In Georgia, we have a saying, hope dies last."

And what Refugees International recommends in the case of Georgia is for the Government of Georgia to actively seek permanent and peaceful solutions to the Abkhazia and South Ossetia conflicts; to take responsibility for the welfare of displaced people, including timely stipend distributions; to lift the duties imposed on the import of humanitarian aid.

And then to the Government of Georgia, the United Nations, international aid communities and the local NGOs, identify and match the IDP needs with relief and development programs that are being implemented. Implement permanent and sustainable solutions for shelter and long-term settlement. Make non-emergency health care available to all IDPs. Expand psychosocial programs for IDPs.

As in the case in Azerbaijan, the fact that Georgia is already struggling to support more than 250,000 displaced individuals from its own conflicts has affected its ability to help others who are seeking safety there. Georgia has provided weak protection and material support for about 6,000 Chechen refugees.

Their small numbers have also failed to gain the attention of most international aid agencies, while some of the few that had provided assistance have now pulled out due to insecurity, particularly in the Pankisi Gorge area, and also due to reduced funding. Thank you.

Mr. SMITH. Thank you very much, Dr. Lynch.

Mr. Sugden?

**JONATHAN SUGDEN, RESEARCHER,
EUROPE AND CENTRAL ASIA DIVISION,
HUMAN RIGHTS WATCH**

Mr. SUGDEN. Hello, members of the Commission, Chairman, and ladies and gentlemen, thank you very much for inviting me here to speak on behalf of Human Rights Watch about the 1 million or more internally displaced in Turkey.

I was very impressed to learn that the CSCE had taken the initiative to look into this problem. Many of the issues the Commission considers are recently emerged crises, or disasters waiting to happen.

Mr. SUGDEN. In this particular case, the disaster happened 10 years ago, but the victims, most of them Kurds, are still quite unnecessarily forced to live with its consequences.

I say unnecessarily because this isn't a zero-sum calculation.

Everyone, the displaced, the Turkish Government and the Turkish people as a whole stand to benefit if an effective plan for return can be drawn up and implemented. It's a practical and doable project. It's a solution waiting to happen.

The displacements in Turkey began in the late 1980s when the conflict between government security forces and the armed illegal Kurdish Workers' Party was increasing in intensity. The Turkish authorities' response to PKK attacks in this rugged but quite densely populated region was to demand that each village put up a corps of village guards.

In theory this was voluntary. But in practice, it was a loyalty test. If a community said yes, the men received arms and money. If they said no, then it was assumed that they were PKK supporters and told to leave their homes.

This wasn't an orderly, documented evacuation. In fact, soldiers were careful to avoid leaving a paper trail that might subsequently lead to claims for compensation. If villagers didn't move out by the appointed date, soldiers burned their houses and goods and slaughtered their livestock and burned their crops. It was a punitive exercise.

But many villagers who refused to serve as village guards had no sympathy at all for the PKK. They explain that if they had taken up arms as village guards, they would immediately have been targeted by the PKK, who at that time were killing village guards they captured and in some cases their entire families along with them.

During the 1990s, Human Rights Watch documented the forced evacuation of the southeast and other violations of humanitarian law committed by both sides to the conflict. Once relative peace had returned to the region in 2001 and 2002, we went to investigate the current plight of the displaced. The results of that research are contained in a report entitled "Displaced and Disregarded." And I would like to ask the Commission to include at least the summary and recommendations of that report in the record of this hearing.

Mr. SMITH. Without objection, we will include that. Thank you.

Mr. SUGDEN. Thanks.

During our research, I talked to many displaced villagers in Turkey's major cities where they had sought refuge. All described frankly miserable lives and expressed a bitter sense of the injustice inflicted on them.

If you go to Turkey, you would not see big refugee camps, because the displaced have made themselves invisible by crowding in with relatives and neighbors and finding work where they can. But they are farmers, not urban entrepreneurs. They are living in great poverty, in conditions prone to disease and social exclusion, and the overwhelming majority are longing to go home.

For some, this is impossible, because the local governor has forbidden their village to be reoccupied. Others are turned back by the gendarmerie. Even if both the local governor and gendarmes allow return, the displaced often face obstruction by village guards, who have occupied the land in their absence.

Again and again, village guards have barred returning villagers from their land, and in several recent cases, even killed them. In July 2002 Yusuf, Abdurrahim and Abdulsamet Unal returned with their families to Nureddin village in Mus Province to collect their hay crop. A truckload of village guards came to stop them gathering the hay and began to beat the males. The relatives scattered, but heard gunshots shortly after. All three men had been shot dead.

When pressed, the Turkish Government pumps out inflated return statistics and periodically announces initiatives for return. But these schemes have consistently been underfunded and ill conceived, falling far short of established international standards. In fact, it is difficult to avoid the conclusion that the government's main goal is to gain time and wear the villagers down to a state of resignation.

The Village Return and Rehabilitation Project, announced in March '99, for example, has since then yielded nothing more than an unpublished feasibility study for return to 12 model villages. That's just 12, when even according to official statistics, it's acknowledged that more than 3,000 villages and hamlets were evacuated.

What is particularly frustrating in all this is that because the government's schemes do not meet international standards, in particular the U.N. Guiding Principles On Internal Displacement, no international organizations want to get involved with them. The World Bank, for example, looked into funding a return-related project, but backed away once it determined that the Turkish scheme wouldn't fully respect returnee rights.

Other potential donors have encouraged Turkey to develop appropriate projects for return. For example, a Council of Europe rapporteur recommended that the Development Bank of the Council of Europe should consider return projects in the southeast. The Turkish Government should have seized that invitation with both hands and done something with it. But instead of helping villagers to get international assistance, the government, with its flawed plans, is actually standing in their path.

A fair and effective return program would also serve Turkey's interest in accession to the European Union. In 18 months time the E.U. will decide whether or not to proceed with Turkey's application on the basis of its performance on a range of human rights indicators, including provisions for the return of the displaced.

The E.U. has called for a comprehensive approach to reduce regional disparities, and in particular to improve the situation in the South-East, as a short-term priority for Turkey on the road to E.U. membership. So E.U. resources should be very likely made available to help Turkey meet this goal.

And finally, I would like to mention the Baku-Tbilisi-Ceyhan pipeline. This ambitious international investment rather accurately draws a line around the very quarter of Turkey where the displacement occurred. The displaced are undeniably the most disadvantaged group in that most disadvantaged region of the country.

There has been a lot of public debate about the pipeline. But it can't be disputed that the project should help support return and reconstruction for these people, who are otherwise very unlikely to see much benefit from the civil engineering project itself, or the resources it is intended to carry.

In sum, an investment in return to Turkey's southeast would help redress a long-standing violation of fundamental rights and help ensure the future stability and prosperity of this strategically vital region. Donors certainly appreciate that and only need the Turkish Government to commit to a plan they can support.

So my appeal to you is for something rather straightforward and relatively inexpensive. Please just get the ball rolling. Use your influence to press the Turkish Government, as a matter of urgent priority, to convene a planning forum, inviting representatives of interested governments, nongovernmental and intergovernmental organizations with relevant expertise and representatives of the displaced, to develop a plan for safe return in conformity with international standards.

Dr. Deng himself called on the Turkish Government to do this more than a year ago. This, if it gets done, would be a critical first step on a process that would be beneficial for the displaced, for Turkey and for its allies interested in the stability of the region.

Thank you very much.

Mr. SMITH. Thank you very much, Mr. Sugden.

I would like to ask a few opening questions and then yield to my good friend and colleague, Mr. Cardin.

First, I would like to focus on Turkey and pick up where you left off, Mr. Sugden. Obviously, welcoming Dr. Deng to conduct an official U.S. assessment at least had the appeal of being significant, although it needs to be followed by significant deeds.

I am concerned and many of us are concerned that there is no formal process for IDPs in Turkey to apply for permission to return. We are very concerned, all of us, about the village guard militia system, which continues to threaten those who might want to make their way back.

Human Rights Watch notes that there is a lack of a plan by the Turkish Government to resettle and protect Kurdish IDPs. Then, you know, there is just this lack of commitment and follow-through. I am concerned about what can the OSCE do? We'll raise it as a Commission at the OSCE Parliamentary Assembly when we have a bilateral with our colleagues from the National Assembly. I can assure you it'll be raised very robustly, especially in light of what was perceived initially, and really was, an unfriendly act vis-a-vis the United States during the Iraq war.

But it would seem to me that there is now a diminished threat so there needs to be a normalization. The only way you do that is by following the recommendations that you and Dr. Deng and others have made today. What else can the United States do?

I mean, for instance, the guidelines—it is my understanding that Russia and Turkey are two who are objecting to—and Ms. Cohen, you might want to speak to this—to the OSCE inculcating that into commitments because they are the two countries that have some problems with the U.N. guidelines. Perhaps you might want to speak to that as well.

Who are the hold-backs, if you will, within the OSCE towards a more robust policy vis-a-vis IDPs?

Mr. Sugden?

Mr. SUGDEN. Well, as I emphasized in my testimony, the most important thing is to get the parties together. There is a process for return in Turkey, but it is unsatisfactory in many ways. It's so unsatisfactory that the displaced do not want to have very much to do with it, and it's producing very low rates of return.

And it is also so unsatisfactory that the intergovernmental organizations working in Turkey do not want to have anything to do with it. The government really doesn't have its heart in the scheme either. Consequently, it is fatally underpowered and has produced, well, at most 40,000 returns out of about 1 million, or even more, displaced people.

So if the parties that I mentioned, the government and the intergovernmental organizations and the representatives of displaced, were to get together and to discuss the thing openly for the first time, then we'd start to get some facts, for example, from the government. We'd see, perhaps, the findings on the survey that they have been running over the past two or three years. The findings on that survey on the numbers of the displaced, where they are and what they needs and the cost of their return. All of this has been researched, but none of it is in the public arena. We'd see that.

And we would also begin to understand what the government's fears were and we'd be able to address them.

But it would also be a chance for the international community to start saying how much they would be prepared to commit in financial terms to the return.

So we'd begin to get the price on it. But Turkey would begin to see monies available from outside.

Ms. COHEN. In the case of Turkey, I just want to underscore that the relationship of Turkey to the European Union is a point of leverage. They would like to be in the European Union, and within the OSCE, of course, a number of the E.U. governments have a very good opportunity to see that Turkey lives up to its commitments to the OSCE standards with regard to the displaced and links that to its membership in the E.U..

There is some history here. There have been governments, like Norway and, I think, Austria and the Netherlands and some others that wanted to see the OSCE take a more robust attitude when it comes to Turkey. The United States has not always joined them in that.

But I think that the time is—there are certain opportune moments now. If you consider that Turkey is concerned about the situation in northern Iraq and fearful that there could be a Kurdish state. One way that will assure the Kurds of Turkey that their life within Turkey is better is if the government itself improves the conditions of the Kurds in that country. That's the fastest way to really mitigate the fear that their own Kurds are going to seek independence.

I think there the United States does have a very strong role to play, in encouraging the Turkish Government to really work with the Kurdish population, so that they feel like they are part of Turkey and are not some marginalized group in the country.

And the recommendations that Francis Deng has made with regard to Turkey, this is something that the U.N., the World Bank, and that the OSCE and the United States can also encourage taking place. I mentioned in my testimony the High Commissioner for National Minorities. It's high time that was also a position used to begin to discuss with Turkey the conditions of the Kurds.

Mr. SMITH. Dr. Deng, did you want to comment?

Dr. DENG. I just want to highlight two points.

What I found is that Turkey was very sensitive about the issue of terrorism. In fact, it has become something of a shield. They even objected to my referring to the conflict between the government and the PKK in my report to the Commission on Human Rights. They argued that it made the PKK seem like a political party when it is a terrorist group.

They argue that OSCE, as Roberta was saying, has prevented the Commissioner for Ethnic Minorities from engaging in Turkey because of terrorism. Whatever cause the Kurds might have is basically discarded because of a group that may be terroristic, but, obviously, is an extreme version of a struggle for a cause. The conflict did not just happen for nothing. I think OSCE needs to engage the Government of Turkey to address some of the conditions that Roberta was referring to.

Another concern that I found was, ironically, that because joining the E.U. is an important motive for them, they do not want to appear to be needing international assistance. When I mentioned the need for international cooperation to address the issue of return and the needs of the displaced, they said, "We didn't ask for assistance."

I said it's not a question of you asking for it. It's a question of my recommending that the international community could assist in this respect.

They were very keen that I phrase it in such a way that they're not seen as though they were a Third World country in need of assistance, even though, in fact, they do need assistance.

So that's another area where I think a bit of assertiveness from the international community, along the lines of recommendations made here, would be useful.

Mr. SMITH. I appreciate your sensitivity to their national character. You know, one of the things that sometimes you mention is the word "shield." Sometimes the line of demarcation between shield and pretext is a very slight one. Because many of us have become concerned that the war on terrorism has become a pretext for a whole host of unseemly activities.

I would also just make one point with regards to Turkey. I saw, and was frankly shocked by, the gross denial that lives to that day, and I was the one who chaired two hearings on the Armenian genocide. The reaction from the Government of Turkey in Ankara couldn't have been more bellicose and threatening, even of our base rights.

One of those—there was a resolution that was pending that as a prelude to consideration of the resolution that would recognize the Armenian genocide, we had members of the National Assembly in attendance. We had an ambassador who testified. In a very overt way, there was a threat that base rights would be threatened. Simply by recognizing something that historians have a near consensus on, I think the evidence is overwhelming that the genocide occurred.

However, that's past, and we're talking present now. So I think we have to weigh very seriously when they assert that this has everything to do with protection from terrorists, and that's not to minimize any act of terrorism that the PKK might engage in. That too has to stop.

I would like to ask Mr. Torrente a question.

You made a very powerful statement about the U.S.-led war on terror should not be used as a pretext for Russia to continue in violating fundamental rights with regards to Chechnya. The U.S. record on Chechnya with the previous administration—I'll never forget when Al Gore, meeting with Chernomyrdin, made the comment that this was their problem, they were to handle it. Then the State Department came back and said this is like the United States Civil War, going back over 100 years ago. Somehow it was not something we ought to meddle in.

This administration, too, has made, as you pointed out in your testimony, less than stellar statements, if not enabling statements, to the ongoing atrocities in Chechnya. So I think we have not covered ourselves with honor on this. We certainly have not helped those who have been beleaguered there.

Basically, that's more of a statement than a question. But what can be done now? I mean, as you pointed out, we refuse to bring up or sponsor a resolution at the U.N. Convention on Human Rights. We did the same thing with regards to China, which I thought was outrageous.

After being off the Commission for a year and vowing that we would do something and actually criticizing our European friends for not doing anything last year, we come back this year and we do nothing. Ditto for Chechnya.

So I share your concern. I am not sure what else we can do other than as a Commission raise the issue of the Chechens and those who have been displaced at every level and to use the offices of the Helsinki Commission to do so. But I think your point was very, very well made and I share it.

We had hearings previously, I'll never forget, with Elena Bonner, the wife of Sakharov, who gave compelling testimony about how we were enabling the killing and the maiming of tens of thousands of people in Chechnya, A, by our silence, and B, by actual statements that one could read as, well, leave this to the Russians to handle. It was not a good time, and unfortunately continues to be a time of acquiescence to this.

You might want to comment further. But I, too, share your concern. We seem to be willing to buy into empty promises at the drop of a hat. That we get an assurance from the Russians that this is going to happen. They will be well treated. Nothing happens and nothing happens over here either.

Mr. Torrente?

Mr. DE TORRENTE. Well, thank you very much for your statement and your concerns about the situation. I think, and the message that we are bringing here is, that we should listen to the people who are being affected by this. To know whether it is safe or not to return to Chechnya, we should listen to the displaced in Ingushetia. To know whether the referendum that has just been held and that is being seen as a very positive sign and positive development and a kind of return to normalcy and commented upon as such by the international community, including by the United States. To know whether that is indeed a positive sign, we should talk and see and listen to the people in Chechnya, how it is affecting their lives and their experience.

I think that's the fundamental thing that we as an international humanitarian community organization working alongside these people can do and bring to your attention. Probe beyond the headlines, go behind the statements, look at what is happening on the ground and base your policies on that.

I do feel that not enough is being done to hold the Russian Government to account for some of the policies that are taking place, including the one forcing people to return. Also in terms of allowing for a safe environment for humanitarian aid agencies to operate there. It's very frustrating at this point to us, and we thank you for all your efforts to raise this point.

Mr. SMITH. Could I just get you to mention Arjan Erkel. If you could tell us anything further about what his whereabouts might be. In answering that—and you may or may not want to respond to this, but Gabriel Trujillo, was it a matter of just not getting the documents in in time? Or the request was not made in a timely fashion? Or do you think there is some political statement being made by the Russian Government in not allowing him to testify here today?

Mr. DE TORRENTE. We do not have any reason to think that there is a political statement being made with the information that we have today about the fact that he is not able to testify here. There seem to be some administrative issues, exit visas, that his family should have had—or are being told that they should have had—and they were not aware of that requirement and that's what's preventing him from being here today.

For Arjan, what we know is the authorities have told us that they have indication that he is still alive. That is what we are going on. It's very tenuous. We are still very, obviously, very concerned about his fate, because as I mentioned, we do not have any direct contact with the abductor. We do not know who they are. We do not know what their requirements are. We do not—and therefore, we can only appeal to the

authority that is responsible for the area in which he was abducted. Clearly, he was abducted in Daghestan, in the capital of Daghestan, in Makhachkala. The responsibility of the Dagestanian Russian authorities is clearly here at stake because they are on their territory. They have to exercise maximal efforts to identify where he is and secure his release.

And our frustration is that after 10 months we do not have a strong conviction that they are doing everything they can to release him. That's why we are urging everyone to urge the Russians to do as much as they can.

And again, I thank you for your work and the Commission's work on this issue.

Mr. SMITH. Again, as you know, we did a letter in February. But we will do a letter, hopefully signed by multiple members of the House, as we apprise them of what has happened here. Because I think most do not know and would be amazed and shocked and angered that the Russians have not stepped up to the plate to try to secure his release.

Mr. CARDIN. Thank you, Mr. Chairman.

Let me first thank all of you for your testimony. I think it was extremely helpful to get documented the information you all have in regards to each of the particular states.

I want to thank you very much for your excellent testimony.

You should be aware that this Commission has placed very high priorities on the issues that you've talked about. We engage both the Russian and Turkish delegations on these issues.

We have tabled resolutions affecting the displaced individuals in both of these countries. And in the other countries, we have had bilateral meetings. We've pushed these issues considerably. Your information helps us wit that effort. So we all share the same objective here.

I was interested in your observation about using leverage with European community with Turkey admission to the E.U..

It's just my assessment that the European Community just doesn't place a very high priority on this issue.

I know the politics of E.U. admission for Turkey is very controversial and it's wrapped up in a lot of different issues. I had just not thought that this would be one that would have much impact politically within the European states.

So please, tell me I am wrong. Please tell me we have some good friends within Europe that really are concerned about internally displaced individuals. Who can we look at as strong allies?

Mr. SUGDEN. The European Union didn't put as much emphasis on returning the accession partnership as I feel the issue deserves. They didn't make it as explicit as we would have liked.

We criticized the accession partnership pretty thoroughly on that score, really, and not just on this topic, but also on torture and freedom of expression. I think we'd especially like to have seen clearer writing. But that's in the past now.

The Partnership used the term that I mentioned: "a more balanced development in the southeast." It called for that. But then in the Regular Reports since then, the E.U. has dealt fairly substantially with the return problem—sometimes in terms that gave a more optimistic gloss than the situation deserves. But they are taking return up as part of the Copenhagen criteria assessment.

We're very pleased to see it there. We would really like to see measurable progress from Turkey before the final evaluation comes up in December next year. I mean the sort of steps that we've suggested, which are a chance for Turkey to show that it can do something convincing on this topic.

Mr. CARDIN. I think a related issue, Ms. Cohen, and I'll get your response on it, is that, as I understand it, the protocols that you're talking about for displaced individuals is a U.N. document. It's an international document. That document is U.N., and of course OSCE has its own standards. I am not aware that we have any consensus on the treatment of internally displaced individuals with OSCE. We have an acknowledgment that there's a problem, but I do not know if we have an acknowledgment that there's standards that a country must adhere to.

And it comes back to the same question, is there really an interest within Europe to address this issue? Do we have countries that would help the United States in making this a high priority within OSCE?

And then maybe put the last question on the table, because as you can tell by the bells, we have votes that are going on on the floor of the Congress.

The Chechen situation is complicated because the Russian Federation is trying to move people back into area that there is a strong question as to their safety. I am wondering whether these international—these standards for these displaced individuals cover a circumstance such as Chechnya, where the state is trying to move people back to their homes on the safety issue. Are we clear enough on the standards to deal with the Chechen situation?

I welcome your comments on those issues.

Ms. Cohen?

Ms. COHEN. Within the OSCE there are governments, for example, like the Netherlands, which is currently the chair, or Norway or Austria, that have been very, very supportive on the whole issue of internal displacement internationally at the United Nations, and also within the OSCE.

When Austria was the chair in office in 2000, they tried very, very hard within the OSCE to get agreement on a statement. They had the chair and also statement actually speaks of the integration of the issue into all of the activities of the OSCE and also expresses support for these international principles to make them a framework.

The meeting that was held in the year 2000 in Vienna had very much the support of the Austrian government ...

Mr. CARDIN. Just let me make this observation, and that is ...

Ms. COHEN. Yes.

Mr. CARDIN. ... I am going to give you maximum time. If it weren't for the U.S. delegation reaching these Parliamentary Assemblies, these issues would not be raised. We get support when we raise them. I do not find any leadership from the European countries to really initiate these issues. Sure, if we say there's a problem, they will come along and say, Yes, there is a problem.

But I do not find it as a priority that it's something that they really want to deal with them.

Ms. COHEN. Well, it may not be the strongest priority that we would like, but at the same time, this particular meeting of OSCE on internal displacement in 2000 was held. The Austrian Government was one of the initiators behind it, and the United States supported it, as did others.

But the Europeans really did push on that. There was—that was the one meeting that came out with recommendations that haven't been carried out yet, but it was a very strong statement and very strong document on the whole subject and on trying to get the OSCE to endorse these particular principles.

So I think they have done that. There may be opportunity now with the Netherlands as chair. They have also taken strong roles on this issue.

And in the United Nations, they have made very strong statements to the E.U. on internal displacement.

Ms. COHEN. They were very much—Francis can address that point with regard to his own mandate.

So I do think there is some receptivity within some of the governments in the OSCE to do this. With regard to the E.U. too, yes, it's very complicated. But surely the treatment of the Kurds within Turkey has been part of that general mix.

And that is an important way to get into the whole question of Kurds, ethnic rights, minority rights and also the whole issue of return and the situation of the displaced. I think there are possibilities, small windows. I think the United States ought to explore and push them.

Mr. CARDIN. Thank you.

Dr. DENG. I think we're talking about two different things. On the issue of internal displacement as such, Roberta is quite right. It has drawn significant attention from European countries. The issue was raised by them and they have been among the strongest sponsors of the resolutions. They have even lobbied Third World countries.

Some countries in the third world actually are more apprehensive about this whole issue, because they think it is a basis for potential intervention.

Now, a totally different issue is actually applying the Principles in specific situations, for instance, in Turkey or in Chechnya. That is where I think you are absolutely quite right, that European countries may not have been as assertive as they are supportive of the general issue of internal displacement. I think we need to bring them together—the general support for the issue and the application of the principles of these specific situation.

Mr. CARDIN. Thank you.

Mr. SMITH. I want to thank our very distinguished panel for the work that you do, the assessment you've provided the Commission.

On behalf of the Commission, we'd like to thank you for the knowledge that you have conveyed to us, and especially for your recommendations. We are very big on follow-up. I can assure you, you have given us much to act upon, and we will follow up. I thank you so much on behalf of the Commission for your testimony today.

The hearing is adjourned.

[Whereupon, at 4:00 p.m., the hearing was adjourned.]

APPENDICES**PREPARED STATEMENT OF
HON. BEN NIGHTHORSE CAMPBELL,
CO-CHAIRMAN, COMMISSION ON SECURITY AND
COOPERATION IN EUROPE**

As an American Indian, I am particularly sensitive to the plight of men, women and children uprooted from their homes. Whether due to conflict, disaster or other causes, the displaced cling to the hope that they will one day be able to return home. For some the cruel reality is that there is no home to which to return. For others months of waiting have turned to years. Still others are forced to return before the conditions are in place for their safety and other basic necessities. This is the human dimension of internally displaced persons—a term of art which somehow seems sterile given the pain, suffering and hardship of the people designated as IDPs.

The Caucasus and Southern Anatolia reportedly contain the largest concentration of internally displaced persons in the OSCE region today. Largely as a result of conflicts in Chechnya, Georgia, Azerbaijan and southeastern Turkey, their numbers have grown to an estimated 1.4 million people. Having not crossed an international boundary, IDPs are not afforded the same protections as refugees under international law, and thus the displaced for the most part remain the responsibility of their national governments. These governments, however, have been largely unable or unwilling to meet the needs of this segment of society.

The situation is particularly alarming in the North Caucasus region of the Russian Federation where the most egregious violations continue in war torn Chechnya. The displaced who fled Chechnya to camps in Ingushetia and other neighboring provinces suffer under government harassment and, according to reliable sources are being pressured into returning to Chechnya prematurely. Where IDP camps in Ingushetia have not already been closed, local authorities have threatened to block food rations or access to electrical power if residents remain. Those who attempt to return encounter continued fighting and lack even basic necessities. Notwithstanding President Putin's assurances that no IDPs will be forced to return to Chechnya against their will, I remain deeply concerned that displaced persons are in fact being pressured to return.

The prospects for displaced elsewhere in the Caucasus region—Azerbaijan, Armenia and Georgia—remain dim amid long-standing and unresolved political disputes. Despite the frozen nature of these conflicts, Azerbaijan and Georgia have tended to treat their displaced as temporary occurrences, making no permanent accommodations for them elsewhere within these countries. In addition, international aid is dwindling, forcing more IDPs into below-subsistence living conditions. Alternative resettlement programs for these populations are desperately needed.

In southeastern Turkey, with the security situation steadily improving, the opportunity exists for thousands of displaced persons, mainly Kurds, to return home. But this population faces inadequate and arbitrary return programs, hindering the ability for large scale returns. The Turkish Government should ensure that the return process is transparent and thus facilitate the timely return of civilians to the region.

Today's hearing draws attention to the plight of men, women and children dispossessed and displaced through circumstances beyond their control. More than a million people wait to return to a place they call home. Meanwhile, it is the responsibility of individual participating States and the international community to meet the needs of these individuals while working to create the conditions necessary for their return in safety and dignity.

**PREPARED STATEMENT OF
HON. BENJAMIN L. CARDIN, COMMISSIONER,
COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Within the 55 countries comprising the Organization for Security and Cooperation in Europe (OSCE), the Caucasus region and southeastern Anatolia hosts a significant concentration of internally displaced persons (IDPs). Today, I want to highlight Turkey, as it represents the best opportunity for significant numbers of IDP returns. I have great respect for Turkey, its leaders and its people, and I believe allowing IDPs to return to their villages will aid the security situation by further normalizing southeastern Turkey.

From 1984 to 1999, the Government of Turkey fought a secessionist Kurdish rebel group, the Kurdistan Workers Party or "PKK." During the conflict, authorities forcibly displaced thousands of individuals, mainly of Kurdish heritage, from rural villages to regional city centers. Government reports indicate that 378,000 individuals "migrated" from 3,165 villages between 1994 and 1999. No government statistics are available on how many freely left their homes to flee the violence, but NGOs have placed the total number of displaced at one million. The US State Department's report on human rights stated that 4,455 villages and hamlets were destroyed or deserted.

The security situation has gradually improved since the capture of the PKK's leader in 1999. The last state of emergency was lifted in November 2002, which at its height incorporated 25 provinces. Despite the apparent normalization of southeastern Turkey, the government has been slow to allow the return of the region's displaced persons to their land. Reportedly, some Turkish officials continue to cite security concerns in justifying denial of access. While the government has initiated several return projects, all have suffered from limited funding and limited success. The "return to village" project is the latest attempt, focusing on the government providing social programs in the home villages of returning IDPs. Unlike the previous return plans, the criteria for participation in "return to villages" are simple and straightforward; individuals declaring a desire to return may return to their original village.

Despite this program being in its infancy, there appears to be a lack of political will to implement it on the scale needed. As a result, only a small percentage of displaced persons have returned home. While the criteria for participating in "return to villages" are simple, the government has not administered any formal application process within the offices of a regional governor or specially designated agency. Without any predetermined procedures for concluding which villages are secure and which families may return, the procedure lacks transparency and appears highly arbitrary.

There is a need for a well publicized and standardized application process, as concerns about government *quid pro quos* exist, where return may occur only if villagers sign a waiver declaring they left their homes because of PKK terrorism and not government pressure or coercion. Reportedly, in some cases villagers had to drop all future claims of compensation for destroyed property, or return was predicated on joining the "village guard," a poorly organized, trained and paid civil defense force created during the 1984-99 conflict to protect villages from PKK attack. NGOs have claimed that authorities also give village guard members priority for return. Clearly, creating a standardized paper

application process, including timetables for notifying applicants of approval, or when denying a return, stating reasons, would improve the government's commitment to ensure all IDPs have the opportunity to return home.

Another important factor in the return process is the demobilization of the village guard system. The village guard mainly consists of loyal Kurds, and accusations of drug trafficking, rape, theft and murder continue to arise. Often, village guard members squat on abandoned property, refusing to leave when the rightful owners return. For example, police arrested ten village guards for killing three returning IDPs in September 2002 in Diyarbakir Province. Allegedly, the village guards were living in the returning IDPs home and did not want to relinquish control. These types of incidents, while not widespread, occur often enough to create a legitimate sense of fear among IDPs wishing to return. Consequently, the government should demobilize all village guard members and seize previously issued weapons. In addition, the establishment of a modest pension plan could occur to ease the transition for members of the village guard.

In closing, the overall security climate in southeastern Turkey has vastly improved. While occasional incidents do arise, the Turkish Government should give individuals and families the option to return to their homes. I encourage the Government of Turkey to address the issue seriously, providing needed funds and creating simple procedures to facilitate the return of IDPs, many of which have not been home in almost 20 years.

**PREPARED STATEMENT OF
SEN. GORDON SMITH, COMMISSIONER,
COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Considering the hundreds of thousands of internally displaced persons (IDPs) that have fled the ongoing hostilities in Chechnya, I want to express my deep concern about the level of human suffering that continues in that region. I want to also urge the Russian Federation to preclude additional forcible returns of IDPs to an area of the country where they would feel unsafe and insecure. The unstable security situation in Chechnya is well known, and there are continuing reports of attacks and kidnappings of civilians resulting from military operations and raids. The recent explosion in Znamenskoe, Chechnya demonstrates that rebels continue to indiscriminately target civilians and Russian armed forces. In view of this destruction and disorder, it is troubling that government authorities appear bent on closing tent camps and returning nearly 20,000 IDPs to a dangerous and volatile Chechnya. Accordingly, I urge the Government of Russia to discontinue efforts to forcibly return IDPs to Chechnya and to allow non-government organizations to provide aid and shelter to IDPs in and around Chechnya.

Last summer, as part of a broader effort to demonstrate the normalizing of Chechnya, Russian officials began pressuring IDPs to return. When such pressure did not result in the desired numbers of returns, authorities began dismantling camps and facilities. In June 2002, two camps, housing some 2,200 refugees, were closed in the village of Znamenskoye in northern Chechnya. Later, in December 2002, authorities closed the Aki-Yurt camp in nearby Ingushetia, which housed some 1,700 displaced Chechens, leaving its residents with no other viable alternative other than to return to Chechnya. While some resisted and found other places to stay in Ingushetia, several thousands did relocate into Temporary Accommodation Centers in Grozny. However, most reports indicated that government promises of adequate housing and better support did not come through. The now defunct OSCE Assistant Group reported that the Centers were characterized by "overcrowding, not enough beds, no sewers working, no medicine and inadequate medical services." Perhaps such honest assessments explain why Moscow terminated the Assistance Group's presence in Chechnya at the end of 2002.

I would mention also that ten Members of the Helsinki Commission wrote to President Putin last September urging him to insure that internally displaced persons seeking refuge in Ingushetia and elsewhere in the Russian Federation, not be forcibly returned to any location. Unfortunately, we have yet to receive a response.

With another summer approaching, it is my fear that the unhappy fate of Aki-Yurt camp IDPs awaits thousands of others in Ingushetia and other neighboring provinces. In December 2002, the chair of Russia's human rights commission cited President Vladimir Putin's pledge that Chechen refugees would not be forced to return to the region against their will. Accordingly, Russia should end all plans to return individuals to Chechnya against their wishes and allow the further construction and use of shelters in Ingushetia by such groups as Doctors without Borders.

I hope that we will soon be hearing back from President Putin, and to learn that the forcible returns will be altogether discontinued henceforth.

**PREPARED STATEMENT OF DR. FRANCIS M. DENG,
SPECIAL REPRESENTATIVE OF THE UNITED NATIONS
SECRETARY-GENERAL ON INTERNALLY DISPLACED PERSONS**

Distinguished Co-Chairmen, Commission Members, Ladies and Gentlemen,

It is an honor to have been invited to speak at this hearing. The Commission is to be commended for organizing the hearing and focusing attention on an often overlooked group of people in need—the internally displaced. Currently, there are some 25 million persons uprooted within their own countries by conflict, civil strife, persecution and serious violations of human rights. Internal displacement is a global crisis, affecting some fifty countries in all regions of the world. Of the estimated 3 million internally displaced persons in the OSCE region, more than half are found in the Caucasus and Turkey.

Before focusing on specific countries, allow me to briefly describe the approach that has guided me in carrying out my mandate. To begin with, it must be recognized that internal displacement, by its very nature, is an internal problem falling within state sovereignty. In my dialogues with governments, I begin by assuring them of my respect for state sovereignty. At the same time, however, I argue that sovereignty must be viewed, not as a barricade to international involvement, but as entailing responsibilities for a government to protect the rights and welfare of all those under its territorial jurisdiction, if need be with supplementary assistance from the international community. Indeed the responsibility to protect and assist the internally displaced lies first and foremost with the national authorities, the role of the international community being only complementary.

As regards the rights of internally displaced persons, working with a team of international legal experts and broad international consultation, we developed, at the request of the U.N. Commission on Human Rights and the General Assembly, the Guiding Principles on Internal Displacement—the first international standards for internally displaced persons. The Principles are appended to the text of my presentation. The Guiding Principles set forth the rights and guarantees of internally displaced persons in all phases of displacement: prevention, protection during displacement and the search for durable solutions. Since their presentation in 1998, U.N. bodies have recognized the Guiding Principles as constituting an important standard and a tool for the protection of the internally displaced and have encouraged their wide dissemination and application. The Principles are being used by the OSCE and the Council of Europe, for instance, as well as by local groups, and are also being drawn upon by a number of governments as guidance for policy and legislation. The Principles have been translated into more than 30 languages, including Abkhaz, Armenian, Azerbaijani, Georgian, Russian and Turkish.

Country missions are another critically important area of activity for my mandate. They provide an opportunity to study first-hand the situation of the internally displaced, to assess the effectiveness of national and international responses in addressing their protection, assistance and development needs and, most importantly, to engage in solutions-oriented dialogue with the authorities and other relevant actors. Of my 25 missions as Representative of the Secretary-General on Internally

Displaced Persons, my very first were to Europe: to the former Yugoslavia and the Russian Federation in 1992. In more recent years, I have returned to the OSCE region to undertake missions to Armenia (2000), Azerbaijan (1998), Georgia (2000), Tajikistan (1996) and Turkey (2002). I have also participated in seminars on internal displacement held in the South Caucasus and in the Russian Federation, co-sponsored by the Brookings-SAIS Project on Internal Displacement together with local partners and, in the South Caucasus, also with the OSCE. The findings and recommendations of these country missions as well as of the seminars are detailed in reports presented to the United Nations Commission on Human Rights, to which I report every year.

In the South Caucasus, the plight of internally displaced persons is a protracted one, stretching back to the outbreak of various conflicts in the region in the early 1990s. For more than a decade now, cease-fires have been in place, virtually uninterrupted, and yet durable solutions to the conflicts and the plight of the more than one million uprooted persons remain elusive to this day. A defining feature of internal displacement in this region is that, unlike in many other situations where internally displaced populations are perceived by the authorities as associated with "the enemy" and targeted on that basis, in the South Caucasus, ethnic and external factors foster a general attitude of sympathy and solidarity with the displaced. Even so, there exist serious concerns about respect for the rights of the internally displaced, especially as regards facilitating solutions to their plight.

Azerbaijan has the largest internally displaced population of the three countries, with nearly 600,000 internally displaced. More than ten years after they were uprooted and a cease-fire to the conflict, the vast majority live in deplorable conditions of destitution, deprivation and dependency. Shelter conditions are substandard: weather-worn tents, overcrowded and dilapidated dormitories, even abandoned railway cars and dugouts. Poor sanitary conditions make these locations breeding grounds for disease, including respiratory infections and malaria. Moreover, these sites typically are in remote locations, far from markets and income-generating opportunities. Few displaced have access to arable land and adequate water to allow agricultural self-sustainability. Recent surveys indicate that 63 percent of the displaced (far higher than the national average) live below the poverty line. The Government reports that one in three displaced children below the age of 5 suffers from malnutrition and that infant mortality among displaced children is three to four times higher than the national rate. When I visited the country in 1998, however, the Government was resistant to efforts to improve the living conditions of the displaced and increase their self-reliance, concerned that doing so would signal abandoning the goal of return and regaining control over Nagorno-Karabakh and surrounding areas from which the displaced originate and which constitute about 20 percent of the country. This order of priority was shared by the displaced themselves. The international donor community, for its part, after years of providing emergency humanitarian assistance was increasingly unwilling to keep the internally displaced in a state of dependency and instead was eager to begin the transition to development assistance.

During my 1998 mission, I emphasized to the Government the importance of supporting durable solutions for the internally displaced. To begin with, there was an urgent need to improve the living conditions of displaced persons, especially as regards shelter. In addition to placing

priority on addressing basic humanitarian needs, I stressed the importance of supporting greater self-reliance among the displaced, in particular by ensuring their access to cultivable land, skills training, income-generating activities and micro-credit. I also emphasized the importance of continuing to pursue the right of the displaced to voluntary return in safety and dignity and the need for reintegration and reconstruction assistance in those areas where return already was possible. At the same time, I promoted the pursuit of alternative solutions, that is, resettlement or local integration and self-reliance, for the many internally displaced persons for whom return was not yet a realistic option. Having discussed these themes with various Government officials at all levels, I was particularly encouraged when President Aliyev concurred that such an approach indeed was necessary.

Since that time, the Government of Azerbaijan, together with the international community, have taken a number of important steps in that direction. Of particular note is the Government program, using a new \$75 million IDP fund from state oil revenues, to improve shelter and socio-economic conditions for the displaced, including resettling some 3,000 internally displaced families into new sites. The new homes are reported to be an improvement in terms of shelter, although Refugees International also reports with concern that the lack of viable agricultural or economic opportunities near the new sites, without which resettlement represents only a partial solution. Another important initiative is the more than \$40 million program of the World Bank, UNHCR and UNDP, in partnership with the Government, to support return and reconstruction in the so-called "liberated areas" as well as a social investment fund. Also of note is the National Poverty Reduction Strategy for 2003-2005, which will target internally displaced persons as one vulnerable group. The strategy includes plans for: the rehabilitation of the "liberated areas" to which return is possible; housing for more than 5,000 internally displaced families to resettle in other parts of the country, at least temporarily; upgrading infrastructure in camps; addressing the employment problems of the displaced; and interventions to improve their access to education and health care. This program is a positive step, signaling a significant shift in attitude and willingness on the part of the Government to give internally displaced persons the opportunity to escape their situation of perpetual dependency and resume their lives as productive citizens. This, in turn, can benefit the economic development of the country as a whole. The World Bank, the IMF and the Asian Development Bank have committed funds for this strategy, which should receive sustained international support.

The international community also has a role to play in advocating with the Government the need for legislative reform in certain areas. For instance, as I recommended in my report to the U.N. Commission on Human Rights, there is a need for the Government to amend regulations that place more onerous taxation obligations upon non-governmental organizations, which make such a critical contribution to assisting the displaced and promoting their rights.

The situation in Georgia, where there are some 260,000 internally displaced persons from the conflicts concerning Abkhazia and South Ossetia, bears certain similarities to that in Azerbaijan. In particular, the Government's pursuit of the goal of return, which in Georgia, as in Azerbaijan, is also shared by the overwhelming majority of the displaced, has for many years been so absolute as to deny displaced per-

sons the ability to enjoy their full rights as citizens and lead productive lives in the interim. While supporting the right of the displaced to return in safety and dignity to their areas of origin, I stressed with the Government the importance of enabling internally displaced persons to live in dignity and lead productive lives in their current place of residence. In particular, urgent attention needed to be given to improving the living conditions of internally displaced persons, especially those living in collective centers and even hospital wards, which are overcrowded, dilapidated and were never designed as long-term residences. Entitlements already provided for in Georgian law, such as the monthly stipend to internally displaced persons, also needed to become a reality—many internally displaced persons informed me that they had not received this modest, but critical, support for several months. Equal access to public services such as education and medical care, to land, and support for income-generating opportunities also was needed to enable the displaced to become more self-reliant.

I very much welcomed the initiative of the “New Approach to IDP Assistance in Georgia” adopted by the Government in 2000, in partnership with UNDP, UNHCR, the World Bank and OCHA, as it was inline with the recommendations I had made on the similar situation in Azerbaijan. A key component of the New Approach is the Georgia Self-Reliance Fund, which is a pilot-project offering micro-credit and employment opportunities to internally displaced persons in their current place of residence. Implementation of the New Approach, however, has faced several delays for administrative, financial and political reasons, such that to date the number of internally displaced persons to have benefited remains relatively small. Nonetheless, it is an innovative initiative that should be encouraged and expanded. This is particularly true in light of the report just a few months ago of the U.N. Committee on Economic, Social and Cultural Rights which referred to “the deplorable situation” of internally displaced persons in Georgia, noting that the Government’s “efforts to provide basic services to this disadvantaged group...have succeeded only partially in alleviating the most basic needs of internally displaced persons, particularly with regard to employment, social security, adequate housing, access to water, electricity, basic services and to education.” Clearly, greater effort is needed to ensure implementation of the New Approach and for the Government and international community to have the funds necessary to do so.

Another concern in Georgia to which I drew attention in my 1998 mission report related to the problems that internally displaced persons faced in exercising their political rights. Specifically, internally displaced persons were unable to vote in parliamentary elections for local representatives from the district where they were residing without forfeiting the entitlements and assistance they received as internally displaced persons. In 2000, a group of displaced persons sought to challenge Georgia’s law on parliamentary elections on the grounds that it was discriminatory and therefore in violation of the Constitution as well as relevant international standards, in particular the International Covenant on Civil and Political Rights (ICCPR). The Constitutional Court, however, held that the Constitutional provision concerning the right of citizens to participate in elections shall not be applied in an “extraordinary” situation and that the election law can establish a different rule concerning participation by displaced persons. In effect, this meant that internally displaced persons could not vote for local candi-

dates in the areas in which they currently reside, even though they have resided in these areas for a decade—hardly a temporary or “extraordinary” situation.

The reasons for this restriction were not legal, but political. First, it was feared that if the displaced persons were to have a stake in the political processes in the areas where they resided, this would encourage their local integration and they would consequently lose the impetus to return to the territories of Abkhazia and South Ossetia (currently outside the Government’s control). However, there is no objective reason why displaced persons should not be able to vote for the representative of the area in which they reside, and without in any way relinquishing their right to freedom of movement and right to return. Second, the concern has been raised that in a number of districts displaced persons outnumber the local population and could therefore unduly determine the outcome—an argument which runs counter to the principles of democracy. Those in favor of restricting voting rights also contended that internally displaced persons from Abkhazia already have political representation in parliament, through the deputies of the Abkhaz Government-in-Exile. These representatives, however, were last elected in 1990. In keeping with the right to political participation, internally displaced persons should be able to exercise and renew their rights to political participation on a regular basis. Moreover, according to the Georgian Constitution, international treaties ratified by Georgia take precedence over domestic law.

At the Commission on Human Rights in 2001, the representative of Georgia stated that the Government took very seriously the recommendation made in my mission report that internally displaced persons be given the right to participate fully in the civil and political decision-making processes that affect their lives. He reported that the Parliament of Georgia had set up a special commission for elaborating new amendments to the election law which would include a stipulation that internally displaced persons shall not be discriminated against as a result of their displacement in the enjoyment of the right to vote and to participate in governmental and public affairs. Last spring, the Government reiterated this view to the U.N. Human Rights Committee, which monitors implementation of the ICCPR, and with which my office had also raised this concern. I was pleased to learn that the electoral code in Georgia has indeed been amended to enable internally displaced persons to participate fully in parliamentary elections as well as to vote in municipal elections. Local groups nonetheless point to the need for monitoring mechanisms to ensure that these important amendments are consistently implemented and observed. The OSCE could, in its election monitoring activities, play a valuable role in this regard.

Another key issue is that of property restitution or compensation and the need for national legislation on this issue. Several years ago, the OSCE began encouraging and assisting the Government of Georgia to draft a law on restoration and protection of housing and property rights for refugees and internally displaced persons. Since restoration of property and housing rights is a key issue in the negotiations seeking an end to the conflicts, this initiative is critical not only for the displaced themselves but for the broader conflict-resolution efforts. At a legal roundtable convened in Tbilisi last year, Government officials emphasized that the issue of property restitution should be regulated by law and made reference to the draft law. It is now critically important to

finalize and adopt such a law and to apply it to both the Abkhazia and South Ossetia displacement situations. It would be valuable if the U.S. Commission on Security and Cooperation in Europe could encourage the Government in this regard.

Finally on the South Caucasus, I would like to say a few words about Armenia, which also has a problem of internal displacement that is intrinsically linked to displacement problems in other parts of the South Caucasus, in particular Azerbaijan. Government figures put the number of internally displaced at some 192,000 persons, of which some 100,000 were displaced as a result of the devastating earthquake of 1998, 10,000 as a result of mudslides, 10,000 as a result of (unspecified) human-made disasters, and 72,000 displaced by the military hostilities in areas bordering Azerbaijan. Independent assessments suggest that the number of conflict-induced internally displaced is lower—around 50,000, which is still significant.

When I undertook a mission to the country in 2000, I found that while those internally displaced by the earthquake and disasters were a focus of considerable attention by both the Government and the international community, the needs of persons displaced by conflict had been largely overlooked. Even basic facts such as their location and needs were unknown. President Kocharian himself acknowledged that inadequate attention had been paid to their plight, noting that the conflict-induced displaced in Armenia had been “forgotten people”. I was therefore very pleased that one effect of my visit was the raising of awareness among the Government and the international agencies present in the country of the particular needs and vulnerabilities of this group of people.

My visits to internally displaced communities in the border regions confirmed that many of their most basic needs were not being met. Shelter conditions were clearly inadequate. For example, I visited people who had been living for twelve years in iron containers that had been intended strictly as emergency shelter. I spoke with an elderly woman who said she was compelled to live in a barn amongst livestock because her home had been severely damaged by shelling and required repair. Continued sporadic shelling impeded safe movement and farmland remained heavily mined. Access to health care was limited. Schools had been destroyed and there were children not going to school at all. It was reported that only one in five internally displaced persons in the border areas was employed.

As I told the U.N. Commission on Human Rights, there is a need for the Government of Armenia to make the plight of its conflict-induced internally displaced population a national priority and to develop a national policy for addressing their needs. One focus for such a policy would need to be supporting the reconstruction and rehabilitation of the border areas so that internally displaced persons who choose to return can do so in conditions of safety and dignity. At the time of my mission, the Department for Migration and Refugees had drafted a project with this aim. The Government indicated to me that it would welcome international support for this undertaking.

More generally, there is a need for a comprehensive assessment of the location, needs and intentions of the displaced, whether to return or resettle elsewhere in the country. Last year, the Norwegian Refugee Council began a “mapping exercise” to identify the location and needs of the conflict-induced displaced. It is working closely with the Government on this initiative which is due to be completed by early 2004. It

will be important for the Government to make use of the results of this analysis in order to most effectively target assistance to meet the needs of the displaced.

In addition, at a legal roundtable in Yerevan in October 2001, in which Government officials participated, and which was co-organized by the Brookings Project together with the OSCE, it was recommended that the Government formulate and enact a law on internally displaced persons. Local legal experts pointed out that it would be important for such a law to contain a clear definition of who is an “internally displaced person” as there has been misunderstanding about this in Armenia. It would be helpful for the U.S. Commission on Security and Cooperation in Europe to inquire with the Government as to its plans to formulate such a law and also identify whether any assistance, such as technical legal assistance, is required of the international community.

In the North Caucasus region of the Russian Federation, the plight of persons displaced by the conflict in Chechnya—currently estimated at over 300,000—has been of increasing concern to the international community and to my mandate. Unfortunately, I have not yet been able to visit the region since the new wave of conflict began in 1999. Between 2000 and 2002, I made several requests to Russian authorities to undertake a mission to Chechnya and Ingushetia, where most of the internally displaced in the region are found. Concurrently, in 2000 and 2001, the U.N. Commission on Human Rights passed resolutions calling upon the Russian Government to facilitate such a mission. In 2002, the Russian authorities approved the mission in principle, but it was then postponed indefinitely for “security reasons”. In April of this year, however, Russian authorities informed me that they are now prepared to receive my mission towards the end of this year. We are currently in discussions about dates and I am hopeful that the mission will now go forward.

Although I am not in a position to give this Commission first-hand information on the problem, I will share some of the concerns that have been brought to my attention and which I hope to be able to address in direct dialogue with the relevant authorities in Russia. One of the most pressing concerns that I hope to raise with the authorities pertains to the security and sustainability of returns of internally displaced persons to Chechnya. An equally important and related matter is the right of the internally displaced to choose whether or not they wish to return or resettle elsewhere. In July and December 2002, Russian authorities were reported to have closed tent camps in northern Chechnya and Ingushetia respectively. Senior United Nations officials, including the High Commissioner for Refugees, the High Commissioner for Human Rights, and the Under-Secretary General for Humanitarian Affairs and Emergency Relief Coordinator, expressed their grave concerns about these camp closures. Under-Secretary General Kenzo Oshima in particular emphasized that “[r]eturns can only be considered voluntary if no risk exists to returnees’ life, safety, liberty, or health” and that “IDPs considering return must be given options, including the possibility of staying in their current place of sojourn or resettling in other parts of the Russian Federation of their choice.” In my dialogue with Government officials during the mission, I hope to discuss with the authorities due respect for these principles. Finally, I would hope to look into the

conditions of return and the adequacy of the existing infrastructure in Chechnya to accommodate the displaced, for instance in terms of housing as well as economic opportunities.

I would also like to draw attention to a number of issues that were raised last year at a seminar on internal displacement in the Russian Federation in which I participated and which was sponsored by the Brookings-SAIS Project on Internal Displacement, the Institute of State and Law of the Russian Academy of Sciences and the Partnership on Migration. Participants pointed to the need for a greater focus of Russian law on the internally displaced, noting that current legislation only addressed the broader category of “forced migrants” which includes citizens and non-citizens as well as persons inside and outside Russian territory. From the standpoint of effective protection, the internally displaced “got lost among the other categories of forced migrants,” and some were excluded from coverage, notably those displaced from their homes but remaining inside their own republic. Participants also noted that Russian institutions dealing with migration were undergoing a significant change, with greater emphasis and authority being delegated to local officials who sometimes lacked the necessary experience and expertise on displacement issues. On the policy level, seminar participants called upon the Russian authorities to ensure that plans for durable solutions include not only return, but also the possibility of resettlement, as well as effective mechanisms for property restitution or compensation.

Turning to south-eastern Turkey, internal displacement there arose from the armed clashes, generalized violence, and human rights abuses associated with what the Government and the OSCE characterized as the “terrorist” activities of the Kurdistan Worker’s Party or “PKK” and the Government’s own counter-insurgency operations from 1985 to 1999. Estimates of the number of persons still displaced from their homes vary widely between several hundred thousand and more than a million. Many of these were “evacuated” by government forces, ostensibly for their own protection, while others fled instability and fighting between the PKK and the “village guards”, a state-supported civil defense force of local Kurds formed to confront the PKK.

Most of the displaced have moved to urban areas, where they live in conditions of extreme poverty, suffering from inadequate heating, sanitation, health services, education and general infrastructure. Without compensation for their lost property, and unable to adapt their rural skills to the employment market in overcrowded cities where unemployment levels were already described as “disastrous”, their immediate prospects for improving their own situation appeared to be very limited.

Although, in the past, the Government of Turkey has treated the displacement issue as an internal matter, in 2001, the Government responded positively to my request to undertake an official visit to the country. My mission took place in May 2002. During my visit, I found officials willing to engage in an open dialogue and determined to “heal the wounds” of the long conflict by encouraging the return or resettlement of the displaced. Nevertheless, as the new policy was still in the making, there were naturally gaps between policy statements and the actual response of the Government to the needs of the displaced.

The Government's "Return to Village and Rehabilitation Project", begun in 1999, has reportedly assisted approximately 80,000 displaced persons to return to date. However, there have been a number of concerns raised about the project. One concerns the degree to which the displaced are included in the planning of new settlements. The other relates to the tension between the need to centralize settlement patterns for the delivery of services and the traditional pattern of hamlet structures. Yet another concern relates to the slow progress of implementation. Moreover, it is alleged that participants in the project have been required to indicate the reason for their displacement on a form which does not include, as an option, displacement by the government itself. This has, however, been denied as a Government policy even though unauthorized local authorities might be engaged in such a practice.

More worrying were indications of interference by members of the village guards and other security forces, called *jandarma*, in the return process. Village guards are alleged to have been involved in the expropriation of the property of the displaced and in blocking their return in order to safeguard the stolen assets. I therefore recommended that they be disbanded or at least disarmed. The Government argues that it has a responsibility to find alternative employment for the village guards before disbanding them. It was also worth noting that former village guards were reportedly being granted preferential treatment in the return programs.

Given the time that will be needed to carry out an effective return program, I have urged the Government to devote greater attention and resources to the current needs of internally displaced persons. Although many of their social and economic problems also plague their host communities, the displaced have particular concerns in the areas of housing, health care and psychosocial care for women and children that should be addressed.

Perhaps the most glaring gap I found in Turkey was the lack of coordination between the Government and the international humanitarian and development organizations based in the country with regard to both current and long-term needs of the internally displaced. Mutual mistrust on this issue was high. Fearing that the Government was not concerned with the issue of internal displacement, international representatives chose not to involve themselves in the assistance and protection of the internally displaced to an appreciable extent. Indeed, even as I was negotiating a change of policy, they remained cautious. My discussions with Turkish authorities were productive and have increased my confidence that they will move forward with my recommendation to begin holding meetings with U.N. and NGO representatives with an eye to bridging the gap between the declared new policy and performance on the ground.

By the same token, I have encouraged the international community to take advantage of the opportunity that now exists to bring effective and coordinated assistance to the internally displaced of Turkey. I have recommended to the Secretary-General and humanitarian and development officials that U.N. agencies operating in the country develop a unified strategy on how they might support the Government in addressing the situation of internal displacement. Likewise, I have recommended to senior officials at the World Bank that they consider targeting their intervention in the country to more effectively address

the issues of the internally displaced. The OSCE could play an important role in encouraging effective national and international responses in this direction. Doing so would significantly benefit the internally displaced in Turkey and, in turn, contribute to the stability and unity of the country as a whole.

In conclusion, I would like to reiterate my appreciation for the attention which the U.S. Commission for Security and Cooperation in Europe is giving to the problem of internal displacement in the OSCE region. As responsibility for internally displaced persons lies first and foremost with their Governments, it is incumbent upon the Government in each of the affected countries in the region to devote attention, resources and political will to address the protection, assistance and development needs of their internally displaced populations. The OSCE, for its part, should be encouraged to do all it can to ensure that this is done. My colleague, Roberta Cohen, Co-Director of the Brookings-SAIS Project on Internal Displacement, will discuss specific steps that the OSCE could take in this regard. I would just note in closing today, as indeed I do in all of my mission reports, that durable solutions to the crisis of internal displacement will require addressing not only the protection, assistance and development needs of the displaced, but also the root causes of conflicts, in particular the social, political and economic cleavages from which they stem. In this and all aspects, effective responses to the global crisis of internal displacement require a multi-dimensional approach that engages actors at all levels, from local through regional to global.

Thank you.

**FOREWORD TO
THE GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT
BY MR. SERGIO VIEIRA DE MELLO
UNDER-SECRETARY-GENERAL FOR HUMANITARIAN AFFAIRS**

The humanitarian community is increasingly aware of the crisis of internal displacement which affects over 20 million people worldwide. While responsibility for the protection of IDPs rests first and foremost with national governments and local authorities, it is important for the international community to see how best it can contribute to enhancing the protection of IDPs in conflict and crisis situations. We must also design humanitarian assistance in such a way that it will promote the protection of IDPs.

Within the United Nations system, significant steps have been taken to enhance an effective and timely response to the needs of internally displaced persons (IDPs). The Inter-Agency Standing Committee (IASC) has entrusted me with the responsibility to act as Focal Point within the U.N. system for issues relating to the internally displaced. In discharging this mandate, I am committed to enhancing the capacity of the United Nations as a whole to respond to situations of internal displacement as well as to promoting strong coordination and a clearer division of institutional responsibilities and adequate support to operational agencies.

In this context, I welcome the issuance by the Secretary-General's Special Representative on IDPs of the Guiding Principles on Internal Displacement. These Principles, which are based upon existing international humanitarian law and human rights instruments, are to serve as an international standard to guide governments as well as international humanitarian and development agencies in providing assistance and protection to IDPs.

The IASC fully supports the Guiding Principles and has encouraged its members to share them with their Executive Boards and with their staff, especially those in the field, in order to ensure that the Principles are applied in their activities on behalf of internally displaced persons.

I believe that the Guiding Principles can play a significant role in raising awareness of the needs of IDPs, mobilizing support within the humanitarian community and helping field colleagues to find solutions when confronted with the protection and assistance needs of the internally displaced. The Principles will also assist governments in providing for the security and well-being of their displaced populations.

I hope that each of you will work to ensure the widest possible dissemination and application of the Guiding Principles, in order to achieve the much needed improvement in the status and treatment of internally displaced persons.

**INTRODUCTORY NOTE
BY DR. FRANCIS M. DENG,
THE REPRESENTATIVE OF THE SECRETARY-GENERAL
ON INTERNALLY DISPLACED PERSONS**

The international community is confronted with the monumental task of ensuring protection for persons forcibly uprooted from their homes by violent conflicts, gross violations of human rights and other traumatic events, but who remain within the borders of their own countries. Nearly

always they suffer from severe deprivation, hardship and discrimination. It is to meet this challenge that the Guiding Principles on Internal Displacement were developed.

The Principles identify the rights and guarantees relevant to the protection of the internally displaced in all phases of displacement. They provide protection against arbitrary displacement, offer a basis for protection and assistance during displacement, and set forth guarantees for safe return, resettlement and reintegration. Although they do not constitute a binding instrument, these Principles reflect and are consistent with international human rights and humanitarian law and analogous refugee law.

The Principles were developed over several years pursuant to the mandate given to me in 1992 by the Commission on Human Rights and reinforced by subsequent resolutions of both the Commission and the General Assembly. Initially I was asked to study the causes and consequences of internal displacement, the status of the internally displaced in international law, the extent to which their needs are being addressed under current institutional arrangements, and ways to improve protection and assistance for them.

Accordingly, developing needed legal and institutional frameworks for the internally displaced and undertaking country missions to engage Governments and others in a dialogue on their behalf have been the main activities of my mandate. In collaboration with a team of international legal experts, I examined the extent to which internally displaced persons receive adequate coverage under international law and produced a "Compilation and Analysis of Legal Norms" (E/CN.4/1996/52/Add.2). The study found that while existing law provides substantial coverage for the internally displaced, there are significant areas in which it fails to provide an adequate basis for their protection and assistance. Subsequently, the Commission and the General Assembly requested me to prepare an appropriate normative framework for the internally displaced. This led to the drafting of the Guiding Principles which both restate existing norms and seek to clarify grey areas and fill in the gaps.

After I presented the Guiding Principles to the Commission in 1998, the Commission adopted a resolution taking note of the Guiding Principles and of my stated intention as the Representative of the Secretary-General to use them in my ongoing dialogue with Governments and all those whose mandates and activities relate to the needs of the internally displaced. The Commission also took note of the decision of the Inter-Agency Standing Committee, which had welcomed the Principles and encouraged its members to share them with their Executive Boards and staff, especially in the field, and to apply them in their activities on behalf of the internally displaced.

The Guiding Principles should provide valuable practical guidance to Governments, other competent authorities, intergovernmental organizations and NGOs in their work with internally displaced persons. It is my hope that they will be widely circulated and given practical application in the field.

GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT

Introduction - Scope and Purpose

1. These Guiding Principles address the specific needs of internally dis-

placed persons worldwide. They identify rights and guarantees relevant to the protection of persons from forced displacement and to their protection and assistance during displacement as well as during return or resettlement and reintegration.

2. For the purposes of these Principles, internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.
3. These Principles reflect and are consistent with international human rights law and international humanitarian law. They provide guidance to:
 - (a) The Representative of the Secretary-General on internally displaced persons in carrying out his mandate;
 - (b) States when faced with the phenomenon of internal displacement;
 - (c) All other authorities, groups and persons in their relations with internally displaced persons; and
 - (d) Intergovernmental and non-governmental organizations when addressing internal displacement.
4. These Guiding Principles should be disseminated and applied as widely as possible.

SECTION I. GENERAL PRINCIPLES

Principle 1

1. Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.
2. These Principles are without prejudice to individual criminal responsibility under international law, in particular relating to genocide, crimes against humanity and war crimes.

Principle 2

1. These Principles shall be observed by all authorities, groups and persons irrespective of their legal status and applied without any adverse distinction. The observance of these Principles shall not affect the legal status of any authorities, groups or persons involved.

2. These Principles shall not be interpreted as restricting, modifying or impairing the provisions of any international human rights or international humanitarian law instrument or rights granted to persons under domestic law. In particular, these Principles are without prejudice to the right to seek and enjoy asylum in other countries.

Principle 3

1. National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.
2. Internally displaced persons have the right to request and to receive protection and humanitarian assistance from these authorities. They shall not be persecuted or punished for making such a request.

Principle 4

1. These Principles shall be applied without discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on any other similar criteria.
2. Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.

SECTION II. PRINCIPLES RELATING TO PROTECTION FROM DISPLACEMENT**Principle 5**

All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons.

Principle 6

1. Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence.
2. The prohibition of arbitrary displacement includes displacement:
 - (a) When it is based on policies of apartheid, “ethnic cleansing” or similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the affected population;

- (b) In situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand;
 - (c) In cases of large-scale development projects, which are not justified by compelling and overriding public interests;
 - (d) In cases of disasters, unless the safety and health of those affected requires their evacuation; and
 - (e) When it is used as a collective punishment.
3. Displacement shall last no longer than required by the circumstances.

Principle 7

1. Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects.
2. The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated.
3. If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, the following guarantees shall be complied with:
 - (a) A specific decision shall be taken by a State authority empowered by law to order such measures;
 - (b) Adequate measures shall be taken to guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation;
 - (c) The free and informed consent of those to be displaced shall be sought;
 - (d) The authorities concerned shall endeavour to involve those affected, particularly women, in the planning and management of their relocation;
 - (e) Law enforcement measures, where required, shall be carried out by competent legal authorities; and
 - (f) The right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected.

Principle 8

Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected.

Principle 9

States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.

**SECTION III. PRINCIPLES RELATING TO
PROTECTION DURING DISPLACEMENT****Principle 10**

1. Every human being has the inherent right to life which shall be protected by law. No one shall be arbitrarily deprived of his or her life. Internally displaced persons shall be protected in particular against:
 - (a) Genocide;
 - (b) Murder;
 - (c) Summary or arbitrary executions; and
 - (d) Enforced disappearances, including abduction or unacknowledged detention, threatening or resulting in death.

Threats and incitement to commit any of the foregoing acts shall be prohibited.

2. Attacks or other acts of violence against internally displaced persons who do not or no longer participate in hostilities are prohibited in all circumstances. Internally displaced persons shall be protected, in particular, against:
 - (a) Direct or indiscriminate attacks or other acts of violence, including the creation of areas wherein attacks on civilians are permitted;
 - (b) Starvation as a method of combat;
 - (c) Their use to shield military objectives from attack or to shield, favour or impede military operations;
 - (d) Attacks against their camps or settlements; and
 - (e) The use of anti-personnel landmines.

Principle 11

1. Every human being has the right to dignity and physical, mental and moral integrity.

2. Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against:
 - (a) Rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution and any form of indecent assault;
 - (b) Slavery or any contemporary form of slavery, such as sale into marriage, sexual exploitation, or forced labour of children; and
 - (c) Acts of violence intended to spread terror among internally displaced persons. Threats and incitement to commit any of the foregoing acts shall be prohibited.

Principle 12

1. Every human being has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.
2. To give effect to this right for internally displaced persons, they shall not be interned in or confined to a camp. If in exceptional circumstances such internment or confinement is absolutely necessary, it shall not last longer than required by the circumstances.
3. Internally displaced persons shall be protected from discriminatory arrest and detention as a result of their displacement.
4. In no case shall internally displaced persons be taken hostage.

Principle 13

1. In no circumstances shall displaced children be recruited nor be required or permitted to take part in hostilities.
2. Internally displaced persons shall be protected against discriminatory practices of recruitment into any armed forces or groups as a result of their displacement. In particular any cruel, inhuman or degrading practices that compel compliance or punish non-compliance with recruitment are prohibited in all circumstances.

Principle 14

1. Every internally displaced person has the right to liberty of movement and freedom to choose his or her residence.
2. In particular, internally displaced persons have the right to move freely in and out of camps or other settlements.

Principle 15

Internally displaced persons have:

- (a) The right to seek safety in another part of the country;
- (b) The right to leave their country;
- (c) The right to seek asylum in another country; and
- (d) The right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.

Principle 16

1. All internally displaced persons have the right to know the fate and whereabouts of missing relatives.
2. The authorities concerned shall endeavour to establish the fate and whereabouts of internally displaced persons reported missing, and cooperate with relevant international organizations engaged in this task. They shall inform the next of kin on the progress of the investigation and notify them of any result.
3. The authorities concerned shall endeavour to collect and identify the mortal remains of those deceased, prevent their despoliation or mutilation, and facilitate the return of those remains to the next of kin or dispose of them respectfully.
4. Grave sites of internally displaced persons should be protected and respected in all circumstances. Internally displaced persons should have the right of access to the grave sites of their deceased relatives.

Principle 17

1. Every human being has the right to respect of his or her family life.
2. To give effect to this right for internally displaced persons, family members who wish to remain together shall be allowed to do so.
3. Families which are separated by displacement should be reunited as quickly as possible. All appropriate steps shall be taken to expedite the reunion of such families, particularly when children are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with the work of humanitarian organizations engaged in the task of family reunification.
4. Members of internally displaced families whose personal liberty has been restricted by internment or confinement in camps shall

have the right to remain together.

Principle 18

1. All internally displaced persons have the right to an adequate standard of living.
2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:
 - (a) Essential food and potable water;
 - (b) Basic shelter and housing;
 - (c) Appropriate clothing; and
 - (d) Essential medical services and sanitation.
3. Special efforts should be made to ensure the full participation of women in the planning and distribution of these basic supplies.

Principle 19

1. All wounded and sick internally displaced persons as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services.
2. Special attention should be paid to the health needs of women, including access to female health care providers and services, such as reproductive health care, as well as appropriate counseling for victims of sexual and other abuses.
3. Special attention should also be given to the prevention of contagious and infectious diseases, including AIDS, among internally displaced persons.

Principle 20

1. Every human being has the right to recognition everywhere as a person before the law.
2. To give effect to this right for internally displaced persons, the authorities concerned shall issue to them all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one's area

of habitual residence in order to obtain these or other required documents.

3. Women and men shall have equal rights to obtain such necessary documents and shall have the right to have such documentation issued in their own names.

Principle 21

1. No one shall be arbitrarily deprived of property and possessions.
2. The property and possessions of internally displaced persons shall in all circumstances be protected, in particular, against the following acts:
 - (a) Pillage;
 - (b) Direct or indiscriminate attacks or other acts of violence;
 - (c) Being used to shield military operations or objectives;
 - (d) Being made the object of reprisal; and
 - (e) Being destroyed or appropriated as a form of collective punishment.
3. Property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use.

Principle 22

1. Internally displaced persons, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of the following rights:
 - (a) The rights to freedom of thought, conscience, religion or belief, opinion and expression;
 - (b) The right to seek freely opportunities for employment and to participate in economic activities;
 - (c) The right to associate freely and participate equally in community affairs;
 - (d) The right to vote and to participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right; and
 - (e) The right to communicate in a language they understand.

Principle 23

1. Every human being has the right to education.

2. To give effect to this right for internally displaced persons, the authorities concerned shall ensure that such persons, in particular displaced children, receive education which shall be free and compulsory at the primary level. Education should respect their cultural identity, language and religion.
3. Special efforts should be made to ensure the full and equal participation of women and girls in educational programmes.
4. Education and training facilities shall be made available to internally displaced persons, in particular adolescents and women, whether or not living in camps, as soon as conditions permit.

SECTION IV. PRINCIPLES RELATING TO HUMANITARIAN ASSISTANCE

Principle 24

1. All humanitarian assistance shall be carried out in accordance with the principles of humanity and impartiality and without discrimination.
2. Humanitarian assistance to internally displaced persons shall not be diverted, in particular for political or military reasons.

Principle 25

1. The primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities.
2. International humanitarian organizations and other appropriate actors have the right to offer their services in support of the internally displaced. Such an offer shall not be regarded as an unfriendly act or an interference in a State's internal affairs and shall be considered in good faith. Consent thereto shall not be arbitrarily withheld, particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance.
3. All authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced.

Principle 26

Persons engaged in humanitarian assistance, their transport and supplies shall be respected and protected. They shall not be the object of attack or other acts of violence.

Principle 27

1. International humanitarian organizations and other appropriate actors when providing assistance should give due regard to

the protection needs and human rights of internally displaced persons and take appropriate measures in this regard. In so doing, these organizations and actors should respect relevant international standards and codes of conduct.

2. The preceding paragraph is without prejudice to the protection responsibilities of international organizations mandated for this purpose, whose services may be offered or requested by States.

SECTION V. PRINCIPLES RELATING TO RETURN, RESETTLEMENT AND REINTEGRATION

Principle 28

1. Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons.
2. Special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration.

Principle 29

1. Internally displaced persons who have returned to their homes or places of habitual residence or who have resettled in another part of the country shall not be discriminated against as a result of their having been displaced. They shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services.
2. Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.

Principle 30

All authorities concerned shall grant and facilitate for international humanitarian organizations and other appropriate actors, in the exercise of their respective mandates, rapid and unimpeded access to internally displaced persons to assist in their return or resettlement and reintegration.

**RECOMMENDATIONS FROM REPORTS
ISSUED BY THE REPRESENTATIVE OF THE U.N. SECRETARY-GENERAL
ON INTERNALLY DISPLACED PERSONS,
DR. FRANCIS M. DENG,
TO THE U.N. COMMISSION ON HUMAN RIGHTS**

ARMENIA

NOVEMBER 6, 2000

V. RECOMMENDATIONS

- 51. Conduct a comprehensive survey and needs assessment.** As a first step, detailed data must be collected on the situation of internal displacement - information which at present is sorely lacking. In particular, there is a need for a determination of the number of internally displaced persons, disaggregated data on their gender, age and socio- economic profile, a mapping of their location in the country, and an assessment of their current needs as well as intention to return to their home regions or resettle elsewhere. Gaining an accurate picture of the number, location and conditions of internally displaced persons in the country is a prerequisite for designing programmes to address their needs.
- 52. Recognize internal displacement as a factor of vulnerability.** The identification by the Working Group on Refugees and Displaced Persons of internally displaced persons as one of the most vulnerable social groups in the country should be reflected in any vulnerability assessment. As with refugees, the mere fact of being internally displaced should be allotted a special coefficient in the PAROS system of vulnerability assessment that is used to determine eligibility for food assistance.
- 53. Increase national awareness of internally displaced persons.** Greater awareness of the needs of internally displaced persons is required among public officials as well as within the public at large. The translation by the Government of the Guiding Principles into Armenian should facilitate awareness-raising efforts.
- 54. Ensure the voluntariness of return.** Though this is a guiding principle of the DMR project proposal and, according to international agencies, is expected not to be a problem, the voluntariness of return would still need to be monitored. This is an area of activity in which both IOM and the OSCE noted they may be in a position to play a role, in partnership with local NGOs.
- 55. Objectively assess security conditions in areas of return.** To adequately inform the decision of internally displaced persons whether to return, an objective assessment of security conditions

in the potential areas of return is required. Area-specific assessments are required as the security conditions along the border areas are not uniform. For instance, areas bordering territory in Azerbaijan occupied by Armenian forces generally are considered to be safe, whereas regions of Armenia bordering territory that remains under the effective control of the Government of Azerbaijan are considered to be at higher risk.

56. Undertake comprehensive demining and mine-awareness.

A critical component of security assessments is the presence of landmines. There is a need for a comprehensive approach to this security threat, through the mapping of mines, a mine-awareness campaign and a demining programme.

57. Ensure safe access to land. As agriculture constituted the main economic activity of the internally displaced from the border regions, access to land is a key condition for sustainable return and self-sufficiency. Where, as is often the case, agricultural land is mined, temporary access to alternative cultivable land should be provided until demining is undertaken. Where internally displaced persons cannot access their own land due to the presence of mines, they should temporarily be relieved of obligations to pay taxes on this land.

58. Support reconstruction and rehabilitation in the border regions. A massive reconstruction and rehabilitation programme is required to restore minimum shelter conditions and rebuild social infrastructure, especially health care facilities and schools but also water and irrigation, electricity, transport and communication systems in the border areas. This programme should be holistic in nature, designed for the benefit both of returning internally displaced persons as well as the populations that never left. Given the considerable physical damage suffered in the border regions, international resources will need to be mobilized in support of such efforts. The project proposal for rehabilitation of the border areas that has been developed by the DMR provides a basis for discussions on this issue both within the Government and with the international community, including the World Bank which is sponsoring programmes supporting durable solutions for internally displaced persons in other countries in the region.

59. Clarify, consolidate and coordinate government policy on internal displacement. Effective engagement of the international community and, in particular, the mobilization of resources for programmes for internally displaced persons in Armenia will first require that the Government clearly identify the issue of internal displacement as a national priority and reflect this in policy documents as well as in the national budget. To follow through on this priority, there is also a need to establish within the Government a mechanism for coordinating national

policy on internal displacement among the various relevant ministries as well as with the international community. The DMR may be the most appropriate entity for this function, provided it is given adequate standing within the Government and the necessary resources.

60. **Actively support conflict-resolution efforts.** A truly durable solution to the problem of conflict-induced internal displacement in Armenia necessarily requires an end to the conflict itself. Advances in the peace process this past year, in particular through the initiation of dialogue between the Presidents of Armenia and Azerbaijan, have given grounds for new optimism concerning possible concrete developments towards a political solution to the conflict. These efforts must continue to be supported, by the Governments concerned and by the international community.

**AZERBAIJAN
JANUARY 25, 1999**

V. CONCLUSIONS AND RECOMMENDATIONS

114. **The situation of internal displacement in Azerbaijan shares with other situations that the Representative has studied first-hand a common cause: that of armed conflict.** The external dimension to the conflict in Azerbaijan, however, creates a unique set of circumstances in which there is solidarity between the authorities and the displaced; the Government recognizes its responsibilities to address the plight of the displaced and thus does not view them as the “enemy” or threaten their physical security on this basis. However, the situation also underscores the fact that protection for the internally displaced extends beyond safeguards against physical attack to encompass also the enjoyment of economic and social rights which, at a minimum, entails basic assistance in the areas of food and water, shelter, clothing, medical services and sanitation, and entitlement to education and economic opportunities. It is in these areas, which are no less deserving of international attention, that many of the internally displaced of Azerbaijan have outstanding needs.
115. **Donors and international agencies and NGOs share the view that the Government must assume greater responsibilities for addressing the needs of its internally displaced population.** However, there is also recognition of the need to strengthen the capacity of the Government to do so incrementally, in accordance with its ability.
116. **The frustration expressed by donors and international agencies and NGOs with regard to the growing sense of dependency of the displaced and the Government on in-**

ternational assistance is echoed by the displaced themselves, who indicated their willingness and strong desire to work in order to provide for themselves. It is worth noting that the internally displaced, in view of their large number, represent a potentially significant political force in Azerbaijan. The risk of the radicalization of the internally displaced population, should their needs in the areas of legal protection, basic humanitarian assistance and reintegration continue to be inadequately addressed, must not be underestimated.

117. **Owing to the present state of the economy, the self-reliance of the internally displaced will take some time to cultivate and, in the light of this fact, the need for humanitarian assistance to meet basic needs will remain for some time to come.** These two considerations, however, need not be mutually exclusive but, rather, could be addressed in a complementary manner. To stave off the risk of chronic dependency, while at the same time providing meaningful activity and skills development for the displaced, “food for work” programmes, of which an example in the area of health care was provided above, could be expanded to cover other areas of activity and smooth the transition from dependency to development.
118. **In short, the status quo of the situation of internal displacement in Azerbaijan is simply no longer tenable.** After at least five years of displacement and dependency on emergency-type relief, the displaced deserve and, increasingly, are demanding more durable solutions to their plight. While return is now a possibility for some, the vast majority remain in a sort of economic, legal and social limbo between the eventual goal of return and the need, in the interim, for a decent and dignified way of living. The conditions of deprivation in which many of the internally displaced continue to be forced to exist and the increasing frustration of donors and the displaced at the sense of dependency created by the continuation of an emergency-style approach require that the Government urgently address the current situation, specifically the pressing needs of the displaced in the areas of food, shelter, health and income-generation. At the same time, the enthusiasm of the Government and of the international community for the return and reconstruction project currently under way for those among the displaced originating from areas returned to government control must be tempered by the desperate conditions of the large number of internally displaced persons not yet able to return. An alternative solution, that is resettlement, must therefore be explored. The authorities’ responsibility relating to the creation of conditions for durable solutions, is not limited to the return of the displaced but also includes the possibility of voluntary resettlement in other parts of the country.

119. To address the needs of both groups, the following recommendations are made:

- a) There is a need to find a lasting and peaceful solution to the conflict. While the maintenance of the ceasefire for several years now is significant, it is only through a lasting settlement of the conflict that durable solutions can be found for the hundreds of thousands of persons, in Azerbaijan and Armenia, uprooted by the conflict. The prospects for a peaceful resolution of the conflict and for durable solutions for the displaced rest in the hands not only of the Government of Azerbaijan and the authorities of Nagorno-Karabakh, but also depend upon the position taken by Armenia and other powers in the region. Intensified efforts to settle the conflict are urgently required;
- (b) In the interim, the tragic plight of the internally displaced must be addressed in a comprehensive and effective manner, with particular attention being paid to ensuring that their most basic needs for food, shelter, clothing and medical services are met. Serious gaps in these areas remain, as the substandard living conditions of many in weather-worn tents, railway carriages and overcrowded public buildings most starkly make evident. Serious problems of malnutrition, other health problems, and problems of sanitation also exist;
- (c) A full shift in the approach of the international donor community from relief assistance towards development is premature. To be sure, projects addressing longer-term development needs should be pursued, but in parallel with the continued provision of basic humanitarian relief to those in need and especially to the most vulnerable groups among them, such as the elderly, the disabled and women heads of household, who are likely to continue to need humanitarian assistance regardless of the pace of development. To smooth the transition from dependency to self-reliance, food-for-work programmes, which could usefully be expanded, merit the support of the Government;
- (d) Educational services and, especially, economic opportunities for the internally displaced need to be improved. Skills-training programmes, meaningful income-generating activities and opportunities for micro-credit need to be expanded among displaced communities, with the full participation of women;
- (e) While resource constraints at present may limit the Government's ability to meet the material needs of the displaced, there are several initiatives involving little or no financial implications which the Government could undertake to improve its response. These include: improving coordination among and between national and local authorities addressing the needs of the internally displaced; reforming legislation governing NGO activity, especially in relation to taxation and their lending activities,

in order to create an environment more supportive of NGO work; safeguarding the right to freedom of movement and choice of residence by ensuring the removal of remnants of the propiska system; and ensuring that internally displaced persons are not discriminated against or otherwise negatively affected by the process of land privatization currently under way;

- (f) In the light of the stalled momentum in the peace negotiations and, as a result, the dimming of prospects for imminent return, there is a need for a new needs assessment among the hundreds of thousands of internally displaced at present unable to return. As repeatedly noted above, the Representative found that basic needs in the areas of food and potable water, shelter, and medical and sanitation services are not being adequately met. These basic needs must be addressed, through joint efforts of the Government and the international community, with the utmost haste;
- (g) For the effective carrying out of all of the above recommendations, there is a need for a meeting to be convened among representatives of the Government, international agencies, NGOs and the donor community at which they would jointly formulate a strategy, develop specific programmes and establish a clear division of labour among themselves in order to address these needs of the internally displaced effectively in the short-, medium- and long-term. Building upon the support for this suggestion expressed during the mission by all parties, and in the light of the pressing needs of the displaced, this meeting should be held without further delay;
- (h) Needs assessment in the occupied areas is also required, as contingency planning for possible eventual return. The scale of destruction reported in these areas suggests that considerable reconstruction assistance will be required if return, when possible, is to be sustainable. The cooperation of the Government in making international access to these areas possible is strongly encouraged;
- (i) For those areas where return is now possible, a comprehensive mine assessment survey and subsequent mine-clearance programme is imperative. Internally displaced persons should neither be allowed nor encouraged to return to areas which have not been cleared of mines. Strengthened donor support for building national mine-clearance capacity is required. At the same time, the mine-awareness campaign of ICRC should be continued;
- (j) Also relating to the safety and sustainability of return, efforts of conflict resolution and reconciliation should be strengthened. A number of local NGOs, especially women's groups, are undertaking important activities in these areas which deserve increased support. If there is large-scale return eventually, such efforts

will be essential for promoting the peaceful reintegration and rebuilding of communities;

- (k) In the return process, it is essential that the voluntariness of return is assured. While return is evidently the preference of the displaced and the Government alike, the tenacity with which the authorities pursue this goal underscores the need for safeguards to ensure that the return of the displaced truly is voluntary. UNHCR assistance in monitoring the voluntariness of return is required. In this connection, the displaced should be given accurate information concerning the conditions in areas of return;
 - (l) While continuing to support the ideal of return, alternative durable solutions, that is to say, resettlement and reintegration of the displaced, require greater attention and support. The Government has recently begun to take important steps in this direction, by means of its acceptance of the concept of "long-stayers", its allowing more permanent shelter for these populations and its willingness to begin supporting some skills-training and income-generating projects. Building upon these initiatives, greater government support is required for promoting self-reliance among the displaced and for durable solutions other than return, which for many remains an elusive goal;
 - (m) In parallel to promoting greater self-reliance among the displaced, the Government must assume greater responsibility for addressing their plight. To be sure, the magnitude of the displaced population and difficult economic circumstances currently limit the ability of the Government to address fully the needs of the internally displaced by itself and, as a result, continued international assistance is required. In addition to direct assistance to internally displaced persons in need, international support for strengthening the capacity of the Government to discharge its responsibilities towards the displaced should be strengthened and should receive the full support of the Government.
120. **In conclusion, it should be recalled that the Commission on Human Rights has invited Governments of countries which the Representative has visited to give due consideration to his recommendations and suggestions and to make available information on measures taken thereon.** The Representative reiterates his appreciation to the Government of Azerbaijan for having invited him to undertake a visit to study first-hand the serious situation of internal displacement in that country and looks forward to further cooperation from the Government in addressing the plight of its internally displaced population.

GEORGIA
JANUARY 24, 2001

VI. RECOMMENDATIONS

130. The Commission on Human Rights, as well as the General Assembly, has invited Governments of countries to which the Representative has undertaken an official mission to give due consideration to his recommendations and suggestions and to make available information on measures taken thereon. The Representative looks forward to further cooperation with all those involved in implementing the following recommendations, intended for the Government of Georgia, other authorities, the international community and local NGOs, towards enhancing response to the plight of internally displaced persons in Georgia.
- (i) **Acknowledge the vulnerability and special needs of the internally displaced and their rights to protection, assistance, reintegration and development aid.** The findings of the Representative's mission challenge the prevailing impression that internally displaced persons in Georgia are a privileged group, by identifying a number of particular problems and disadvantages that the face. International organizations, NGOs and government authorities should make known their special needs and take steps to address them.
 - (ii) **Disseminate and promote the Guiding Principles on Internal Displacement, especially in local languages. Dissemination of the Principles to internally displaced persons is critical, as a means of countering the politically motivated misinformation concerning their rights that is being propagated.** Translation of the Principles into local languages, in particular Abkhaz and Osset, would be important in this regard. The Principles also should be promoted among the authorities, agencies and NGOs and among local communities, so as to sensitize the population at large to the particular plight of internally displaced persons.
 - (iii) **The Government should design national policies and legislation, and international and local programmes in accordance with the Guiding Principles.** The Government's positive response to the Principles should be reflected in national legislation and policy. Among the initiatives which should facilitate this is the study of Georgian legislation relating to internally displaced persons to be undertaken by the Georgian Young Lawyers' Association, with the support of the Brookings-SAIS Project on Internal Displacement and OSCE/ODIHR.
 - (iv) **The Government should ensure the full rights of internally displaced persons as citizens.** Though this recommendation is implicit in the previous recommendation, it merits ex-

press statement and the undertaking of specific measures, in particular with regard to equitable access to public services such as education and health, access to land, opportunities for income-generation and the right of internally displaced persons to participate fully in the civil and political decision-making processes that affect their lives. Legislation governing land ownership and entitlement to vote in elections needs to be revised so as to respect the rights of the internally displaced. The Government is encouraged to seek assistance from OHCHR, in the context of its technical cooperation and advisory services programme, to support initiatives to promote and protect the rights of internally displaced persons.

- (v) **Improve the living conditions of displaced persons.** The Government, the international community and civil society should work together to improve the current living conditions of the displaced, especially those in collective centres. In particular, efforts should be made to encourage the relocation of internally displaced persons, especially those living in hospitals and dilapidated hotels, so that their lives and those of their children can be improved.
- (vi) **The Government should ensure payment of the stipend to which internally displaced persons are entitled.** The 12 lari monthly stipend to which internally displaced persons are entitled is certainly not sufficient for their survival but it is critical. Moreover, it is provided for by law. At the time of the mission, internally displaced persons had not received this stipend for six months.
- (vii) **Support comprehensive and countrywide efforts to improve the current conditions of internally displaced persons.** Too much of the humanitarian focus is on certain groups and areas, to the neglect of others. Support programmes, such as the New Approach, should seek to become more comprehensive, encompassing internally displaced persons from the Georgian-Osset conflict, as well as those displaced by conflict in Abkhazia, and targeting rural as well as urban areas. In particular, they should be based on an objective assessment of vulnerability, and there should be rapid disbursement of funds from the international community and prompt implementation of projects to improve the lives of the displaced, especially in terms of their living conditions, opportunities for income-generation and access to land.
- (viii) **Given special attention to the particular needs of women and women-headed households.** Skills training, business development and credit support initiatives targeting internally displaced women are required, as is strengthened support for organizations of internally displaced women. Towards ensuring that projects undertaken as part of the New Approach address the particular needs of women and women-headed households, as well

as involve women in the planning and implementation, a gender component should be introduced as criteria for funding by the Georgia Self-Reliance Fund.

- (ix) **Support programmes to address psychosocial needs.** The high incidence of mental health problems among the internally displaced and the impact that these have on the pursuit of possibilities to improve their living conditions and on the preservation of the family unit call for comprehensive programmes addressing psychosocial needs, and paying special attention to those of internally displaced children.
- (x) **Uphold the right of internally displaced persons to return in safety and dignity.** The emphasis in the New Approach on improving the current conditions of internally displaced persons must in no way be misconstrued as abandoning the right to return, which is imprescriptible and must continue to be advocated and actively pursued by the Government, local NGOs and civil society, and the international community.
- (xi) **End obstructions to the right to return in safety and dignity.** The national and de facto authorities must take concrete measures to ensure respect of this right and create the conditions for its realization. The Abkhaz authorities in particular are called upon to cease the laying of mines as a deterrent to return, to support de-mining efforts in areas of return, to make concerted efforts to establish law and order in areas of return and to revise, in accordance with international standards, the language of instruction policy in Georgian schools, which also works to obstruct return. The Government of Georgia is called upon to ensure a fair and transparent process for property restitution or compensation and, together with the Government in Exile, to make concerted efforts to stem the incursion of armed partisan groups into the security zone established as part of the cease-fire agreement regarding the conflict in Abkhazia. The authorities in South Ossetia also are called upon to establish effective mechanisms of law and order and, in particular, to prevent ethnically motivated violence, prosecuting and punishing perpetrators when this does occur.
- (xii) **Recognize the right of internally displaced persons to pursue alternatives to return, that is resettlement in another part of the country.** Given the politicization of the plight of internally displaced persons in Georgia, it is essential to ensure that the overriding emphasis on return, which indeed appears to be the preferred option of many of the displaced, does not come at the expense of alternative durable solutions, specifically resettlement, to which internally displaced persons are also entitled.

- (xiii) **Support those supporting the displaced.** This support must take a number of forms. Host families who have generously taken in internally displaced persons but may also be suffering poor socioeconomic conditions require support in shouldering this extra burden. Human rights and humanitarian personnel, local as well as international, must be able to operate with unrestricted access to populations in need and have their safety assured. Moreover, the important work of local NGOs with the internally displaced must be supported and strengthened, in particular outside of the capital and in Abkhazia and South Ossetia, especially as civil society is one of Georgia's greatest assets and NGOs can make an important contribution to depoliticizing the plight of the displaced. Special attention should be given to supporting the active involvement of local NGOs and civil society in the implementation of the New Approach.
- (xiv) **Intensify efforts to resolve the conflicts.** While undertaking measures to improve the current conditions of the displaced, durable solutions to their plight of course require that the root causes of their displacement, which are inherently political in nature, be effectively addressed. Though conflict negotiation processes have been in place for both conflicts for several years now, there is a need for intensification by all parties of efforts towards a peaceful resolution of the conflicts causing displacement. The Government of the Russian Federation has a particularly important role to play in facilitating the resolution of both conflicts, especially that in Abkhazia.
- (xv) **Advance planning for post-conflict reconstruction.** Following a peace agreement, a comprehensive post-conflict reconstruction and rehabilitation programme that addresses the particular needs of returnees as well as of the local population will be required as an essential component of a durable peace. Advance planning for this by the Government and other authorities, in cooperation with the international community, is important for ensuring a smooth transition to peace, and to support the return and reintegration of displaced persons.
- (xvi) **Support efforts promoting peaceful co-existence.** Even in the event of political agreements ending the conflicts, the legacy of bitterness left by the ethnic conflicts must also be addressed and overcome in order to ensure the safe and durable return and reintegration of displaced persons into their pre-war communities. A number of initiatives to this end have begun, but local NGOs, on both sides of the Abkhaz conflict in particular, noted the need for more concerted efforts to enable dialogue and establish other links between the civilian population caught up in the conflicts. The Government, de facto authorities and the international community should also invest in these grassroots peace-building initiatives.

TURKEY
NOVEMBER 27, 2002

III. CONCLUSIONS AND RECOMMENDATIONS

33. **On the basis of discussions with government ministers and other officials, the Representative is firmly of the view that an opportunity now exists for the international community, national NGOs and civil society to work with the Government of Turkey in the challenging task of addressing the needs of those still displaced and facilitating the voluntary return, resettlement and reintegration of the displaced population.** An open and constructive partnership with all concerned would serve to facilitate the timely and effective implementation of the Government's return and resettlement policy, while at the same time alleviating the concerns expressed by various sources and improving the perception of the problem and the official response to it, both within and outside the country. With these considerations in mind, the Representative makes the following recommendations.
34. **Clarification and dissemination of government policy on internal displacement:** In order to reconcile the disparity between the prevailing negative perceptions of government policy and the positive attitude which the Representative witnessed during his mission, there is an urgent need for the Government to clarify its policy on internal displacement, including return, resettlement and reintegration, to make that policy widely known, to create focal points of responsibility for the displaced at various levels of the government structures, and to facilitate coordination and cooperation among government institutions and with NGOs, civil society and the international community.
35. **Addressing the current conditions of the displaced:** While the improved possibilities for return must be welcomed, it should be recognized that the return of the displaced to their original homes and lands may be a lengthy process and that there is a need for the Government, in the meantime, to enhance its efforts to address their current conditions, which are reported to be poor, in cooperation with NGOs and United Nations agencies. It should be acknowledged that many of the social and economic problems affecting the displaced also confront the host communities and that measures to address these are ongoing, including within the context of the South Eastern Anatolia Project (GAP) and in cooperation with local NGOs and United Nations agencies. However, attention should be paid to addressing those problems that are specific to the displaced, such as access to adequate housing, health care and psychosocial care for women and children.
36. **Collection of data on the nature and scale of the problem:** In order to gain a more accurate picture of the immediate

needs of the displaced vis-à-vis the larger population, and in view of the Government's current efforts to facilitate return and resettlement, there is a need for more comprehensive and reliable data on the number of persons displaced as a result of the actions of both the Kurdistan Workers Party (PKK) and the security forces, on their current whereabouts, conditions and specific needs, and on their intentions with respect to return or resettlement. It is recommended that the Government, in cooperation with local NGOs and civil society organizations which are in daily contact with displaced communities in the south-east and throughout the country, undertake a comprehensive survey of the displaced population to better inform ongoing efforts to meet their needs and to facilitate return and resettlement.

37. **Clarity and consultation on the return issue:** In view of the various return initiatives and the apparent lack of clarity about how these initiatives relate to one another, at which segments of the displaced population they are aimed and the concerns to which these issues give rise, the Government is strongly encouraged to facilitate broad consultation with the displaced and the NGOs and civil society organizations working with them. Assuming that the Village Return project remains the Government's principal vehicle for facilitating large-scale return and resettlement in the south-east, the Government should consider producing a document that clearly outlines the objectives, scope and resource implications of the project. Furthermore, the GAP administration should make available, if it has not already done so, the results of the feasibility study undertaken by the Turkish Social Sciences Association and facilitate an open discussion with the displaced and NGOs on the findings of this study and the steps which should be taken to implement them.
38. **Cooperation with international agencies:** In its efforts to meet the current needs of the displaced and to facilitate their return and resettlement, it is strongly recommended that the Government examine areas of possible cooperation with the international community. So far, the international community has not contributed to the Government's return efforts, and the Government has not requested any such international assistance. However, the task ahead of the Government is a formidable one for which assistance from international agencies would be a significant asset. The Government might consider convening a meeting with international agencies, including the World Bank, and representatives of the potential partners to explore ways in which the international community could assist the Government in responding to the needs of the displaced.
39. **Enhanced role for United Nations agencies:** In connection with the foregoing, it is recommended that United Nations agencies in the country review their activities with a view to identify-

ing ways in which they might enhance their role in supporting the Government in its efforts to assist the displaced. The Representative also recommends that the United Nations Development Assistance Group expressly request the Resident Coordinator to develop, in cooperation with the United Nations Country Team, a strategy to assist the Government, in particular with regard to its efforts to return and resettle the displaced. In addition, and with a view to facilitating cooperation between the Government and United Nations agencies, the Resident Coordinator and Country Team are encouraged to consider the establishment of a thematic group on internally displaced persons to bring together the relevant United Nations and government actors and provide a forum for regular dialogue on this issue.

40. **Ensuring non-discrimination in return:** The Government should ensure a non-discriminatory approach to return by investigating and preventing situations in which former village guards are allegedly given preference in the return process over those persons perceived as linked to PKK. In order to avoid such problems, or the perception that such practices are taking place, it is recommended that local authorities review the need for the displaced to indicate the specific reason for their displacement when applying to return or, alternatively, present a single option which clearly applies to displacement as a result of both terrorist activities and evacuation by the security forces. The authorities should also investigate allegations concerning the use of forms bearing a non-litigation clause. In this connection, the Representative would appreciate receiving information from the Government on the outcome of the administrative inspection of the judicial system in Diyarbakir which provided a context in which, according to officials in the Ministry for Foreign Affairs, this issue might be addressed.
41. **Clarifying the role of the security forces in the return process:** The Government should ensure that the role of the security forces, or *jandarma*, in the return process is primarily one of consultation on security matters, as the Government told the Representative was the case. Displaced persons who have been granted permission by the authorities to return to their villages - the decision being based on the advice of the *jandarma* - should be allowed to do so without unjustified or unlawful interference by the *jandarma*.
42. **Disarmament and abolition of the village guards system:** The Government should take steps to abolish the village guard system and find alternative employment opportunities for existing guards. Until such time as the system is abolished, the process of disarming village guards should be expedited.

43. **Mine clearance:** Given the Government's commitment to accede to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction and its expertise and role in demining activities overseas, and in view of the serious obstacle which landmines pose to the safe return of displaced persons, the Government is strongly urged to undertake mine clearance activities in the relevant areas of the south-east to which displaced persons are returning, so as to facilitate that process.
44. **Compensation:** The Representative welcomes the steps that are being taken within the Government to develop legislation providing compensation to those affected by the violence in the south-east, including those who were evacuated from their homes by the security forces. While aware of the fiscal pressures under which the Government is currently operating, the Representative encourages the early submission of this legislation to Parliament and in the meantime urges the Government to begin considering the modalities of establishing a system for the efficient handling of claims that will arise under the proposed legislation.
45. **Finally, it should be reiterated that the mission of the Secretary-General's Representative on Internally Displaced Persons provided him with the opportunity for a constructive dialogue with the Government, which, contrary to the general view that had prevailed internationally about its denial of the problem, was remarkably open and receptive to a candid discussion of the situation and expressed interest in exploring positive solutions in cooperation with the international community.** A number of factors may account for the perception that had prevailed before the mission that the Government was reluctant to address the issue of internal displacement, whereas the Representative found the climate to be positive. Among these factors, perhaps the most significant was that the violence generated by PKK and the Government's anti-insurgency campaign in the south-east had virtually come to an end and that the situation had gradually returned to normal, which allowed significant numbers of displaced persons to return. Whatever the explanation, the Representative is grateful not only for the invitation extended to him by the Government, but also for all that was done to facilitate the success of the mission. What is important now is for the Government and the international community to provide protection and assistance to those still displaced and to facilitate the voluntary return of the displaced, in safety and with dignity, or to provide opportunities for alternative resettlement to those not wanting to return, and to assist both the returnees and the resettled to integrate into their communities.

**PREPARED STATEMENT OF
ROBERTA COHEN, CO-DIRECTOR,
THE BROOKINGS-SAIS PROJECT
ON INTERNAL DISPLACEMENT**

Distinguished Co-Chairmen,
Commission members,
Ladies and Gentlemen,

In the Caucasus region and Turkey today, there are more than 2 million persons forcibly uprooted from their homes by conflict and human rights violations, many for 10 years or more. Most are caught up in what are called "protracted situations of displacement," situations that go on indefinitely without effective solution. The Commission is therefore to be commended for shining a spotlight on this longstanding problem, which has not received the attention it should from the governments concerned or the international community.

My testimony today will focus upon the role that the Organization for Security and Cooperation in Europe (OSCE) can play to more effectively deal with the serious problem of internal displacement in the European region, in particular the Caucasus countries and Turkey. It follows from and complements the testimony of Francis M. Deng, Representative of the United Nations Secretary-General on Internally Displaced Persons, who described the conditions of internally displaced persons in the relevant areas and the steps their governments and the international community could take.

Together with Dr. Deng, I co-direct the Project on Internal Displacement of The Brookings Institution and the School of Advanced International Studies (SAIS) of Johns Hopkins University. The Project was set up in 1994 to support the work of the Representative and it seeks to promote more effective policies at the national, regional and international levels to assist and protect persons forcibly displaced within their own countries. It accomplishes this goal through the publication of books and reports; the convening of workshops in countries and regions affected by internal displacement; the promotion and dissemination of the Guiding Principles on Internal Displacement; the integration of internal displacement into the programs and policies of governments, U.N. agencies, regional bodies and NGOs; the undertaking of collaborative projects with local groups and research institutions in an effort to build local capacities; and the undertaking of research into new and emerging issues.

In the case of Turkey, because of the difficulty of access for many years, our Project initiated and lent support to a mission to that country carried out by the US Committee for Refugees in the fall of 1998, which described and publicized the conditions of internal displacement in that country. It then held a seminar in Washington in 1999 together with the US Committee for Refugees to review the findings of the mission as well as discuss this and other complex situations of internal displacement where international involvement was limited or non-existent. In 2001, we were most pleased that the Government of Turkey decided to invite the Representative of the Secretary-General to pay a visit to the country.

With regard to the Caucasus countries, our Project has published five reports and more recently a book, in collaboration with local partners, and has convened seminars and workshops in all of the countries concerned. Such meetings have brought together government officials, international organizations and civil society to discuss the problem of internal displacement and explore how more effective responses could be developed at the national, regional and international levels. These seminars have included:

- A Regional Workshop on Internal Displacement in the South Caucasus (Armenia, Azerbaijan, Georgia) held in Georgia (2000), in collaboration with the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE) and the Norwegian Refugee Council;
- Three Roundtables—in Armenia (2001), Azerbaijan (2002) and Georgia (2002), convened in collaboration with OSCE/ODIHR and the Georgian Young Lawyers Association (GYLA); and
- A Conference on Internal Displacement in the Russian Federation, held in Moscow (2002), organized in cooperation with the Institute of State and Law of the Russian Academy of Sciences and the Russian NGO, Partnership on Migration (its *Program of Action* is appended).

At all of these seminars, participants expressed strong support for the involvement of the Organization for Security and Cooperation in Europe in dealing with the problem of internal displacement. It should be noted, by way of background, that strong sentiment has also been expressed worldwide for a greater role for regional organizations in responding to the global crisis of internal displacement. As a result, regional organizations in many parts of the world have begun to devote increased attention to the problem. In addition to the OSCE, these organizations include the Council of Europe, the European Union, the Organization of American States, the African Union, and the Economic Community of West African States. Their growing involvement is based on several factors. To begin with, the countries affected by internal displacement do not always have the capacity or the will to deal with the problem. Nor can the United Nations be expected to intercede in each and every case. Yet, in the absence of attention, conflict and displacement can become destabilizing to countries and facilitate their becoming breeding grounds for extremism, especially when large numbers of young people have little hope for the future. Moreover, situations of conflict and displacement rarely remain confined within borders. Too often they spill over into neighboring countries and affect regional stability. Regional action also becomes essential because of the influence regional powers can exert to encourage governments in their regions to assume their responsibilities toward their internally displaced populations.

The efforts of regional organizations have been strongly encouraged by the United Nations. Indeed, resolutions of the General Assembly and the Commission on Human Rights have called upon regional bodies, among them the OSCE, to expand their cooperation with the Representative of the Secretary-General on Internally Displaced Persons and

strengthen their activities with regard to internal displacement. In particular, these resolutions have called upon regional organizations and the Representative to convene seminars on the Guiding Principles on Internal Displacement, the first international standards for the internally displaced, and have expressed appreciation to regional bodies for making use of the Principles.

The Organization for Security and Cooperation in Europe, more than most regional organizations, has tremendous potential for dealing with the problem of internal displacement. It also has the responsibility: its participating states have committed themselves to the principle that matters related to human rights are of direct and legitimate concern to all the states, and in particular have undertaken to address the problem of internal displacement (see, for example, the CSCE Helsinki Document 1992, the Document of the Stockholm Meeting of the CSCE Council 1992, the Lisbon Document 1996, and the Charter for European Security 1999). Moreover, because the mandate of the OSCE is broad and flexible, it has been able, since the end of the cold war, to evolve into an institution that directly engages in defusing tensions *within* states, encouraging dialogue and reconciliation among communities, and promoting the development of democratic institutions, human rights and the rule of law.

Indeed, OSCE's engagement with situations of internal displacement has expanded significantly over the past decade. Its conflict prevention machinery, for example, including its High Commissioner for National Minorities, has worked to avert mass displacement. OSCE missions to different countries have begun to make recommendations about internally displaced populations. Its field staff has engaged in monitoring the safety and human rights of displaced persons, especially during returns. Through its election monitoring and technical assistance programs, the OSCE has also promoted attention to internally displaced populations.

It should also be mentioned that in collaboration with the U.N. High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM), the OSCE co-sponsored in 1996 the Geneva Conference on the Problems of Refugees, Displaced Persons, Migration and Asylum Issues in the Commonwealth of Independent States (CIS) whose program of action called for the establishment of national institutions and laws in the region to deal with displacement and called upon international organizations to provide technical cooperation to reinforce national efforts.

OSCE's Office for Democratic Institutions and Human Rights (ODIHR) has been particularly active in working with the Representative of the Secretary-General in disseminating the Guiding Principles on Internal Displacement to member states and staff and has co-sponsored seminars to encourage compliance with their provisions. As earlier noted, OSCE/ODIHR co-hosted the seminar in Tbilisi, Georgia in 2000 that brought together government officials, international organizations and NGOs from Georgia, Armenia and Azerbaijan to design strategies for dealing with internal displacement, including the wider use of the Guiding Principles.

As a follow up to that meeting, OSCE/ODIHR collaborated with the Brookings Project and the Georgian Young Lawyers Association in organizing reviews of national legislation in Georgia, Armenia and Azerbaijan in light of the Guiding Principles. Teams of lawyers from the

three countries undertook analyses of their laws and presented their findings and recommendations to their governments at seminars held in the three countries. Their studies not only made their governments and civil society aware of gaps in the law and obstacles to its implementation but appear also to have had an important impact in stimulating legislative reform (see below).

All of the above steps taken by OSCE to improve the plight of the internally displaced are to be commended and encouraged, but it is also evident that these steps are largely *ad hoc* and often minimal to the situation. Indeed, because of the *ad hoc* nature of the OSCE response and the need to enhance its activities, in September 2000, the OSCE/ODIHR Office took the important step of convening in Vienna a Supplementary Human Dimension Meeting on Migration and Internal Displacement. It was the first OSCE human dimension meeting in which an in-depth discussion of the problem of internal displacement took place, and it produced a number of concrete proposals with regard to the role the OSCE participating states, institutions and field missions could take in meeting the protection and assistance needs of the internally displaced. Most importantly, it called upon the OSCE to systematically integrate the issue of internal displacement into all the activities of the organization and to use the Guiding Principles on Internal Displacement as the framework for so doing.

Two months following this meeting, the OSCE Chair-in-Office, the Foreign Minister of Austria, at a Ministerial Council meeting in Vienna, issued a closing statement that reinforced the conclusions of the Supplementary Human Dimension Meeting and outlined the areas in which the OSCE could make a contribution to situations of internal displacement. These included the political solution of conflicts; the protection of the rights of internally displaced persons; monitoring and reporting on affected populations; facilitating durable solutions for refugees and internally displaced persons; providing advice to governments on national laws and best practices; and disseminating the Guiding Principles within OSCE and using them in the activities of the organization.

Again in 2001, at the Human Dimension Implementation Meeting in Warsaw, participants made recommendations to integrate the issue of internal displacement into the activities of the OSCE and emphasized that the problem of refugees and internally displaced persons had become one of the most urgent humanitarian issues in the OSCE region, presenting serious risks to stability in the OSCE area. The Consolidated Summary of the Meeting included a list of thirteen recommendations to expand the involvement of the OSCE in situations of internal displacement.

Despite all of these statements and recommendations, the OSCE has still not formally moved to make internal displacement a priority issue of direct concern to the organization and to integrate it systematically into the programs and activities of the organization. Recognizing the sensitivity of certain OSCE governments to the subject of internal displacement, in particular the Russian Federation and Turkey, it is nonetheless timely, given the severity of the problem, for the OSCE to take steps to make the recommendations put forward at its meetings a reality. In short, the OSCE must begin to pay systematic and coherent attention to the problem of internal displacement that affects a total of ten countries in its region.

To accomplish this goal, the Brookings-SAIS Project offers herewith ten recommendations. Most build upon the earlier work of the OSCE. If carried out, they will have a direct and positive impact upon the situation in the Caucasus countries and Turkey, the countries of concern in today's hearing.

First, the OSCE should formally recognize internal displacement as a human dimension issue of direct concern to the organization. This would assure a regular and systematic review of situations of internal displacement at Human Dimension Implementation Meetings. The sub-standard conditions of internally displaced persons, described by the Representative of the Secretary-General in the Caucasus countries and Turkey, speak to the need for such a regularized review. Special attention in such reviews would need to be paid to member states' policies and programs with regard to their internally displaced populations as well as the OSCE's and the international community's role in such situations. Reviews would be particularly important for countries where there are no OSCE missions, as is currently the case with the Russian Federation and Turkey.

Second, the Permanent Council of the OSCE, should, on a systematic basis, discuss situations of internal displacement and develop specific strategies for addressing the problem. Strategies could include preventive action, diplomatic dialogue with the relevant governments, instructing existing field missions, such as those in the South Caucasus, to regularly assess and report on displacement situations, opening or reinstating missions in countries where they do not now exist, such as Turkey and the Russian Federation, and overall reviewing the situation of displacement in the region with a view to Council action.

The importance of Council involvement is underscored by the case of Turkey. During the 1990s, neither the Permanent Council nor the Chair-in-Office were effectively seized of the issue even though Turkey had the largest number of internally displaced persons in the European region and barred international humanitarian organizations from monitoring the situation or providing assistance. As Francis Deng and I point out in our book, *Masses in Flight: the Global Crisis of Internal Displacement* (Brookings 1998), the OSCE long ignored one of the most pernicious cases of internal displacement in Europe. This could in part be avoided if regular, systematized discussion of situations of internal displacement were part of the Permanent Council's work.

To reinforce the Council's role, the issue of internal displacement should be mainstreamed throughout the organization, in its legal review processes, its election monitoring activities and its gender projects. Field missions should be expected to give increased attention to situations of internal displacement and regularly report on conditions, including the removal of administrative and legal barriers to the return of IDPs, the implementation of property laws, and promoting access to education and pensions for those returning.

In addition, the Representative of the U.N. Secretary-General on Internally Displaced Persons should be invited on a regular basis to address the Council on internal displacement conditions in countries within the OSCE region. A recommendation to this effect was made at the 2001 OSCE Human Dimension Implementation Meeting in Warsaw.

Third, the Guiding Principles on Internal Displacement should be formally acknowledged by the OSCE, in particular by the Permanent Council and the Ministerial Council, and used as a framework for poli-

cies and activities by the organization. The Principles, it should be recalled, constitute a comprehensive normative framework for the internally displaced, bringing together in one document all the international legal provisions relevant to these populations. In setting forth the rights of the displaced and the obligations of governments and non-state actors toward these populations, they address many issues of direct pertinence to the displaced in the OSCE region, for example, the return of property, access to documentation, minority rights in majority areas, an impartial judiciary, the right to meaningful representation, freedom of movement and the right to choose one's residence.

The Principles have been formally acknowledged by other regional organizations; the Inter-American Commission on Human Rights of the Organization of American States, for example, has formally endorsed them while the European Union has acknowledged its appreciation and support for them. Unanimously adopted resolutions of the U.N. General Assembly and the Commission on Human Rights have also acknowledged the Principles as a useful tool and standard and have called for their wide dissemination and application. All of the OSCE participating states have supported these U.N. resolutions, including the South Caucasus countries, the Russian Federation and Turkey.

It is noteworthy that the Principles correspond with the OSCE's structure and purposes since they cover all phases of displacement—prevention, protection during displacement and protection during return and reintegration. There are a number of specific ways that the Principles could serve the OSCE: as a benchmark for monitoring and evaluating conditions in different countries, as a source of guidance in drafting laws, constitutions and administrative regulations, as a basis for dialogue, as a tool for training staff, and as a means of raising visibility to the plight of internally displaced persons. OSCE/ODIHR has already incorporated the Principles into its projects that review national legislation in the South Caucasus.

Integrating the Principles into the work of the OSCE would mean that its staff at headquarters and in the field would begin more regularly to monitor and review conditions of displacement in affected countries in terms of the Guiding Principles. It would mean that members of the Permanent Council would use them as a framework for OSCE policies and programs in the areas of prevention, protection and return and reintegration.

Fourth, greater support should be given to OSCE/ODIHR to enable it to expand its projects to help improve the legal situation of IDPs in the OSCE region. As earlier noted, OSCE/ODIHR over the past two years co-sponsored a project with the Brookings-SAIS Project and the Georgian Young Lawyers Association enabling teams of lawyers from Georgia, Armenia and Azerbaijan to analyze the laws and administrative regulations in their respective countries in terms of the Guiding Principles. Their studies found noticeable gaps in the laws, and in some cases, discriminatory provisions. For example, the legal team from Georgia found restrictions in the law with regard to political participation and voting rights; the Armenian team argued that internally displaced persons would fare better with the adoption of a special law on the question of internal displacement; the Azerbaijani lawyers proposed that two separate laws be created for refugees and IDPs and that special legislation be adopted to cover return and property compensation. Overall the studies made governments, international organizations and civil

society aware of gaps in the law and obstacles to its implementation and had an important impact in stimulating legislative reform. In at least one of the countries, Georgia, even before the research was completed, changes began to be made in the law to improve the political participation of the internally displaced. The three reports have now been published by the American Society of International Law in a book entitled *The Guiding Principles on Internal Displacement and the Law of the South Caucasus: Georgia, Armenia and Azerbaijan* (2003, see attached announcement).

To ensure that needed legal reform is undertaken in the three South Caucasus countries, follow up will be needed by OSCE/ODIHR. In addition, it should undertake comparable projects in other OSCE countries. For example, in the Russian Federation, the legacy of the “propiska” system continues to restrict internally displaced persons in exercising their right to free choice of place of residence. A lack of clarity also exists in the 1993 Law on Forced Migrants when it comes to internally displaced persons. Indeed, the Program of Action of the Conference on Internal Displacement in the Russian Federation, mentioned earlier, specifically calls upon the Russian Government to address the question of whether dealing with all forced migrants uniformly is the most effective way of managing the problem, or whether internally displaced persons would be better protected if there were special legislation which distinguished them from other groups of forced migrants and in particular separated them out from those comparable to refugees. The OSCE/ODIHR Migration Adviser at the Conference pointed out that it would be far more beneficial for IDPs if the Russian Government were to clarify and amend existing legislation, so as to separate internally displaced persons from other categories of forced migrants.

OSCE/ODIHR technical assistance projects in the legal area should in particular encourage governments to revise discriminatory laws and draft and adopt new legislation and administrative regulations that accord with regional and international standards for the protection of internally displaced persons. For example, laws providing for material assistance, health services, education and employment should be reviewed to ensure that these services are made available on a non-discriminatory basis. Laws on the exercise of political rights, in particular with regard to freedom of movement and voting rights, should be scrutinized, given their importance to IDPs in the OSCE region, as should laws on returns to ensure their voluntary nature and that compensation can be awarded for property lost as a result of displacement.

Fifth, OSCE technical assistance programs should promote the creation of national institutions to address the needs of the internally displaced, including monitoring bodies to assure the implementation of national laws on displacement. To this end, the OSCE, in collaboration with the international organizations that undertook the 1996 CIS migration conference, should consider undertaking a review of the extent to which existing government offices and institutions in countries suffering internal displacement effectively address the needs of the displaced and identify, where appropriate, the gaps and how best to remedy them. It could then work with the governments to help them better assume their national responsibilities.

Sixth, in carrying out its election monitoring functions, the OSCE should ensure that the internally displaced are able to freely exercise their right to vote and do not face discrimination with regard to politi-

cal participation. A report issued by the Brookings Project in September 2000 on *Internally Displaced Persons and Political Participation: The OSCE Region*, concluded that internally displaced persons “may be unable to vote on a par with their fellow citizens as a result of various obstacles which, to a greater or lesser extent, may reflect not only practical difficulties posed by situations of displacement but also deliberate policy choices by the local or national authorities.” It called upon the OSCE to better ensure that elections held in the OSCE region accord with OSCE commitments and with relevant international standards, such as the Guiding Principles, in the case of internally displaced persons.

Seventh, the scope of action of the OSCE High Commissioner on National Minorities should be expanded to enable more regularized focus on the situation of internally displaced persons who are members of racial, ethnic, or religious minorities and who are often marginalized by systems of inequitable and discriminatory governance. In the case of Turkey, a dialogue between the High Commissioner and the Turkish Government concerning the situation of ethnic Kurds is long overdue. Given the changed political climate in Turkey, such dialogue should be initiated and pursued without delay. The High Commissioner has long avoided involvement in the Kurdish situation because his mandate is supposed to deal with situations in their “earliest possible stage” and because it is precluded from dealing with situations “involving organized acts of terrorism.” However, as the Norwegian Refugee Council told the OSCE Human Dimension Implementation Meeting in 2001, it is time for the High Commissioner to “ensure that his mandate includes all minorities that have been displaced in the region... Reported terrorist activities by individuals or groups of individuals should not preclude the High Commissioner from being engaged on behalf of entire minority groups.”

Eighth, to promote the integration of the internal displacement issue into the activities of the organization, the OSCE should systematically train its staff, both at headquarters and in the field, in the subject of internal displacement. Training should include basic instruction in how to evaluate and report on situations of displacement, how to monitor situations in terms of the Guiding Principles, how to undertake specific steps to enhance practical protection in the field and how to facilitate returns of displaced persons, including enhancing their protection and assuring their property rights. This would accord with OSCE commitments to facilitate the voluntary return of refugees and internally displaced persons in dignity and safety and their reintegration without discrimination.

Ninth, OSCE/ODIHR’s migration unit should be reinforced so that it will be effectively able to serve as focal point for internal displacement within the OSCE. ODIHR’s current Migration Adviser has been doing an energetic and excellent job of trying to integrate internal displacement into the work of the OSCE, but given the magnitude of the problem, it would be useful to add additional staff to the unit. Additional resources would also make it possible for OSCE/ODIHR to carry out national seminars and workshops on internal displacement issues.

Tenth, the OSCE should develop strategies for promoting greater responsibility and accountability toward displaced populations by non-state actors. The Guiding Principles, it should be emphasized, apply both to states and non-state actors and the Brookings- SAIS Project has

been encouraging appropriate non-state actors in different parts of the world to comply with the Principles in dealing with displaced populations under their control. In the case of the South Caucasus, I would note that the Abkhaz government in exile participated in one of the abovementioned seminars the Project organized in Tbilisi, which discussed the laws of Georgia in terms of the Guiding Principles. Moreover, during his mission to Georgia in 2000, the Representative of the Secretary-General visited Abkhazia as well as South Ossetia and met with the de facto authorities, engaging in dialogue on the basis of the Guiding Principles. OSCE field missions, in reporting on the situation of internally displaced persons, could review how the Guiding Principles are implemented by both states and non-state actors.

Finally, it should be underscored that in engaging more fully with the problem of internal displacement, the OSCE should build on its close collaboration with the international organizations and offices already active in this area, including the U.N. High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the Representative of the U.N. Secretary-General on Internally Displaced Persons, the IDP Unit in the U.N. Office for the Coordination of Humanitarian Affairs, the Office of the U.N. High Commissioner for Human Rights as well as regional bodies such as the European Union and Council of Europe. Such coordination should ensure that OSCE activities effectively reinforce and complement those of the other organizations and offices and are based on areas in which the OSCE has a comparative advantage.

In conclusion, the OSCE's effective integration of internal displacement in its programs and activities will enable it to better contribute to protecting the rights of IDPs in the countries affected in the European region. Most challenging will be securing a commitment from participating states to recognize and treat the issue as a priority one. The voice of the United States, in particular the US Commission on Security and Cooperation in Europe, could be important here. Internal displacement after all is a serious humanitarian and human rights issue affecting the lives of millions of people in the OSCE region; it is also an issue that can affect security and long-term stability in the region. The OSCE should be encouraged to develop a strong and influential voice on the subject with the aim of prompting participating states to fulfill their commitments to internally displaced populations and to avoid policies that directly and deliberately lead to mass displacement. The scale and severity of this problem in the OSCE region make it imperative that more systematic attention be given to the millions of internally displaced persons in Europe in need of support.

PROGRAM OF ACTION FOR FUTURE ACTIVITIES
INTERNATIONAL CONFERENCE ON INTERNAL DISPLACE-
MENT IN THE RUSSIAN FEDERATION
MOSCOW, RUSSIA, APRIL 25-26, 2002
CO-SPONSORED BY THE BROOKINGS INSTITUTION
PROJECT ON INTERNAL DISPLACEMENT,
INSTITUTE OF STATE AND LAW OF THE RUSSIAN ACADEMY OF
SCIENCES AND PARTNERSHIP ON MIGRATION

A number of proposals for future action emerged during the conference which aimed to respond to the challenge of internal displacement in the Russian Federation. The various proposals may be grouped in terms of national, regional and international responses:

AT THE NATIONAL LEVEL

Since the primary responsibility for meeting the protection and assistance needs of the internally displaced rests with the government of the Russian Federation, its role needs to be made far more effective. Above all, there is urgent need for the development of a coherent migration policy, which should *inter alia*:

- Give emphasis to fundamental human rights standards that balance respect for individual rights with protection of ethnic and national groups from discrimination, as contained for instance in the International Covenants on Civil and Political and on Economic, Social and Cultural Rights and the European Convention on Human Rights.
- Address the question of whether dealing with forced migrants uniformly (as is currently the case under the Law on Forced Migrants) is the most effective way of dealing with the problem, or whether internally displaced persons would be better protected if there were special legislation which distinguished them from other groups of forced migrants and in particular separated them out from those comparable to refugees.
- Ensure resolution of the many problems confronting internally displaced persons, in particular by improving their access to basic services, namely adequate food, medicine and shelter, helping to alleviate the poverty they experience, and protecting them from discrimination and threats to their personal security. In this regard, all internally displaced persons should be granted forced migrant status so as to facilitate their access to basic services.
- Provide solutions to problems of internal displacement, including the safe, voluntary and dignified return of the displaced to their places of origin. Moreover, in view of the fact that inherent in voluntary return is the notion of choice, solutions must take into account the wishes of the displaced. That includes as options, integration in the place in which they currently reside or resettlement elsewhere in the Russian Federation, in accordance with human rights standards of freedom of movement and choice of residence and the right to be protected against forcible return to, or resettlement in, any place where their life, safety, liberty or health would be at risk.

- Provide measures aimed at improving relationships between ethnic and national groups in areas of integration.
- Regulate the relationship between local and national authorities so that uniform standards govern the policies and programs of both and ensure that policies and practices of the authorities at all levels are in conformity with international human rights standards. An end to discriminatory practices against displaced persons in Krasnodar would be one example. The promotion of humane solutions for deported peoples such as the Meshketian Turks would be another.
- Provide a strong oversight role, in particular with regard to addressing violations of the human rights of internally displaced persons, to the Office of the Representative of the President of the Russian Federation for Human Rights in the Republic of Chechnya and provide this office with the requisite resources to carry out its functions effectively.
- Facilitate government cooperation with regional and international organizations in order that these organizations can better complement and support the efforts of national and local authorities to provide assistance, protection and reintegration support for the internally displaced. Strengthened cooperation between the government and international and regional organizations must include unimpeded access to areas of displacement as well as expanded presence, as needed.
- Guarantee that international humanitarian principles providing for the protection and safety of humanitarian workers are respected and upheld and ensure also the successful detection and prosecution of those responsible for the abduction and murder of local and international humanitarian staff.
- Provide for the education and training of both host communities and of internally displaced persons so as to improve receptivity for displaced communities and their more effective integration. Training and education of national and local authorities, as well as lawyers and the judiciary, must also be undertaken in the rights of internally displaced persons and in the principle of non-discrimination. NGOs should be provided with the resources to play a strong role in organizing the necessary training seminars and workshops and the Guiding Principles could serve as a framework for such programs.

The development of the policy itself should:

- Involve the active participation of NGOs, civil society and academic experts, in particular in conducting research, monitoring situations, deciding on the components of the policy and in mobilizing broad public support for the contents of the policy. To this end, a series of roundtables should be held to bring together government officials, civil society and international organizations in different regions of the country. In this connection, restrictions on the ability of NGOs to function effectively and to gain access to areas of internal displacement should be lifted. The media should play a role in highlighting and supporting these efforts.

Beyond the development of a national migration policy:

- The Guiding Principles should be seen and utilized as a useful tool for reviewing existing and future national and local legislation and administrative regulations with a view to ensuring that the provisions of these laws and regulations are in accordance with international standards. In this connection, a working group of experts was proposed to carry out a comparative study of Federal and local legislation in terms of the Guiding Principles.
- NGOs could establish a coordination center to strengthen their own role in monitoring conditions of displacement, mobilizing public opinion and generating international support. In examining the laws and regulations that govern NGO activities, NGOs must seek to ensure that they have sufficient guarantees and space for their organizations to operate.

AT THE REGIONAL LEVEL

- The government should actively support the efforts and the access of the Organization for Security and Cooperation in Europe and the Council of Europe, both of which play important roles with regard to internal displacement in the Russian Federation.
- The government should support, as a participating member of these organizations, the greater integration of the issue of internal displacement into the activities of these organizations and the use of the Guiding Principles as the framework for their policies and programs for the displaced.

AT THE INTERNATIONAL LEVEL

- The government should facilitate the access of and support the efforts of international humanitarian organizations to respond to the assistance, protection and reintegration and development needs of the internally displaced.
- Support should be given in particular to the role of OCHA in facilitating the coordination of the international response, as well as to the various international organizations and NGOs that carry out vitally needed programs.
- The government should take the necessary steps to facilitate a visit to the North Caucasus by the Representative of the Secretary-General on Internally Displaced Persons to allow him to observe the displacement situation first-hand and enter into solutions-oriented dialogue with the authorities and other pertinent actors.



**NEW STUDY ON DISPLACEMENT IN THE SOUTH CAUCASUS:
THE GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT AND
THE LAW OF THE SOUTH CAUCASUS: GEORGIA, ARMENIA AND
AZERBAIJAN**

More than a million internally displaced persons (IDPs) are the human legacy of conflicts in Georgia, Armenia and Azerbaijan that erupted in the early 1990s and remain unresolved today. Uprooted from their homes but remaining within the borders of their own country, the responsibility for providing these populations with protection, assistance and solutions lies first and foremost with their governments. The extent to which national legislation addresses their plight therefore is critically important to examine.

In this publication, teams of lawyers from Georgia, Armenia and Azerbaijan analyze their national laws and policies in terms of the *Guiding Principles on Internal Displacement* (1998) – the first international standards for internally displaced persons – and make recommendations for strengthening national legal protection for IDPs. The need for such a study was a key recommendation of a regional seminar on “Internal Displacement in the South Caucasus” held in Tbilisi, Georgia in 2000 in which government officials, representatives of civil society and researchers from all three countries in the region as well as international experts participated.

The book includes the reports prepared by the lawyers from the three South Caucasus countries and the summaries of roundtable discussions held in Baku, Tbilisi and Yerevan to discuss the lawyers’ findings with their respective governments and civil society. Some of the major issues addressed include citizenship rights, return or resettlement of the displaced, property restitution and compensation, education, employment, housing, and political participation of the displaced in local and parliamentary elections. Recommendations include providing legal guarantees for the right of IDPs in Georgia to vote without penalty, the development in Armenia of a national law on IDPs and the elaboration in Azerbaijan of separate laws on IDPs and refugees to clarify and better ensure the legal protection of both groups.

The Representative of the United Nations Secretary-General on Internally Displaced Persons, Francis M. Deng, who has undertaken official missions to all three countries, has welcomed this study and encourages the governments to study and act upon the recommendations in order to enhance national protection for the internally displaced.

The publication will be of interest to governmental, non-governmental, international and local organizations, lawyers and academics concerned with the South Caucasus. It could also serve as a guide to lawyers and parliamentarians in other parts of the world who seek to improve laws and policies for IDPs in their countries.

It was published by the American Society of International Law (ASIL) in collaboration with the Brookings-SAIS Project on Internal Displacement, the Georgian Young Lawyers Association (GYLA) and the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE). It was edited by Walter Kaelin of the University of Bern together with Roberta Cohen and Erin Mooney of the Brookings-SAIS Project on Internal Displacement.

Release Date: June 2003

**PREPARED STATEMENT OF
GABRIEL TRUJILLO, HEAD OF MISSION,
DOCTORS WITHOUT BORDERS—RUSSIAN FEDERATION**

Thank you for this opportunity to address the Commission on the urgent matter of the fate of Chechen civilians.

Médecins Sans Frontières is an international medical humanitarian organization that delivers emergency aid to victims of armed conflict, epidemics, and natural and manmade disasters in more than 75 countries. Founded in 1971, MSF believes that all people have the right to medical care regardless of race, religion, creed or political affiliation. MSF first came to the former Soviet Union in December 1988 to carry out emergency relief work in the aftermath of an earthquake in Armenia. Today, MSF assists vulnerable populations in nine CIS countries, with programs ranging from emergency distributions of relief items in conflict zones to longer-term efforts to fight epidemics such as tuberculosis and HIV/AIDS.

Since the resumption of war in Chechnya in 1999, MSF has provided humanitarian assistance in Ingushetia, Chechnya, and Dagestan. In Ingushetia, MSF runs prenatal, gynecological, pediatric, and general health clinics in Nazran, Karabulak, Sleptovskaya, and Malgobek, and provides medicines and medical supplies to government health structures throughout the Republic. MSF continues to work to improve the basic living conditions of displaced Chechens in Ingushetia through the provision and repair of shelters as well as essential non-food items, water and sanitation facilities.

In Chechnya, MSF provides medicines and medical equipment and supplies to 30 health structures and has carried out small rehabilitation projects in several health structures.

Since the kidnapping of MSF volunteer Arjan Erkel on August 12, 2002, by three unknown gunmen in Makhachkala, all activities have been suspended in Dagestan, and only emergency donations are carried out in Chechnya.

We want to underline here the fact that after ten months, Arjan Erkel is still missing. Russian and Dagestani officials have recently assured us that Arjan is alive, but they have failed to provide MSF and Arjan's family with any verifiable information on where he is being kept, who abducted him, for what reason, guarantees for his current security, and on ways to move forward to secure his safe release. After ten months, the lack of significant progress in the investigation points to the obstruction of Arjan's release, and raises concerns about the willingness of Russian authorities to solve the case.

As of today, our repeated requests for a meeting with the Presidential Administration to discuss the case have been denied. Since, in accordance with international humanitarian law, the responsibility for the safety and security of humanitarian personnel rests primarily with the authorities of the host country, MSF believes that strong political willingness from the highest authorities of the Russian Federation is crucial in the resolution of the case. We urge President Putin to take all necessary means in his power to assure Arjan Erkel's rapid and safe release.

THE FATE OF CHECHEN CIVILIANS

The war still rages in Chechnya. Civilians have been targeted by Russian armed forces who often suspect them of supporting the rebels. Witness statements and reports from human rights organizations provide detailed accounts regarding the indiscriminate use of force and widespread violations of human rights. These violations include torture, summary executions, arbitrary detention, disappearances, rape, and widespread destruction and looting of property.

Rebel fighters are also committing serious human rights violations towards civilians inside Chechnya. According to the US Department of State Country Report on Human Rights Practices for 2002, civilians have been used by the rebels as human shields and forced laborers, abducted for ransom, prevented from fleeing conflict zones, and killed for refusing to assist the rebels.

According to an assessment carried out by the Council of Europe in December 2002, the situation in Chechnya has worsened since the October 2002 hostage crisis in Moscow. Military activities and sweep-up operations within the Chechnya have increased. Again, the US Department of State Country Report on Human Rights Practices for the year 2002 describes in detail the current situation in Chechnya: "In addition to casualties attributable to indiscriminate use of force by the Federal armed forces, individual federal servicemen committed many abuses. According to Human Rights observers, government forces responding to Chechen attacks at times engaged in indiscriminate reprisals against combatants and non-combatants alike." (page 10) On the fate of displaced Chechens, the report states: "Many IDPs reported that they were forced to provide payments to, or were otherwise subjected to harassment and pressure at checkpoints. There were some reports that Federal troops purposely targeted some infrastructures essential to the survival of the civilian population, such as water facilities or hospitals. The indiscriminate use of force by Federal troops resulted in a massive destruction of housing, gas and water supply facilities." (page 10)

In a statement made on April 24 by the chief of the Chechen Security Council, Rudnik Dudayev, 215 people have been illegally detained or kidnapped in Chechnya since the beginning of the year. Forty-six of these cases were registered after the referendum of March 23. According to Dudayev, the overwhelming majority of these people are civilians who have no relation to the rebel groups. According to Human Rights Watch, two people disappear in the Republic every day, with an increased number for the first three months of 2003.

A SYSTEMATIC POLICY OF FORCING THE RETURN OF DISPLACED CHECHENS

According to the UNHCR, as of December 31, 2002 there were 142,000 internally displaced persons (IDPs) in Chechnya, 8,000 in Dagestan, and 40,000 in other regions of the Russian Federation. As of May 2003, 89,000 were living in deplorable conditions in Ingushetia. Fifty-five percent of these Chechen IDPs in Ingushetia are staying in host families, while 18 percent live in tent camps and 27 percent are squatting in farms, abandoned factories, hangars, and cellars.

Despite the deteriorating security situation in Chechnya, the forced return of IDPs in Ingushetia to Chechnya has already begun. The U.N. estimates that up to 38,000 IDPs living in Ingushetia and 2,000 living in Dagestan returned to Chechnya during the year 2002. According to

the Danish Refugee Council, registration figures in the five main IDP camps in Ingushetia dropped from 22,254 in August 2002 to 14,594 in March 2003. Between January 1 and May 2003, the UNHCR has registered 5768 returns from all over Ingushetia. Yet in a report published in February 2003, the UNHCR stated that the conditions to assure a voluntary return of Chechen displaced—decent security and living conditions—have not been met.

Why are displaced Chechens leaving Ingushetia on a daily basis to return to Chechnya where continued insecurity and a lack of services make life unbearable? Simply because in the past several months, Russian, Ingush, and Chechen authorities have begun implementing a systematic policy to force displaced Chechens back to war-torn Chechnya. They have employed a number of means that make it near impossible for Chechen IDPs to refuse returning.

In May 2002, Russian, Ingush, and Chechen authorities adopted a 20-step Action Plan for the return of all displaced Chechens living in neighboring Republics. The plan includes suspension of governmental aid for the displaced; promised assistance, like compensation packages, that has yet to materialize; and the complete closure of all tented camps in Ingushetia. At present, the authorities state that all remaining tented camps will be closed in the coming months.

Following the adoption of the plan, authorities closed the two tented camps in Znamenskoye in Northern Chechnya in July 2002. The 5000 IDPs accommodated there were forced to relocate to temporary accommodation centers (TAC) in Grozny. According to a report published by the UNHCR in February 2003, the living conditions in the TACs in Chechnya remain very precarious, with sanitation facilities below acceptable standards.

In December 2002, the authorities also closed the camp in Aki Yurt, Ingushetia, which accommodated nearly 2,000 IDPs.

Following the election of Ingush President Ziazikov in April 2002, Russian Federal troops have been positioned in Ingushetia. Furthermore, after the hostage crisis in Moscow in October 2002, these troops have been also positioned in the direct vicinity of the camps for displaced Chechens. The presence of these troops has resulted in a dramatic increase in the psychological pressure on Chechen IDPs through aggressive control of identification papers, arrests of IDPs on false charges, disappearances, threats, intimidation, and deletion of names from the lists of beneficiaries for governmental assistance programs. In addition, Chechen authorities and FSB officials have increased visits to the tented camps, further pressuring displaced Chechens to sign off for repatriation. Officials have threatened to cut off assistance to those who refuse to leave, and tell IDPs that they will not get financial compensation to rebuild their lives or temporary accommodations in Chechnya if they do not return immediately. All of the IDPs have been told that the camps will be closed during the spring of 2003, with the closures of Aki Yurt and Znamenskoye cited as examples.

IDPs report these incidents in the camps to us on a daily basis, which only highlights the lack of proper assistance and inadequate protection they receive. Russian and Ingush authorities are abandoning displaced Chechens to the status of illegal and undesirable migrants. According to the 1995 Russian Federal Law on "Forced Migrants," citizens of the Russian Federation who have been forcibly displaced are granted a formal residency status that allows them to move freely, to live, work, and

go to school legally in their place of refuge. Between October 1999 and December 2002, however, only 89 IDPs living in Ingushetia were granted this status by the authorities. In April 2001, the Ingush division of the Ministry of Federal Affairs passed an order suspending registration of all newly arrived Chechen IDPs. Without registration by migration authorities through Form #7, IDPs do not have access to governmental assistance, including distribution of food and non-food items, accommodation in camps, and provision of much needed governmental allowances such as pensions.

In Ingushetia, provision of governmental assistance to the displaced Chechens such as food, non-food items, gas, electricity and water, has been drastically reduced since the signature of the 20 steps repatriation plan in May 2002. At the same time, Ingush authorities passed a number of orders directly limiting assistance programs from international humanitarian organizations. Authorities have banned the construction of new camps to accommodate displaced people currently squatting in unsuitable locations, and they have also requested non-governmental organizations to stop replacing torn tents in camps or to extend the capacity of the camps to improve the living conditions.

After the closure of the Aki Yurt camp, the need to build alternative shelters to accommodate displaced persons who might be evicted has become alarmingly relevant.

MSF received verbal approval from President Ziazikov for the construction of alternative shelters for those Chechens who did not wish to return home. As of January 2003, 180 alternative shelters erected by MSF were ready for use.

However, on January 28, the government of Ingushetia passed an instruction declaring the alternative shelters illegal according to local construction codes. Despite having obtained all the required authorizations from all relevant Federal and Ingush services, MSF suddenly received an ultimatum to destroy the shelters. Our plans to build an additional 1,200 shelters, as well as plans by other humanitarian organizations to build 1,500 more, have been indefinitely suspended.

The claim by Ingush authorities that MSF has not conformed to administrative instructions is just the latest in a long series of political measures exercised against the Chechen displaced population which leaves them with no other choice but to return to Chechnya against their will.

RESULTS OF MSF SURVEY OF IDPS IN INGUSHETIA

From February 3–16, 2003, MSF carried out an extensive survey of Chechen displaced persons living in five official and three unofficial tented camps in Ingushetia. The main objective of this survey was to identify clearly which and how many families were in need of alternative shelters in Ingushetia and then to select the most vulnerable families to benefit first from our program of constructing alternative shelters.

A total of 3,209 families (16,499 people) were interviewed by MSF. Only 39 families were not interviewed, as they could not be found after repeated visits to the camps. The results of this survey are a clear indication that the basic rights of displaced persons—to seek safe refuge, to be protected and assisted properly during a time of conflict, and to only return home voluntarily, as guaranteed by international humanitarian law—are not respected. Russian, Ingush, and Chechen authorities are currently in open violation of international humanitarian law.

Only 58 families surveyed are planning to return home in the near future. More than 98 percent said they did not want to go back to Chechnya in the near future. This represents 3,151 families out of the total of 3,209. Among them, 93 percent expressed fears for their safety as the main reason for wishing to remain in Ingushetia.

The following comments from displaced people are typical:

“My husband went through a filtration camp, his shoulder was broken ... he still has many scars from his detention.”

“Our son, born in 1984, disappeared after being arrested at a check point in Urus Martan.”

“During the day I am afraid of the Russian soldiers, at night I am afraid of the rebels.”

The vast majority of the families interviewed continue to live in unacceptable conditions. More than half, 54 percent, live in tents that leak, with no insulation and even no floors. 88 percent of the families did not consider humanitarian assistance when deciding whether to return to Chechnya or stay in Ingushetia. The very poor quality of aid in Ingushetia is definitely not an incentive for people to stay in Ingushetia. This contradicts statements made by Chechen, Ingush and Russian authorities who have argued that assistance in Ingushetia is preventing people from going back home.

This reflects the reality that in 2002 and 2003 authorities have significantly cut public assistance programs for the displaced in Ingushetia. At the same time, assistance provided by international humanitarian organizations has been limited by increased administrative constraints applied by the authorities as well as insecurity.

As one interviewee told us, “Living conditions are worse than in Grozny, but at least here we have less fear for the lives of our sons and husbands.”

Another terrible finding is that families are being forced to choose between living in deplorable conditions in Ingushetia or returning to Chechnya and risking the lives of their family members.

If the flow of refugees returning to Chechnya is growing, it is because people are left without a choice. What are they going to do if the camps are closed? Most people don’t know where to stay. “If the camps are closed,” one man said, “I will dig a pit in the ground and sit together with my children.”

“I think no reasonable man would go to Chechnya at the present moment,” said another man. “If you ask where do we expect to stay, you will hear only one answer: nowhere.”

Do these desperate displaced Chechens have a real choice to stay in their current place of refuge? According to the survey, out of the 98 percent of the families who do not plan to go back home in a near future, 90 percent did not know about any alternative place to stay in Ingushetia other than the camp where they are currently living. This represents 2,827 families with 14,433 people in immediate need of alternative shelter if the camps are closed.

The MSF survey clearly shows that displaced Chechens do not want to return to Chechnya, and that the authorities are not offering any real option to stay in Ingushetia. People do not return on a voluntary basis, but after several months of pressure by the authorities, they simply give up. They are forced to accept the unacceptable: the denial of their basic right of safe refuge.

HUMANITARIAN ACCESS TO WAR-TORN CHECHNYA

We must emphasize that access by independent, impartial humanitarian organizations to populations in need has been seriously hampered by security constraints not only in Chechnya, but also in Ingushetia and Dagestan. In addition, the authorities have increased administrative restrictions on NGOs by failing to deliver clearances for those NGOs carrying out programs in Chechnya, blocking authorization to use radio frequencies, issuing warnings about the threat of kidnappings faced by aid workers, and recommending that NGOs use armed escorts while traveling to Chechnya—a serious breach of our principles of neutrality, independence of action, and impartiality. The security and safety of humanitarian workers in the Northern Caucasus is an alarming problem. Since the beginning of the second conflict in 1999, dozens of aid workers have been taken hostage in the Northern Caucasus. In January 2001, MSF volunteer Kenny Gluck was abducted in Chechnya and released three weeks later. In 2002 alone, four aid workers were kidnapped. Nina Davidovitch of the NGO Druzhba was freed in January 2003 after more than six months in detention. In November 2002, two ICRC drivers were abducted in Chechnya and released three days later. And MSF volunteer Arjan Erkel was abducted in Dagestan in August 2002 and is still missing.

If present security conditions in Chechnya and the neighboring Republics are not adequate for humanitarian workers to carry out assistance activities, why would they be considered adequate for civilian Chechens to return and resume their normal lives?

Today, there is not a single international humanitarian worker permanently based in Chechnya. Despite the urgent need for humanitarian assistance in Chechnya and neighboring Republics, the authorities continue to actively block direct access to the Chechen population by impartial humanitarian organizations seeking to assist them in an independent fashion and to bear witness to their situation. The Russian Government did not extend the mandate of the OSCE's Assistance Group in Chechnya, which expired at the end of 2002. In a statement on May 7, 2003, the Head of the Chechen Administration requested that international humanitarian organizations distribute aid through district authorities rather than directly to the populations in need. In January 2002, the Parliamentary Assembly of the Council of Europe expressed serious concerns about the relief process in Chechnya by stating, "up to 70 percent of relief aid does not directly reach those to whom it is addressed."

THE INTERNATIONAL COMMUNITY ABANDONS CHECHEN CIVILIANS

What has the international community, including the United States, done to address the well-known, wide-scale human rights violations in Chechnya? What has been done to stop blatant violations of fundamental provisions of international humanitarian law by the Russian, Chechen and Ingush authorities? What has the international community done when confronted with the hard facts of violence committed against humanitarian personnel such as abductions in the Russian Federation?

With the exception of making obligatory statements at summit meetings, press conferences, and public forums, the international community, including the United States, has failed to alleviate the suffering of Chechen civilians.

Statements made during recent summits in St-Petersburg and Evian are striking proof that the United States, Europe and the United Nations, have abandoned the Chechen civilians to their unacceptable fate. The representatives of these governments, international and regional bodies, warmly met with an ally that continues to violate international humanitarian law and fundamental human rights with impunity.

For years, the United States has made general statements that there must be accountability for human rights abuses in Chechnya; that humanitarian organizations must have unlimited access to people in need; and that displaced Chechens should not be forcibly sent home until the security situation improves in Chechnya. The U.S. Administration has also stated that it raises these points with their Russian counterparts at every possible occasion.

Unfortunately, this strategy towards the Russian Government is not having any positive impact whatsoever on the lives of civilian Chechens.

On January 2, 2003, after the closure of Aki Yurt camp, the State Department spokesperson welcomed Russia's repeated assurances that persons displaced from Chechnya would not be forced to return against their will. These so-called assurances did not prevent a continuation of the campaign of pressure on displaced Chechens to return. It seems clear that it is not enough for the United States and the international community to repeat the same empty diplomatic statements on their worries about the situation in the region.

The US-led "war against terror" should also not be used as a pretext for Russia to continue violating their fundamental rights. By linking incidents in Chechnya with the global "war against terror", the Russian Government has written itself a blank check to continue its repressive campaign with impunity. On March 14, 2003, Colonel Shabalkin, Head of the FSB security services in Chechnya, stated that all terrorist acts committed on Chechen territory are financed by international terrorist groups such as Al-Qaeda.

Despite reports by independent observers and journalists raising serious doubts about the fairness of the constitutional referendum in Chechnya on March 23, the international community, including the United States, has already used the results as a sign of a return to normalcy in the Republic. The referendum appears to be just an alibi that allows the international community to stop offending an important ally. This gives tacit consent to the continuation of widespread and serious violations of international humanitarian law.

At the annual session of the U.N. Human Rights Commission, the US delegation declined to sponsor a resolution against Russia on Chechnya. Explaining the vote in Geneva,

Ambassador Southwick of the US Delegation said, "My government wishes to emphasize its hope that the March 23 referendum in Chechnya will enable a political process to take hold that produces a lasting solution in the area." The Ambassador continued by saying,

"My government finds encouragement in several promises made publicly by Russian officials to alleviate to situation in Chechnya."

Quite simply, the international community, including the United States, has abandoned Chechens civilians.

We warmly welcome, though, the constant efforts of the members of the Helsinki Commission to raise the situation in Chechnya and neighboring republics to the US Administration and the Russian authorities. In particular, we appreciated the letters sent by the Helsinki Commis-

sion to Presidents Bush and Putin over the past year that raised the issues of forced repatriation and the humanitarian situation in the region. We are also grateful for the letter sent to Ambassador Ushakov regarding Arjan Erkel.

RECOMMENDATIONS

Médecins Sans Frontières/Doctors Without Borders (MSF) urges the United States Government and the United States Congress to take all appropriate measures, whether political, diplomatic, or public, to:

- Urgently press Russian, Ingush and Chechen authorities to immediately cease all official and unofficial measures currently forcing displaced Chechens to return to war-torn Chechnya, particularly from Ingushetia;
- Press Russia to respect displaced peoples' physical integrity and their basic right to be adequately assisted and protected in a safe refuge in Ingushetia and elsewhere in the Russian Federation;
- Press Russia to respect its obligations according to international humanitarian law to allow impartial humanitarian organizations to fully exercise their right to assist waraffected Chechen civilians in the Northern Caucasus, especially by lifting the administrative measures blocking the provision of alternative shelters for displaced Chechens in Ingushetia;
- Press Russia to take all necessary steps to bring an end to illegal detentions and other forms of violence affecting humanitarian aid workers in the Northern Caucasus, and to assume its basic responsibilities according to international humanitarian law to provide safety, security and freedom of movement to humanitarian personnel;
- Urgently raise the case of kidnapped MSF volunteer Arjan Erkel to President Putin and other high-ranking Russian officials, particularly by asking them to give the highest political commitment and priority to assure the immediate, unconditional, and safe release of our colleague and by asking them to accept meeting with MSF representatives to discuss upon the investigation of the case.



Left Without a Choice

Chechens forced to return to Chechnya

"If the camps are closed, I will dig a pit in the ground and sit in it together with my children"

A forced Chechen migrant living in a camp in Ingushetia.

"Only 89 Internally Displaced Persons from Chechnya were granted forced migration status in Ingushetia during the period from 1st October 1999 to 31st December 2002"

UNHCR report Feb. 2003 citing Statistics of the Ministry of Federation, National Migration Policy of the Russian Federation.

***A survey carried out by
Doctors Without Borders/Médecins Sans Frontières (MSF)
April 2003***

MSF Volunteer Arjan Erkel is still missing after 10 months.



MSF IN THE NORTH CAUCASUS

Doctors Without Borders/Médecins Sans Frontières (MSF) has been present in the North Caucasus since 1992, bringing assistance to the displaced from the Ingush – Ossetian conflict

Following the beginning of the war in Chechnya, MSF began programs in Ingushetia, Chechnya and later in Daghestan, helping victims of the conflict.

In Ingushetia, MSF runs prenatal and gynecological clinics, pediatric clinics, and a general health clinic in Nazran, Karabulak, Sleptsovskaya, and Malgobek.

In Ingushetia, MSF also rehabilitated a clinic to treat tuberculosis patients. However, no patient was ever treated as the program was cancelled by the Ingush Ministry of Health.

MSF also provides medical material, equipment, and medicine to most of the government health structures in Ingushetia.

MSF works to improve the basic living conditions of displaced Chechens in Ingushetia through the provision and repair of shelters, targeted distribution of heating stoves, blankets, mattresses, and other non-food items, as well as wood in case of gas cuts. MSF carries out water and sanitation programs, providing water points, latrines, collective showers, and washing areas.

In Chechnya, MSF provides medicines, medical material, and medical equipment to 30 health structures. MSF has also carried out small rehabilitation projects in health structures in Chechnya.

In spring 2002, MSF also began a psychosocial programme in Chechnya, but since the kidnapping of MSF volunteer Arjan Erkel on August 12, 2002, all activities have been suspended in Daghestan, and only emergency donations are carried out in Chechnya.

INTRODUCTION

A. Background to the survey: increased pressure on Chechen families to return to Chechnya

Since 2001, the international medical humanitarian organization Doctors Without Borders/Médecins Sans Frontières (MSF) has been constructing shelters for civilians from Chechnya in Ingushetia who have been living in makeshift substandard conditions. Most of the beneficiaries were families living in “spontaneous settlements” or *kompaknikis* (primarily abandoned factories and farms), and families living in tented camps. Throughout 2001 and 2002, MSF rehabilitated *kompaknikis* that were threatening to crumble and built 230 shelters. In 2002, MSF also provided 200 new tents to displaced Chechens living in Aki Yurt, Logovaz and Rassviet /MRO camps.

Following the May 29, 2002, signing of the “20-point plan” of return of Chechen families to Chechnya by Ingush, Chechen, and Russian Federal authorities, a process of pushing people out of the tent camps has been taking place. In July 2002, Znamenskoe camp in Northern Chechnya was closed. Six months later, Aki Yurt camp in Ingushetia was also closed.

Throughout the summer of 2002, Chechen people living in tent camps in Ingushetia were constantly informed that they must return to Chechnya and that the camps would be closed. No other option was offered. Some of this came through official sources, such as the Chechen Committee for Forced Migrants, during visits to the camps, or through television and radio interviews with officials; and through a newspaper called the ‘Migration Herald’¹ being distributed in the camps. Officials announced various deadlines for the closure of the camps. Some information also spread as rumors. The main information people received was:

- A 20 point plan exists for the return of the displaced population to Chechnya
- Camps will be closed
- Return has already started
- Gas, water, and electricity will be cut
- Displaced Chechens will receive money, housing, and aid in Chechnya
- The sooner families go back, the better support they will get; if they don’t go back soon they risk not getting any support
- NGOs should leave or diminish aid in Ingushetia

One of the only exceptions to this is Bart Camp, which, in between pressures from some officials, has received several visits and assurances from the President of Ingushetia that the camp would not be closed².

At the time, Chechen people expressed their fears linked to the mounting pressure to return to Chechnya: *“I want to go now because if I wait until October they will kick me out by force. I don’t want to go through that, so I prefer to go now voluntarily.”* In Bella camp some people told MSF about families who had already left: *“They left, and nobody pushed them on a truck. But they know we’ll be kicked out, this way they can prepare for the winter, and won’t have to be kicked out in October from Ingushetia”*.

Other forms of pressure were also used, such as threats, intimidation, and cutting off of electricity and gas. Chechen families who carried out peaceful protests were accused of being manipulated by Chechen separatists. In the same period insecurity also increased in Ingushetia (see chronology in annex for details).

By December 2002, Aki Yurt was the first camp in Ingushetia to be closed despite protests from the international community and human rights organizations that did not consider it to be a voluntary return to Chechnya.

¹ See chronology in the Annex for details.

² In a visit carried out by President Zyazikov with European Ambassadors to Bart Camp in April, one man living in the camp asked the President when could they move into the shelters built by MSF. The president did not answer and moved onto the next question.



In the end of December 2002, with the increased pressures on Chechens to leave Ingushetia and the closure of Aki Yurt, MSF accelerated its shelter program in order to offer alternative accommodation for vulnerable families in the tent camps who did not want to return to Chechnya. 180 single-room shelters were constructed, and more than 1200 more were planned for construction with the financial support of ECHO and the Norwegian Ministry of Foreign Affairs. In total, approximately 3,000 alternative shelters were to be provided by humanitarian organizations working on providing shelter in Ingushetia.

However, since the end of January 2003, all provision of alternative shelters in Ingushetia have been blocked by the government of Ingushetia. The 180 shelters that were already completed by MSF now stand empty, as they have been declared illegal and families have not been allowed to move in. On January 28, 2003, the Ingush government passed a directive whereby all construction had to comply with permanent construction regulations. The shelters built between December and January by MSF were then retroactively considered illegal and ordered to be destroyed. The additional 1200 shelters planned for construction were stalled.

Despite repeated discussions between Russian and Ingush officials, including President Zyazikov, and representatives of MSF, the United Nations (UN), ECHO, and the European Commission, as well as several Ambassadors, there has been no resolution to the problem.

2. Need for a Vulnerability Survey

The objective of the following MSF survey was to identify families in the tent camps who were in need of alternative shelter in Ingushetia and to select the most vulnerable families who could first benefit from the MSF shelter program.

The survey was carried out in 8 tent camps³, targeting all displaced Chechens living in tent camps in Ingushetia. These consisted of the 5 'official' camps (Alina, Bella, Satzita, Sputnik in Slepstovskaya and Bart in Karabulak) and 3 'unofficial' camps⁴ (Logovaz in Nazran, Rassviet/MRO in Slepstovskaya, and Uchkhoz in Yandare). These camps cover the vast majority of Chechen living in tents in Ingushetia.

The survey was carried out by 25 MSF monitors between the **3rd and 16th of February 2003**. (Families who were absent during this period, however, were followed up with through mid March). One semi-structured questionnaire was carried out per family, totalling 3.209 questionnaires. Another 39 families were absent during repeated visits and have not been included in the survey. 211 families interviewed in the *kompaknikis* or "spontaneous settlements" have not been included in these results.

As most displaced Chechens living in Ingushetia live in precarious conditions, selecting which families were more vulnerable than others was extremely difficult. The main criteria used to determine vulnerability was if a family did not want to go back to Chechnya but had no alternative shelter in Ingushetia. Families living in *kompaknikis* were not included in this survey even though many live in worse condition than families in tent camps, as for the moment they have not been the main target for forced return.

Following this, other criteria were applied - those families with children under 5 years old, families with pregnant women, families with elderly (75 years old and above), families with disabled members, and families under particularly special circumstances which would be verified on a case by case basis (for example, those families who had already lost their tents and were in immediate need of shelter).

The condition of a family's tent (ie. leaks, insulation against the cold, proper flooring) was also taken into account as was any other special observations made by the monitors.

³ For detailed information on methodology and questionnaire please refer to the annexes.

⁴ The unofficial camps are those which are not counted as tent camps by either the authorities or by mainstream humanitarian organizations, but that do contain families living in tents



MAIN FINDINGS

The main purpose of this survey was to identify the most vulnerable families in order to provide them with alternative housing in advance of the planned closure of tented camps.

A total of 16,499 persons were seen and counted by MSF monitors (out of the 19,035 people reported displaced Chechen) and 3209 families were interviewed for the survey, covering almost all the displaced Chechen population living in eight tent camps (including Logovaz, Rassviet, and Uchkhoz). Only 39 families were not interviewed as they were not found after repeated visits.

More than 98% of the interviewed people did not want to return to Chechnya in the near future.

Insecurity is the main reason why displaced Chechen families did not want to go back to Chechnya. 93% of those who declared they do not want to go back to Chechnya expressed fear for their family's safety.

Lack of housing in Chechnya was the second main reason given as to why displaced Chechens do not want to go back to Chechnya. 74% of families stated having no home in Chechnya as a reason for not going back.

Humanitarian aid was not a decisive element in people's choice to go back to Chechnya or to stay in Ingushetia. 88% of families did not talk about aid at all as a reason for them not to go back to Chechnya.

Most families interviewed continue to live in poor conditions, with 54% of families living in tents that leak, are not insulated against the cold, or are even without a floor.

Out of the 98% of families who do not plan to go back to Chechnya, 90% replied that they did not know of an alternative shelter where they can stay in Ingushetia. This represents 2,827 families out of 3,151 families, or 14,443 people, in need of immediate shelter.

In spite of this, it is visible in the camps that families have been returning to Chechnya, without prior knowledge of possible alternative shelter. To this day, the provision of alternative shelter in Ingushetia continues to be blocked.

A. Demographics – Population profile ⁵

Global population figures

A total of 3,209 families from all of the eight camps for Chechen families in Ingushetia were questioned and entered into the database. (This does not include families living in spontaneous settlements in Uchkhoz, Logovaz, and MRO / Rassviet).

In these families, MSF monitors saw and counted a total of 16,499 persons. The families themselves reported a total of 19,035 persons. The discrepancy between the number of people seen by the MSF monitors and the number reported by the displaced families themselves is due to the fact that some family members were out at the moment the survey was carried out. Though families that were absent were revisited, individual family members who were absent were not revisited. We can thus assume that the MSF population figures are actually lower than the real figures.

Camp	N° of families	N° of people as counted by monitors	N° of people According to families interviewed
Bart	480	2640	2858
Logovaz*	47	239	265
Alina	553	2526	2952
Bella	500	2276	2886
Rassviet / MRO*	192	1075	1128
Satsita	603	3314	3950
Sputnik	786	4184	4718
Uchkhoz*	48	245	278
TOTAL	3209	16499	19035

*Note: In Logovaz, Rassvet/MRO, and Uchkhoz, families living in *Kompakniki* are not included in these figures.

Age profile

14% of the total population is under 5 years old (2327 children under 5), and 1% above 75 years old (195 elderly)

Pregnancies

Pregnant women represent 2% of the total population (292 women).

Disabilities

5% of the total number of families (150 families) have at least one member who suffers from a disability, such as paralysis, amputation of the legs, blindness, or mental retardation.

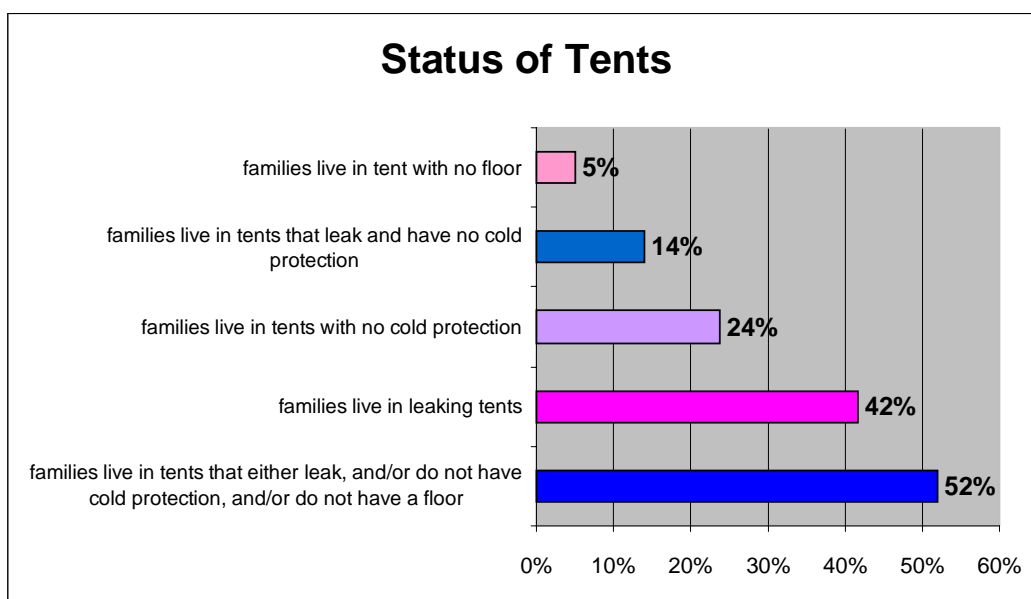
⁵ Note – all figures given are the numbers of people / families that MSF monitors directly observed, unless mentioned otherwise.

B. Status of Tents

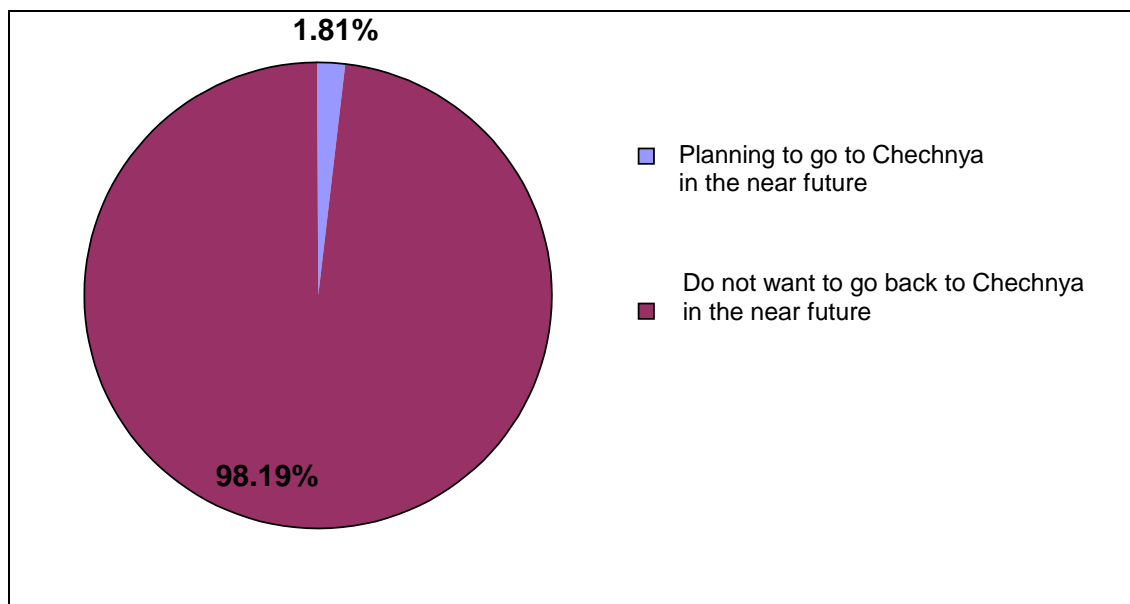
98% of interviewed families live in tents (3,159 out of 3,209)

Of these :

- 52% (1,653 out of 3,159) of families live in tents that leak, and /or do not have insulation against the cold, and/or do not have a floor (either concrete or wooden)⁶.
- 42 % of families (1,317 / 3,159) live in leaking tents
- 24 % of families (749 / 3,159) live in tents with no insulation
- 14% of families (437 / 3,159) live in tents that leak and have no insulation.
- 5% of families (1,45/ 3,159) live in tents with no floor
-



C. Return to Chechnya ?



Families who are planning to go to Chechnya in the near future

Camp	N° of families
Alina	20
Bella	20
Sputnik	8
Bart	6
Satsita	4
Grand Total	58

i. More than 98% of families do not want to return to Chechnya in the near future⁷.

Despite the unacceptable living conditions in the tent camps, **98% of the families interviewed do not want to go back to Chechnya in the near future** (3,151 out of 3,209 families).

a. Insecurity is the main reason why Chechens living in camps in Ingushetia do not want to go back to Chechnya.

93% of those who declare they do not want to go back to Chechnya express fear for their family's security. (2,921 out of 3,151 families)

"My husband went through a filtration camp, his shoulder was broken... he still has many scars from his detention. Our son, born in 1984 disappeared after being arrested at a check point in Urus Martan".

"Day time I am afraid of the Russian soldiers, at night I am afraid of the Boeviks"

⁷ Questions were left with open answers for families to say what they wished. These answers were then classified into groups. For this reason multiple answers were possible. Most families interviewed gave two reasons for not going back (1924 families), followed by those who gave one reason for not going back (932 families) and those who gave 3 reasons for not going back (280).



"My son was detained by federals. They propose 3,000 USD to buy him back"

b. Lack of housing is the second reason given for why they do not want to go back to Chechnya. 74 % (2,337 out of 3,151) of families answered not having a home in Chechnya as a reason for not going back.

67% (2,111 out of 3,151) of families gave both insecurity and not having a home in Chechnya as their main reasons for not wanting to return to Chechnya. 6% (197 families out of 3,151) of families gave not having a home (homes destroyed by war) in Chechnya as the only reason for not going back.

For 23% of interviewed families, fear for their family's lives is the only reason mentioned for not going back (731 families out of 3,151) to Chechnya.

c. Aid is not a decisive factor in willingness to go back to Chechnya or not.

"Living conditions are worse than in Grozny but at least here we fear less for the lives of our sons and husbands"
Displaced Chechen woman.

88% of families (2,777 out of 3,151) did not make any mention of aid (neither lack of aid in Chechnya nor aid given in Ingushetia) as a reason for them not to go back to Chechnya.

Only 10% (321 out of 3,151) of families gave lack of aid in Chechnya as a reason for not going back.

Only 2 % (67 out of 3,151) of families gave aid in Ingushetia as a reason for them not to go back to Chechnya.

These results clearly show that the very poor quality of aid in Ingushetia is not an incentive for people to stay. This is contradictory to statements made by Chechen, Ingush, and Russian officials arguing that assistance to displaced Chechens in Ingushetia is one of the main reasons keeping people from going back to Chechnya. However, aid in Chechnya is also insufficient, notably because the insecurity threatening Chechen civilians is also threatening humanitarian workers.

ii .Less than 2% of families interviewed (1.81%, 58 families) plan to return to Chechnya in the near future.

The most common answer given by these 58 families was '*want to go back home*' with no further comments (about 40% of families). This was followed by '*want to go back home and have a house in Chechnya*' with 17% (of 58 families) of families answering this as a reason to go back.

D. Closure of Camps & Options in Ingushetia

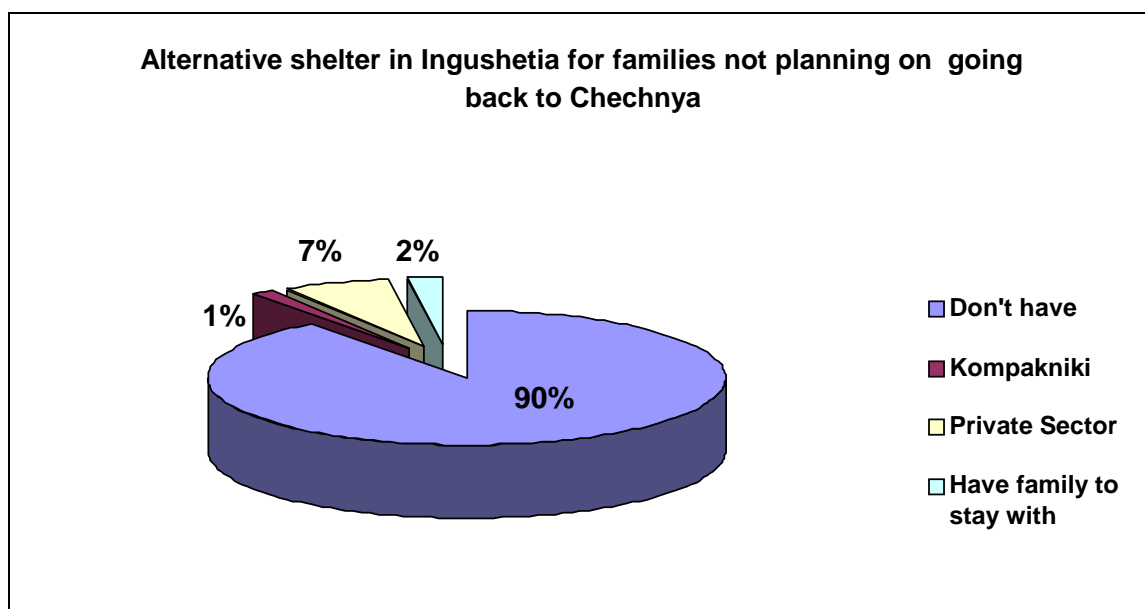
More than 98% of families do not want to return to Chechnya in the near future

1. No alternative place in Ingushetia

90% of all families surveyed said that they did not have an alternative place to stay in Ingushetia other than where they were living now. This represents 2,878 families out of 3,209.

Of the 58 families who are planning on returning to Chechnya in the near future, 51 families did not know of an alternative place in Ingushetia where they could stay. 7 families said they had other places where they could stay (in the private sector or with family and friends.)

90% of the families who are not planning on going back to Chechnya in the near future, didn't know of an alternative shelter in Ingushetia. This represents 2,827 families out of 3,151, totalling 14,443 people. If staying in Ingushetia is to be an option for Chechen families, at least 2,827 shelters will have to be built.



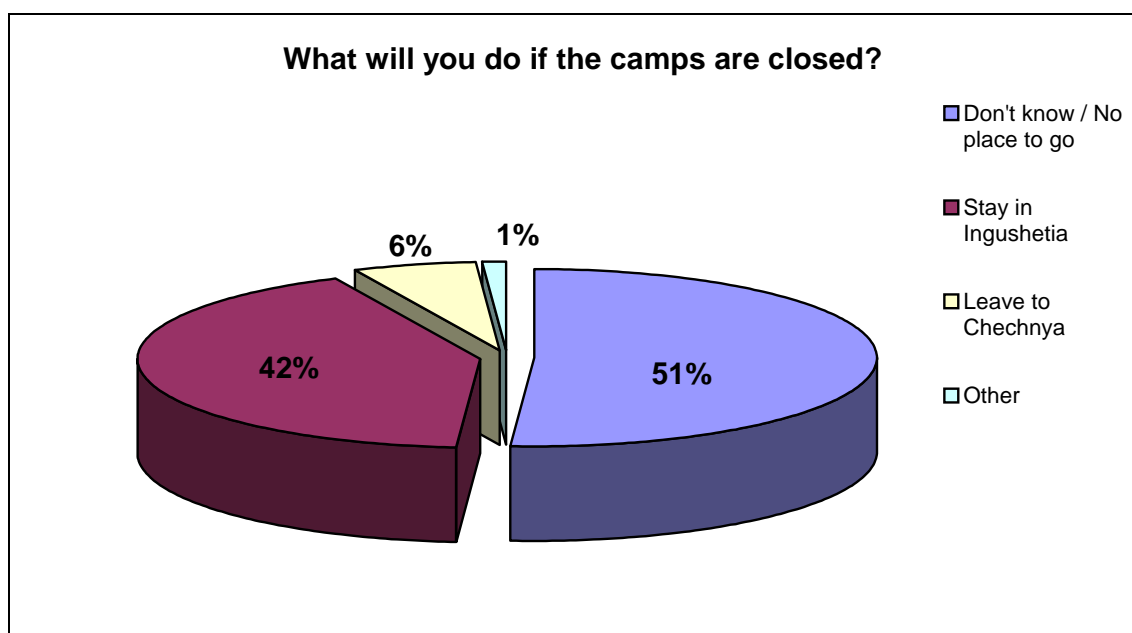
Families who do not want to go back to Chechnya in the near future and have no alternative place in Ingushetia to stay		
Camp	N° of families	N° of people
Sputnik	698	3695
Satsita	526	2838
Alina	479	2163
Bart	434	2376
Bella	410	1830
Rassvet	185	1047
Uchkhoz	48	245
Logovaz	47	239
TOTAL	2827	14433

2. What will you do if the camps close?

« If camps are closed then only option right now is to go to TACs in Chechnya. » Chechen displaced family.

Of the 3,151 families who are not planning on going back to Chechnya :

- **6% of families** (202 out of 3151) **said they would leave to Chechnya** if the camps were closed. Of these:
 - 92% of these families (185 out of 202) said they knew of no place where they could stay in Ingushetia
- **42% of families** (1319 out of 3151) **said they would stay in Ingushetia** if the camps were closed. But of these:
 - 81 % of the families (1071 out of 1319) said they knew of no place in Ingushetia where they could stay,
 - 19 % of these families (248 out of 1319) said they knew of a place in Ingushetia they could go to.





E. Most vulnerable families identified

"If the camps are closed I will address the UN. I raise 5 children alone. My 8 year old child is an invalid of the second group. My Uncle was crossed out of the lists. The Chief of Migration service promised to put him back for an application that he wants to go home [Chechnya]" Displaced Chechen woman

Of the 2,827 families (representing 14,443 people) who have no alternative place in Ingushetia and do not want to return to Chechnya in the near future, 2,029 families have one or more additional vulnerability factors.

The main additional vulnerability factors are:

- 46% of families (1285 out of 2827) have children 0-5 years old, (totalling 2041 children 0-5 years old)
- 41% (1150 out of 2827) have 6 or more family members.
- 9% of families (245 out of 2827) have pregnant women (totalling 248 pregnant women);
- 5% of families (150 out of 2827) have elderly members 75 years old or above (totalling 163 elderly);
- 5% of families (134 out of 2827) have a member who is severely disabled

F. Displaced Chechens in Ingushetia are being pushed back to Chechnya

Since the "20-point plan" of return of displaced Chechens to Chechnya was signed in May 2002, and the closure of two camps (Znamenskoye in North Chechnya during the summer 2002 and Aki Yurt in Ingushetia in December 2003) families have been progressively returning to Chechnya from Ingushetia.

VESTA, a UNHCR partner organization, has recorded 3,184 people returning to Chechnya between January 1 and March 28, 2003, from all over Ingushetia (people living in the private sector and spontaneous settlements as well as in the camps).

At the same time, Danish Refugee Council (DRC), who maintains a database of people registered for aid in Ingushetia, has seen a rapid decrease in figures since August 2002. In camps Alina, Bella, Sputnik, Satzita, and Bart, DRC had 22,254 people registered in August 2002, and 14,594 people registered in March 2003. Though this does not mean that all those people have returned to Chechnya (they may have moved elsewhere or they may be people with dual registration) it is still a significant decrease.

BELLA CAMP

April 2003 figures from the Chechen Committee for Forced Migrants⁸ show that between 30 to 40 families in Bella camp do not wish to return to Chechnya. According to MSF figures, 480 families in Bella (out of 500) do not wish to return, with 453 families mentioning security as a reason.

The Chechen Committee for forced Migrants also says that they plan to give alternative shelter to those 30 – 40 families who expressed their desire to stay in Ingushetia. However, the MSF survey shows that in February 2002, 429 families in Bella Camp did not know of a place in Ingushetia where they could stay if the camps were closed. They do not have any other option

In general terms, pressure on people to leave the camps is a lot less visible than in the summer. Nevertheless, people are being told that the camps will be closed. Refugees are being promised between 2,000 and 15,000 USD compensation for damaged property by the war. However, so far it has been announced that this is only given to those who return to Chechnya.

⁸ Chechen Committee for Forced Migrants is part of the Chechen Administration in charge of organizing the return of the displaced to Chechnya.

The **types of pressures** currently being exerted by the authorities on people to leave the camps are less visible than those used during 1999, 2000, 2001, and 2002⁹, though some are similar and represent a continuation of pressure from those previous years.

1. The people are still being told that the camps will be closed. Different dates are given (the latest one being by spring 2003). The displaced are aware that the closure of the camps is not just a verbal threat, but a real possibility as they have already seen the closure of Znamenskoe camps in Chechnya and Aki Yurt camp in Ingushetia.
2. The Chechen administration announced that between US \$2,000 and \$15,000 compensation will be given to families for property damaged by the war. However, so far the displaced have been informed that it will be only given to those families living in Chechnya. Even though 93% of displaced Chechens in the tented camps do not want to return due to insecurity, this would mean they will not be eligible for this compensation unless they return.
3. The displaced have deliberately been enduring a strategy of non assistance¹⁰ by the government and by the aid community which has accepted the blockages and limitations imposed by the authorities on the delivering of humanitarian assistance to the displaced.¹¹ People are exhausted by their unacceptable living conditions, particularly after having spent a fourth winter in the same state.
4. Alternative shelter is not offered when the closure of the camps is announced.

The MSF survey shows, without any doubt, that displaced Chechens do not want to return to Chechnya, and that they are given no other place to stay in Ingushetia. People do not return on a voluntary basis, they simply give up under the pressure to push them back.

⁹ For more details on pressures exerted and forced returns between 1999 – 2002, see « UNHCR paper on Asylum Seekers from the Russian Federation in the Context of the Situation in Chechnya », February 2003, UNHCR.

¹⁰ Refer to MSF report « Chechnya/Ingushetia: A Deliberate Strategy of Non-Assistance to People in Crisis », MSF 2002.

¹¹ « In November 2002 the Federal Migration Service requested international organisations and NGOs including UNHCR, to stop the replacement or torn tents », UNHCR, Feb. 2003.
The provision of alternative shelter by MSF has been blocked since January 2003, 180 rooms stand empty and have been declared illegal.



CONCLUSION

"I want to go back to Chechnya due to the terrible living conditions, but I am worried about security. Still, I think I may go back"

"I am afraid of the cleaning operations. I don't even want to think about the closure of the camps. I hope humanitarian organisations will help us"

"I am afraid for my family in Chechnya. Our house was destroyed. I don't know what to do if the camps are closed. I will do the same as everyone else. I am afraid of the camp closure".

The MSF survey shows that 98% of the Chechen population living in tents in Ingushetia do not want to return to Chechnya, mainly because they fear for their lives.

Today, the situation in Chechnya continues to be insecure for civilians. 93% of families who were not planning on returning to Chechnya in the near future, give insecurity as a reason. The high levels of violence and insecurity in Chechnya are well documented elsewhere: Zatchiskas, disappearances, murders, torture, bombings, checkpoints are constantly threatening civilians' lives. Official sources from the Chechen administration¹² have told MSF that since the beginning of 2003, 217 people have disappeared, of which 99 people were taken away by armored personnel carriers, meaning by the Federal Army. Bombs and explosions also continue to be part of reality in Chechnya. The largest of these was the destruction of the Chechen administration government building in Grozny in December 2002. Since then, war-related incidents continue on a weekly basis.

Chechen families refuse to go back to Chechnya even though their living conditions in the tent camps continue to be totally unacceptable with more than half of the families interviewed living in tents that either leak, and/or do not have adequate insulation against the cold, and /or do not have floor (either wooden or concrete). Most importantly, they have no alternative place to stay in Ingushetia when the camps close.

The very poor quality of humanitarian aid in Ingushetia is not an incentive for people to stay. 88% of interviewed families did not mention aid as a reason for not wanting to go back to Chechnya. This is contradictory to statements made by Chechen, Ingush, and Russian officials who argue that assistance to displaced Chechens in Ingushetia is one of the main reasons keeping people from going back to Chechnya. However, aid in Chechnya is also insufficient, notably because the insecurity threatening Chechen civilians is also threatening humanitarian workers.

In spite of people's choice to stay in Ingushetia and of official statements that no one will be forced back, the provision of alternative shelter by humanitarian organizations continues to be blocked¹³. The families identified by the MSF survey are being offered no alternative. The results speak for themselves, showing the need for construction and provision of alternative shelters for at least 2,827 families (14,443 people) in all tent camps¹⁴, with those in the official camps probably being in more urgent need. A key point in the provision of options to people, is informing them that alternative shelter in Ingushetia is a possibility.

For a year now displaced Chechens living in the tent camps in Ingushetia are subject to forced return in a subtle yet extremely efficient way. As more families leave, pressure grows on the ones who have decided to stay, as they feel the process is ineluctable. Families are not presented with the option to stay in Ingushetia.

¹² Also see article published by Le Monde on the 11th of April 2003 « Massacres en Tchétchénie : un document officiel accable l'armée russe »

¹³ Other provision of aid is also being stalled by bureaucratic procedures. For instance, in order to install one latrine for displaced persons in Ingushetia, MSF has had to write a special request to the Prime Minister of Ingushetia. The letter was sent on the 23 of April, and authorities have informed that an answer will be due on the 5th of May.

¹⁴ We refer only to people in the tent camps as these are the ones primarily being targeted for closure. However, people living in spontaneous settlements are also in need of shelter due to their terrible living conditions.

ANNEXES

1. Methodology
2. Questionnaire
3. Chronology



Methodology -

Location

The survey was carried out in 8 tent camps for displaced Chechens in Ingushetia. These consisted of 5 'official' camps (Alina, Bella, Satzita, Sputnik in Slepstovskaya and Bart in Karabulak) and 3 'unofficial' camps¹⁵ (Logovaz in Nazran, Rassviet/MRO in Slepstovskaya, and Uchkhoz in Yandare).

Not all families live in tents. Some families live in shelters they have constructed in between tents. These families were included in this survey.

In Sputnik, a spontaneous settlement (chicken farm) was included in the survey as these families are included under Sputnik in Migration Service lists and Danish Refugee Council list.

In Uchkhoz families living in spontaneous settlements were not surveyed. In Logovaz and Rassviet / MRO, families living in spontaneous settlements were surveyed but not included in these results (212 families). Only those families living in tents or in mud huts between the tents have been included.

Organization

The survey was carried out by 25 MSF monitors between the February 3 and 16, 2003. (However, families who were absent during that period were revisited up until mid March). The monitors were given one day training prior to the survey.

The survey was coordinated by two people in Nazran who checked the questionnaires after completion and coordinated the monitors on the field. The survey was also coordinated from Moscow where the questionnaires were checked again and then entered into a database. The survey and database were designed jointly in Nazran and Moscow.

Questionnaire

One questionnaire was carried out per family, with a final total of 3209 questionnaires completed (not including spontaneous settlement). Another 39 families were absent during repeated visits and have not been included in the survey. Another 212 families living in *kompakniki* (spontaneous settlements) were surveyed but not included in these results.

The questionnaires were semi-structured, whereby the interviewer asked a question and the interviewee answered freely and the monitor wrote the answers and then classified them according to a pre-established list of possible answers.

The definition of 'family' was left for the interviewee to decide.

TB cases were only recorded if medical papers were presented for further follow up and as a vulnerability factor for priority alternative shelter.

Only those people with severe disabilities defined as 'not being able to take care of him / herself', were recorded, as were those with partial disabilities such as blindness, deafness, or amputation of the legs.

Compensation by the government and / or a place in temporary accommodation center was not included in the definition of 'humanitarian aid' when asking people why they wanted to go back to Chechnya or why they wanted to stay in Ingushetia.

Criteria

The main criteria determining vulnerability was families who did not want to go back to Chechnya but had no alternative shelter in Ingushetia.

Following this, other criteria were applied - those families with children under 5, families with pregnant women, families with elderly (75 years and above), families with disabled members, and families under

¹⁵ The unofficial camps are those which are not counted as tented camps neither by the authorities nor by mainstream humanitarian actors, but that do contain families living in tents



particularly special circumstances which would be verified on a case by case basis (for example those families who have already lost their tents and are in immediate need of shelter).

The conditions of the tent were also taken into account (ie. leaks, lack of insulation or flooring) as well as any other special observations made by the monitors.

Limitations

The criteria of 'single parent family' was not included in the format of the questionnaire. It was included in the training of monitors as a systematic question to be asked and recorded under observations. As some monitors did not comply with this, the results for single parent families have not been included in this report.

The factor of having young male family members was considered an additional vulnerability factor, as these are the main victims of arbitrary arrests and disappearances in Chechnya. However, it was not included in the questionnaire so as not to intimidate the family being interviewed.

Two health questions - scabies and psychiatric illness requiring isolation, were not answered properly.



VULNERABILITY QUESTIONNAIRE TENT CAMPS INGUSHETIA

1. Date: / / 2003

2. Code: / /
TOWN /CAMP / N° OF QUESTIONARY

3.Code Monitor :

4. Name and surname of person interviewed.....

☒ Mother ☒ father ☒ grandparents

5. Tent: yes / no ☒ given as humanitarian aid ☒ renting ☒ bought

6. Exact address: block N°..... Tent / Room N°..... section N°.....

7. Number of families living in section/room :	Answer IDP:	Observation of monitor:
8. Number of people living in section/room	Answer IDP:	Observation of monitor:
9. Number of people in the family interviewed who live in the section/room:	Answer IDP:	Observation of monitor:
10. Number of children 0 – to 5 in the family interviewed who live in the section/room:	Answer IDP:	Observation of monitor
11. Number of pregnant women in the family interviewed who live in the section/room:	Answer IDP:	Observation of monitor:
12. Number of elders (over 75) in the family interviewed who live in the section/room	Answer IDP:	Observation of monitor:

ПОДПИСАТЬ БУДУЩИМ

13. Is there someone with TB in the family living in section? Yes / no number of people with TB: Ages
.....
14. Is there someone with psychiatric illness requiring isolation? Yes / No
15. Is there someone with scabies? Yes / No
16. Is there someone with a disability? Yes / No
17. If 15 yes, which disability?
18. Does someone in the family have a job / occupation? Yes / no
19. If yes, which occupation?



20. Are you planning on moving back to Chechnya in the next few months? Yes / no

21. When do you plan to go? ☐ 2-3 months ☐ 6 months ☐ don't know

22. If you plan to go and live in Chechnya in the following months, explain why:

.....

☐ Want to go home ☐ have home in Chechnya ☐ aid in Chechnya

☐ No aid in Ingushetia ☐ pressure to go home

☐ Other

23. If you don't plan to go and live in Chechnya in the following months, explain why:

.....

☐ No place to return/no home ☐ no assistance in Chechnya ☐ assistance in Ingushetia

☐ Security ☐ other

24. What will you do if the camps are closed?

.....

☐ Stay in Ingushetia ☐ leave for Chechnya ☐ don't know ☐ no place to go

☐ Other

25. Is there any precise place where you can stay in Ingushetia if the camp is closed?

.....

☐ Stay with family/friends ☐ kompakniki

☐ Private sector ☐ don't know

☐ Other

26. Status of Room / Tent:

Is the tent new? Yes No

Is roof leaking? Yes No

Is there cold protection? Yes No

Is there a Floor? Yes No ☐ concrete ☐ wooden

27. Any other observations by the person carrying out the questionnaire? Yes / No

(Observations on extraordinary circumstances of the family, such as their living conditions, or any chronic diseases in the family or any other special circumstances)

.....

.....

.....



CHRONOLOGY –

Evolving Context in Ingushetia, Pressures on Displaced Chechens to Return to Chechnya and MSF Operations Within this Backdrop

December 1999	Under Order N° 110 the Federal Migration Service instructed the Regional Migration Services of Daghestan, Stavropol, Ingushetia and North Ossetia Alania, to suspend registration under form N° 7 of all new IDP arrivals and to facilitate the return to their place of origin in Chechnya, or alternatively, to safe areas in Chechnya. (UNHCR report February 2003)
January 2000	The Ministry for Civil Defence and Emergencies of Ingushetia, issued an instruction according to which IDPs coming from regions under the control of Federal Authorities should be "deprived from all kind of allowances they were entitled to on the territory of their present accommodation" (UNHCR report February 2003)
April 2001	The Ingush territorial organ of the Ministry of Federal Affairs, Nationality and Migration Policy, suspended registration (under form N° 7) of all new IDP arrivals. Without registration by the migration authorities, IDPs do not have access to government assistance, including accommodation in government managed camps and food. (UNHCR report February 2003)
December 2001	<p>Presentation of the MSF survey on the precarious living conditions of displaced Chechens in Ingushetia. MSF sections in Russia denounce the conditions of the worn out tents in the tented camps of Ingushetia.</p> <p>Dismissal of President Aushev on the 28th December. Start of a deterioration of the operating conditions for humanitarian actors in Ingushetia.</p>
January 2002 –	<p>MSF presents the report « Strategy of Non Assistance »</p> <p>Agreement is signed between MSF and Ingush Minister of Health on opening of TB hospital for IDPs in Ingushetia.</p>
April 2002	1st and 2nd round presidential elections in Ingushetia.
May 2002	<p>MSF replaces 200 tents throughout Ingushetia.</p> <p>Inauguration of the newly elected President Ziazikov.</p> <p>New Minister of health suspends agreement with MSF. Though hospital is rehabilitated, it will never open.</p> <p>Presentation of the governmental twenty point plan for the return of displaced Chechens to Chechnya signed between the Chechen administration, the Ingush government and the presidential plenipotentiary envoy in southern Russia, Kazantsev.</p> <p>Increased presence of military forces in Ingushetia and with an increased number of incidents involving displaced Chechens in Ingushetia. At the end of May a unit of the federal army settles close to the Sleptovskaia camps. When the unit arrived, soldiers entered the camps and frightened the residents by shooting in the air. Many people immediately left and hid in the fields and only returned the following day. At the entrance of Aki Yurt village and tent camp checkpoints were reinforced and became more permanent.</p>
July 2002	<p>Closure of Znamenskoe tent camps in northern Chechnya. Around 5000 former displaced Chechens from the tented camps of Znamenskoe were forced to relocate to newly erected temporary accommodations centers (TACs) in Grozny. Several assessments in the newly constructed temporary accommodation centers showed that the living conditions in the TACS are unacceptable and inferior to their previous conditions in Znamenskoe.</p> <p>On July 10, 2002, the FSB advised to UNSECOORD that because of an imminent kidnapping threats no missions involving expatriates should be undertaken in Chechnya, till a review is done.</p> <p>MSF suspension of activities in Chechnya after the kidnapping of Nina Davidovich, which started from the end of July 2002</p>
August 2002	<p>Distribution of leaflets of the Russian Federation's Ministry of Interior in the tented camps in Ingushetia. The leaflets contained information from Chechen Prime Minister Ilyasov on the facilities available to those wishing to repatriate to Chechnya. The leaflet claimed that, for those wishing to return to Chechnya, food will be provided on a constant basis by the World Food Programme, and that the United Nations High Commissioner for Refugees will provide non-food packages, monitor living conditions, and provide tents and construction materials where conditions are inadequate.</p>

August 1st 2002, Migration officials inform all displaced Chechens in the Aki Yurt tent camp that the camp would be dismantled and all displaced Chechens would have to move to collective center in Malgobek. Displaced Chechens said they did not want to leave, they got used to this tent camp, they lived there already for 2 years.

Kidnapping of Arjan Erkel, the Head of Mission of MSF Switzerland on August 12, 2002, in the capital of Dagestan, Makhachkala.

August 13 2002. Extension of the MSF suspension to the whole of the Northern Caucasus.

September 2002

Resumption of MSF activities in Ingushetia in the beginning on September 2002.

Federal officials from the migration services declare that Aki Yurt tent camp will be closed by October.

Aki Yurt residents sign petition - During early September, displaced Chechens in Aki Yurt tent camp issue petitions to ambassadors of European countries, the UN, the OSCE, PACE, towards the President and the people of Ingushetia, and towards displaced Chechens in other camps in Ingushetia claiming that they did not want to be moved out of the camp, to Chechnya or to other locations in Ingushetia.

Petition representatives taken for questioning - Two female representatives and one male representative of the displaced Chechen who petitioned for non-relocation were taken to the Ingush MVD for questioning on Thursday September 19 and only released after several hours.

Visits by Migration and Emercom officials pressuring the displaced Chechens – throughout September officials visit Aki Yurt tent camp telling people to leave. Contradictory messages are given – there will be no forced displacement but the tent camp will be closed down. According to displaced Chechens, on one occasion, the head of Ingush Malgobek Migration service threatens to shoot a man in the head when expressing unwillingness to leave.

On Thursday September 19th, the FSB and the Ingush MVD prevent demonstrations in the Aki Yurt tent camp. The camp was sealed off and journalists and representatives of humanitarian organizations were not allowed to go in. One MSF medical team bus and a member of the coordination team managed to get in the camp without any problem. Activities of the humanitarian organization CARE in the camp were hindered.

Incursion of a group of armed Chechen fighters into Ingushetia. This incident further fuelled arguments of the Ingush and Federal migration services and the military that the tented camps were posing a security threat to its surrounding areas. It also further speeded up the efforts to close the tent camps and reinforced already established screening methods of all movements in and out the tent camps.

Displaced Chechens start to leave the tented camp of Aki Yurt. On September 22-23 2002 a representative of the migration services and Emergency Ministry representatives dismantled two tents in the tent camp located in Aki-Yurt village. According to the displaced Chechens, a family who lived in one of the dismantled tents, agreed to go to a spontaneous settlement in Malgobek as a result of propaganda. However when the family arrived at the site and seen that the offered conditions were not better than those in the camp, they refused to leave the camp. But the migration service head in Malgobek Mr. Khashiev and the deputy head of the Ingush migration services, Akhmed Parchiev ordered their subordinates to remove the tent and leave the Chechen's property at the place where a tent stood. Having been left without a roof, this family had to rent a room in a small shack in the vicinity of the tent camp.

UNHCR shelter experts concluded that the proposed sites for resettlement of Aki Yurt displaced Chechens were not suitable for humane habitation. Donors, who invested much in camp infrastructure, pointed out that they considered the conditions in the tent camps in Ingushetia as acceptable and therefore refused to fund temporary resettlement sites for displaced Chechens in Ingushetia. It became clear that nothing would be prepared neither by the government nor by the UN or western donors to host the Aki Yurt displaced Chechens neither in Ingushetia nor in Chechnya in alternative accommodations.

October 2002

Hostage crisis in the Nord-Ost theatre in October 2002, with MSF maintaining a presence at the theatre in order to help the hostages if needed, during the crisis and organizing deliveries of medical supplies to hospitals in the direct aftermath of the crisis. Immediately after the theatre crisis, the pressure grew significantly on the displaced Chechens in the tent camps in Ingushetia. This pressure resulted in the open presence of more military around the camps and a refusal for humanitarian organizations to conduct tent replacements and a refusal to install the UNHCR box tents.

Bart Camp – representative of Chechen administration visits camp and tells people to leave before

November 15, in order to receive a place in Grozny. Those not returning would be moved out of Ingushetia anyway.

Warning given to MSF of possible kidnapping of MSF or ICRC workers after November 12.

November 2002

The head of the federal migration services informs UNHCR in Moscow that all tent camps will be closed in Ingushetia by December 20.

Deterioration in the security situation in the Malgobek district. The Malgobek district declared out of bounds for the humanitarian community by UNSECOORD for about 10 days starting from November 15. Law enforcement agencies report that a remainder of an armed group involved in the Galashki fighting found shelter in the Malgobek district and that therefore special operations were under way in the district. At the same time, this coincided with several reports of abductions and disappearances of Chechens all over Ingushetia including in the Malgobek district and reports of the presence of armed officers belonging to the pro russian administration on the territory of the Malgobek district. So was a bus explosion in Malgobek city, that killed four people and injured nine more, prompted by an attempt by Chechen security officers to kidnap two of the passengers.

Abduction of two ICRC drivers on November 13 on the roady Grozny – Malgobek between Pobedinskoye and Goragorsk in Chechnya. They are released in the evening of November 17.

Bart Camp – when temperatures drop to - 20°C, the camp is left without gas and water for 3 weeks.

December 2002

UNHCR obtains approval from the Federal and Ingush Migration services for pre-positioning additional box-tents on alternative relocation sites selected by the authorities in Ingushetia. (UNHCR report February 2003)

Authorities closed the Iman camp in Aki-Yurt, which accommodated 1,700 displaced Chechens according to the DRC database and only 700 according to the Migration services database. Displaced Chechens had been subjected during several months to intimidations, legal pressures, psychological pressures. People were transported into the wilderness of the private sector in Chechnya by trucks and buses provided by Emercom and Migration Services in the last days of November 2002. The campaign culminated **Sunday December 1st** when Ingush policemen and an OMON detachment, which occupied a school belonging to an NGO, began to dismantle the tents of those persons who had refused to leave. Only the 700 displaced Chechens registered with the federal migration services were offered financial incentives to resettle in the private sector in Chechnya as all temporary accommodation centers in Grozny were already occupied.

Closure of Aki Yurt tent camp by **December 2 2002**. Memorial described the events as a deportation in Stalinist tradition of displaced Chechens being forced into the wilderness of war torn Chechnya. UN reported that according to their initial figures around 40 % of the former Aki Yurt residents found shelter in spontaneous settlements or the private sector in Ingushetia.

On December 3 The federal representative of migration services Rostovtsev threatened that the MSF field team should dismantle the medical facility.

An aide to the Russian President Yastrizbimsky commented on **December 4 2002** to the liquidation of the tent camps that there are "attempts to politicize the problem" of the return of Chechens from Ingushetia and "to make it seem that it is solved by inhuman means". Igor Yunash, deputy head of the federal migration services, stated that Mashkadov's representatives are carrying out a propaganda campaign in the tent camps. They are paying money and trying not only to convince but also to intimidate people in an effort to keep the tent camps open.

On December 11, The Russian President, Vladimir Putin, has promised to suspend the resettlement of displaced Chechens from tent camps in Ingushetia back to Chechnya. Putin was speaking at a meeting in the Kremlin with members of the Presidential Commission on Human Rights. He said resettlement should stop until a specially set up body looks into the problem and comes up with solutions on how to ensure the rights of the displaced. After this statement pressure on the big tent camps in Ingushetia decreased.

January 2003 :

Nina Davidovitch released.

MSF meets with President Ziazikov, where he gives verbal approval for the provision of alternative shelter by MSF.

Completion of 180 alternative shelters by MSF for people living in the tent camps that do not want to go back to Chechnya. Activities are coordinated primarily with the migration service as well as local

services. On the 27th of January, rooms are declared illegal by Ingush government, following a new law whereby all construction must follow the same rules. However, the construction of shelters was finished before the new law. To this day, no families have been able to move into the shelters, nor has MSF been able to continue with the construction of other 1000 shelters. All provision of alternative shelter for displaced Chechens in Ingushetia is stopped.

Camp administration of camps Bella, Sputnik, and Alina, announce that all families who payed for tents would have to go back to Grozny.

February 3rd

Meeting between President Ziazykov and MSF. The president gives authorization to build shelters in Ingushetia.

Ingush government orders the suspension of erection of temporary and / or movable shelter units (including UNHCR box tent) by aid agencies until it is determined whether such units meet the technical requirements under the local construction code. (UNHCR report February 2003)

March 2003

23 March - Referendum for new Chechen constitution carried out in Chechnya and in Ingushetia for Chechen families.

MSF receives letter from Procurator ordering demolition of shelters by the 26th of March.

April 2003

President Ziazikov and MSF meet again to discuss shelters. The president announces the creation of a commission to help solve the problem of alternative shelter for displaced.

May 2003

No progress with the commission created by the president.



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Russian Investigators Assure That Kidnapped Aid Worker is Alive

MSF Welcomes News; Demands More Be Done to Secure His Release

New York/ Geneva, May 12, 2003 -- Nine months after the kidnapping of Arjan Erkel, Head of Mission in Northern Caucasus, Russian investigators have assured the international humanitarian organization Doctors Without Borders/Médecins Sans Frontières (MSF) that Arjan Erkel is alive. However, where he is being kept, who abducted him and for what reason remains a mystery which is an unbearable situation for Arjan's family and MSF alike.

"Recently, we have had several meetings with Dagestani and Russian officials working on the case of Arjan. They have confirmed to MSF, that according to their investigations, Arjan is alive." However, since they do not know where he is, clearly, they are in no position to give any guarantees for his security. For the sake of Arjan decisive, progress in this case has to be made rapidly. For this reason, we once again call upon President Putin to use all his powers to help secure a positive resolution to this case," states Morten Rostrup, MD, MSF international president.

Arjan Erkel, 33, was abducted by three gunmen on August 12, 2002, in Makhachkala, capital of the Federal Republic of Dagestan.

Until now, investigators have failed to establish Arjan's whereabouts or the reasons for his detention. MSF believes that strong political will from the highest Russian authorities is crucial in bringing about the safe release of Arjan. However, MSF's repeated requests for a meeting with the presidential administration to discuss this matter have, until now, been denied.

"President Vladimir Putin should be doing everything in his power to help secure Arjan's release. Until Arjan is released, it will remain difficult to believe that there is a real commitment in the Kremlin to humanitarian values and the delivery of humanitarian assistance to the Northern Caucasus," says Dr. Rostrup.

Arjan Erkel is today the only foreign humanitarian worker remaining kidnapped in the Caucasus. As long as he is abducted, a part of the humanitarian ideal in the Russian Federation also remains in captivity.

Unfortunately, Arjan's case has not been the only one in the North Caucasus region: for months, the humanitarian community has been the target of threats and repeated kidnappings. In 2002 alone, there were at least four instances of aid workers having been taken hostage.

“Kidnappings of civilians, including abducting aid workers, are heinous crimes. In the later case - apart from endangering the physical and mental integrity of an individual who intended to help victims of armed conflict - the fear of further aggressions paralyzes the aid community to a considerable extent. Again, the civilian population has to pay the price. As long as a climate of terror is reigning in the Caucasus, it is, indeed, an illusion to believe that human suffering can be effectively countered,” adds Dr. Rostrup.

Until Arjan is freed, MSF will continue to gather signatures (on www.msf.org) to demand from the Russian authorities that they live up to their responsibilities and secure his release.

**PREPARED STATEMENT OF
DR. MAUREEN LYNCH, DIRECTOR OF RESEARCH,
REFUGEES INTERNATIONAL**

**HOPE DIES LAST:
IDPS OF THE SOUTH CAUCASUS STILL WAITING FOR PEACE**

To the Commission on Security and Cooperation in Europe

Co-Chairman Smith and Members of the Commission, thank you for the invitation to address you today. In October 2002, I traveled on behalf of *Refugees International* to Azerbaijan, Georgia, and Ingushetia to evaluate the conditions faced by refugees and internally displaced people. In the south, ceasefires have for the most part stopped the fighting, but have failed to bring peace. In the north, war rages on. All told over a million people remain displaced, and many remain locked in hopeless circumstances.

The majority of people of concern in the South Caucasus, which I've been asked to talk about today, were displaced by ethnically based independence movements shortly after the dissolution of the Soviet Union—in the conflict between Armenia and Azerbaijan over Nagorno-Karabakh, and by Abkhazia's attempt to break away from Georgia. They have been unable either to return to their homes in safety or to integrate satisfactorily in the places to which they fled. The deadlocked peace processes have created additional anguish and uncertainty. The affected population of concern to *RI* includes 572,000 IDPs in Azerbaijan who fled the autonomous republic of Nagorno-Karabakh; 4,000-10,000 Chechen refugees currently residing in the Azerbaijan capital city of Baku; over 250,000, primarily in the cities of Georgia, that were displaced during the 1992-1993 civil war in Abkhazia; a relatively small number of Chechens in the Pankisi Gorge and Tblisi areas of Georgia, and an estimated 100,000 Chechen refugees in Ingushetia.

I'll speak first about conditions in Azerbaijan, followed by Georgia.

AZERBAIJAN

The dispute over Nagorno-Karabakh, the contested ethnic Armenian enclave within Azerbaijan, is the biggest longstanding source of displacement in the South Caucasus. The dispute began shortly after the Soviet Union incorporated the Caucasus in 1920–21. Moscow placed the Armenian enclave under the governance of Azerbaijan. In 1988, Armenians began to demonstrate against Azeri control. Demonstrations turned into riots. Russian troops supported Baku's efforts to retain control of the enclave until 1991, when the population of Nagorno-Karabakh, which was 75 percent Armenian, approved a referendum calling for independence. Some 30,000 people died in the fighting that began after the Russians withdrew, and hundreds of thousands of Azerbaijani refugees fled the region. All told the conflict uprooted some 844,000 Azeris, 600,000 IDPs and 200,000 refugees (ethnic Azeris who had lived in Armenia). Large numbers of ethnic Armenians fled Azerbaijan, and today nearly 265,000 continue to live in refugee-like conditions in Armenia.

A 1994 cease-fire ended the fighting but not the dispute and subsequent efforts by outside mediators (Russia, France, and the United States) have failed to yield a settlement. One displaced Azeri expressed a widely held sentiment: "Our situation does not attract attention because we

wait for a peaceful solution and do not engage in violent acts. It just doesn't seem right." It is a view echoed by Brenda Shaffer of the Caspian Studies Program at Harvard's Kennedy School of Government. Because Nagorno-Karabakh is no longer the focus of a "hot" war and displaced Azeris have not turned to terrorism to highlight their plight, she says, the conflict has simply slipped off the screen, its victims forgotten.

While IDPs primarily emphasize the need for a political solution and their strong desire to return home, they also continue to face many hardships: lack of economic opportunity, inadequate shelter and placement on non-arable land, and the insufficient responses of both the Government of Azerbaijan and the international community.

Temporary, or poorly thought out, solutions to long-term problems are a recurring theme. The Azeri government's unwillingness to consider all possible outcomes of the Nagorno-Karabakh (N-K) dispute has made the IDPs political pawns. "Politics is keeping them victims to attract donors," one NGO worker told *RI*. The government has used the IDPs as a visual reminder of the war and to keep the hope of regaining N-K alive. This need outweighs any incentive to address Azerbaijan's protracted and chronic IDP problem. In addition, many NGOs have shifted from emergency assistance to development-related activities. "The gap has been ignored – maybe because it is too difficult," suggested one aid worker. While there is generally reported to be effective coordination among NGOs at the field level, it was repeatedly brought to *RI*'s attention that the United Nations development programs are isolated from the rest of the aid community and are performing less than efficiently.

Shelter conditions of the displaced are inadequate, with irregular access to water and energy. About ten percent of the Azeri IDPs live in camps, the rest live in an array of situations – abandoned railroad boxcars, dugouts in the ground, old apartment complexes, makeshift shanties, new homes provided by the government, and in newly constructed dwellings in liberated areas.

Old boxcars are used as protection from only the most extreme elements. The metal structures are like an oven in the summer and a refrigerator in the winter. Some families make a living space underneath the boxcars as a summer resting place. Inside the boxcars there is electricity and a single burner to cook on. However, the cooking in the hot months is mostly done outside between cars. Water is often scarce, and the clinics and schools are barely adequate.

In the Agebedi region, an area where the nomadic herders from N-K historically spent winter, and thus also called winterground, became a year-round settlement and the herders are now IDPs. Their homes are built as holes in the ground covered, in most cases with dirt, but also with sticks, plastic and cardboard. In warmer weather and after heavy rains, many of the dwellings suffer severe water damage. If the occupants are fortunate enough to have a sheet of plastic to insulate their ceiling, water and mold often collect and make for chronically damp conditions and cause allergies and respiratory infections, particularly in children.

In the urban setting of Sumqayit, one of the largest industrial areas in the whole of the former Soviet Union, IDPs reside in crowded, nearly suffocating living conditions, surrounded by a sad symphony of smoke stacks, abandoned factories and aboveground gas pipes. At one dark and damp IDP flat *RI* visited, 72 families share one shower and a few

“kitchens” (a single gas burner and an occasional faucet). “Ninety percent of the IDP families here are unemployed,” one resident said. “This is a community where Soviets used to supply raw material, so factories don’t work now.”

In one shanty community, *RI* spoke to a bed-ridden resident whose leg was crushed when a rain-weakened shelter collapsed on him. In rural areas, IDPs reside on poor quality land and must rely on the government and foreign aid to sustain their families. Lack of access to water has prevented communities from agricultural self-sustainability. “We need irrigation systems,” reported many of the IDPs.

The Azeri government has relocated some Bilesuvar IDPs from tent camps to newly constructed homes built by a government IDP fund from the oil revenues. The new homes are an improvement, but they are located where there are no viable agricultural or economic opportunities. NGOs are implementing training programs. “We have many trainings, but what we need is jobs”, said one Fizuli IDP. This issue, along with large numbers of IDPs moving to cities and even other countries, suggests that the new communities are only a partial and temporary solution to a much more complex housing situation.

As an oil rich nation with a ninety-eight percent literacy rate, there is a lot of potential for Azerbaijan. The answer to Azerbaijan’s trouble is not only found in a resolution to the Nagorno-Karabakh conflict - Azerbaijan must protect itself from corruption and use all of its resources to look into the future. Issues related to permanent resettlement must be addressed so that Azerbaijan can fully develop its potential and becoming a civil, self-supporting society. *Refugees International* has recommended that:

THE GOVERNMENT OF AZERBAIJAN

- Seek a permanent and peaceful solution to the Nagorno-Karabakh conflict, with a view to return for all those displaced wanting to do so.
- Provide durable solutions, including integration, for those who choose that alternative.
- Provide new settlements in regions with viable economic opportunity.
- Develop and implement long-term development strategies including diversification of the economy to include sectors other than oil.
- Provide irrigation programs in IDP/refugee settlements.
- Ensure transparency in all transactions.

THE INTERNATIONAL COMMUNITY

- Expedite efforts to negotiate a permanent political solution.
- Continue providing humanitarian aid and ensure no phase-out before replacement by development assistance.

THE UNITED NATIONS DEVELOPMENT PROGRAM

- Assertively fulfill leadership and co-ordination roles.

CHECHENS IN AZERBAIJAN

With over 800,000 war-displaced Azeris depending upon the government for assistance, little aid is made available to the Chechen community of about 5,000-10,000. Security and protection are their most im-

portant concerns. The Government does not presently accord Chechens refugee status for political reasons. The U.N. High Commissioner for Refugees (UNHCR) has acknowledged their need for protection, identified more than six thousand individuals as “persons of concern”, and provided identification cards for them to prevent police harassment and deportation. Healthcare, education, and food are also big concerns. Only a few hundred of the most vulnerable Chechens in Baku are getting sporadic monthly cash assistance from the UNHCR. When asked the reason for limited assistance, one former cash recipient explained, “They say it is lack of donors.”

GEORGIA

In Georgia, though the numbers are smaller, the IDP crisis is as acute and even more complex since no less than three conflicts have convulsed this poor country. Georgia has experienced two secessionist conflicts of its own, which have displaced about 5 percent of its population. South Ossetia began a campaign in 1990 to form a political alliance with North Ossetia, leading to an unsuccessful plebiscite in 1992 on the question of seceding from Georgia and uniting with Russia. The conflict displaced more than 60,000 people, most of who fled to Russia; some 12,000 of them remain displaced within Georgia. Georgia’s north-west province of Abkhazia also rebelled in 1991, displacing an estimated 250,000 Georgians, who had been the dominant ethnic group in the province, making the ethnic Abkhazi a minority in their own region. In 1994, Georgian and Abkhazi negotiators agreed to a separation of forces, which is monitored by peacekeepers from former Soviet states and a U.N. military observer mission (we here note with concern the recent kidnapping of two of them).

Most of Georgia’s 300,000 internally displaced people (IDPs) in Georgia face unemployment, horrible living conditions, a full range of relief and development needs, and a lack of healthcare. Most have settled in urban areas, in available buildings in the Samegrelo (bordering Abkhazia) and Imereti regions in the west and in Georgia’s capital city, Tbilisi. Originally the host populations accepted the IDPs and Chechen refugees with open arms, but, over time, the large IDP influx has put a strain on the host community. In one location several resort hotels once used by vacationers are now used to house IDPs. Thus, the host population’s livelihood has been taken away and there are not enough resources to accommodate everyone. The economic collapse of Georgia following the dissolution of the USSR left many people in a bad situation—not just the IDPs. The majority of IDPs are dependent on State assistance—often distributed with a delay.

Their plight is illustrated by Zuhra, eighteen, who escorted a *Refugees International* (RI) team into the dilapidated and windowless room he shares with his twelve-year-old brother. When Zuhra was eight, and his brother was two, the orphans left war-torn Abkhazia. At the hotel all they have is a small bed, a space heater, and each other. They use a neighbor’s stove to cook. The bathroom, shared by half of the buildings’ residents, is on the second floor. Occasionally Zuhra finds work as a day laborer, but making ends meet is impossible in Georgia’s shattered economy. When RI asked if Zuhra had anything else to add to his story, with a depressed expression Zuhra simply looked around his hopeless surroundings and said, “Isn’t it enough...what I’ve already said?”

The Georgian government officially sanctioned some of the housing, while at other locations IDPs squat in deserted buildings. In either case, the housing is crowded and in disrepair. One aid worker told *RI*, “You can’t rehabilitate something that needs to be rebuilt.” In some buildings, exposed wiring has started fires and burned holes in the walls. Larger families, facing overcrowding, had their children play, and often sleep, in neighbors’ rooms. One building *RI* visited had lost a piece of its ceiling, fatally injuring someone passing underneath. These conditions, coupled with a lack of water and expensive heating costs, make their accommodations nearly uninhabitable.

In addition to inadequate shelter, there is a diverse array of needs among the displaced population. Many IDPs are still in need of relief aid rather than development. The poor payback of micro-credit initiatives, a usual sign of economic development, indicates that people have few viable financial opportunities. This is especially apparent in Samegrelo. As one aid worker put it, “The further west in Georgia, the worse the conditions, because everyone who could afford to leave has moved to Tbilisi.” When asked about food, the IDPs replied that there was no pattern to the sporadic food distributions. One elderly displaced woman said, “It is impossible to live like that. What can we eat?” Another IDP asked, “Are two kilos of macaroni supposed to feed me the rest of my life?”

Another problem is lack of transparency. “It’s too hard to find anyone honest in government,” *RI* was told repeatedly. For fear of companies importing products duty free under the guise of humanitarian aid, the Georgian government has imposed an import tax. One NGO requested *RI*, “Tell the world to wake up and push the Georgian government to allow NGOs to work freely.”

There is a great need for affordable and accessible healthcare. In virtually every settlement *RI* visited, there was a healthcare gap. This is particularly disturbing since IDPs are dying from curable ailments, in particular tuberculosis. And, with no insurance, even if healthcare is available, it is not affordable. People bypass doctors entirely or use pharmacies as one-stop shopping. One young IDP who couldn’t buy medicine for his earache could not even put a shirt over his head. A pensioner had the option of having her leg amputated, or dying. With no money, she lies in bed, waiting for an unknown fate.

Another major concern for Georgia’s IDPs is the availability of psychosocial assistance. Few international organizations have addressed the psychosocial needs of Georgian IDPs. With their displacement having lasted ten years, the IDPs’ psyche has been adversely affected. “Everyone is concerned about going to Abkhazia, to their native home. They have no real hope. They are depressed. What they want is just to return,” an aid worker reported. “In Georgia, we have a saying, hope dies last,” one IDP woman told *RI*. *Refugees International* recommended that:

THE GOVERNMENT OF GEORGIA

- Actively seek permanent and peaceful solutions to the Abkhazia and South Ossetia conflicts.
- Take responsibility for the welfare of displaced people, including timely stipend distributions.
- Lift duties imposed upon the import of humanitarian aid.

THE GOVERNMENT OF GEORGIA, THE UNITED NATIONS, INTERNATIONAL AID AGENCIES, AND LOCAL NGOS

- Identify and match needs of IDPs with the relief and development programs being implemented.
- Implement permanent and sustainable solutions for shelter and long-term settlement.
- Make non-emergency healthcare available to all IDPs.
- Expand psychosocial programs for IDPs.

CHECHENS IN GEORGIA

As in the case in Azerbaijan, the fact that Georgia is already struggling to support more than 250,000 displaced individuals from its own conflicts has affected others who seeking safety there. Georgia has provided weak protection and material support for Chechen refugees. About 4,000, took refuge in Georgia's Pankisi Gorge area. An additional 250–300 individuals stay in Georgia's capital city of Tbilisi. Their small numbers have also failed to gain the attention of most international aid agencies, while some of the few that had provided assistance have now pulled out due to insecurity and reduced funding.

**PREPARED STATEMENT OF
JONATHAN SUGDEN, RESEARCHER,
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HUMAN RIGHTS WATCH**

Thank you very much for inviting me here to speak on behalf of Human Rights Watch about the one million or more internally displaced in Turkey. I was very impressed to learn that the CSCE had taken the initiative to look into this problem that has received so little attention in the international media, and even less in the Turkish media. Many of the issues the Commission considers are recently emerged crises, or disasters waiting to happen. In this case, the disaster happened ten years ago, but the victims are still, quite unnecessarily, forced to live with its consequences. I say 'unnecessarily' because this is not a zero-sum calculation: the displaced, the Turkish Government, and the Turkish people alike will all benefit if an effective plan for return can be drawn up and implemented. This is a practical, do-able project: it is a solution waiting to happen.

The displacements in Turkey began in the late 1980s when the conflict between government security forces and the armed illegal Kurdish Workers' Party (PKK) was increasing in intensity. The Turkish authorities' response to PKK attacks in this rugged but quite densely populated and productive region was to demand that each village put up a corps of 'village guards.' In theory this was voluntary, but in practice, it was a loyalty test. If a community said yes, the men received arms and money. If they said no, then it was assumed that they were PKK supporters and told to evacuate their homes. This was not to be an orderly, documented process of evacuation. In fact, soldiers were careful to avoid leaving a paper trail that might subsequently lead to claims for compensation. If villagers did not move out by the appointed date, soldiers burned their houses and goods, slaughtered their livestock and burned their crops.

It was a punitive exercise. But many villagers who refused to serve as village guards had no sympathy for the PKK. They explain that if they had taken up arms as village guards, then they would have been attacked by the PKK, who at that time were killing village guards they captured, and in some cases their entire families along with them.

During the 1990s, Human Rights Watch documented the forced evacuation of the southeast and other violations of humanitarian law committed by both sides to the conflict. Once relative peace had returned to the region, we went to investigate the current plight of the displaced. The results of that research in 2001 and 2002 are contained in a report entitled *Displaced and Disregarded*, and I would like to ask the Commission to include at least the summary and recommendations of that report in the record of this hearing.

In the course of our research I talked to many displaced villagers in Turkey's major cities where they had sought refuge. All described frankly miserable lives, and expressed a bitter sense of the injustice inflicted upon them. If you go to Turkey, you will not see big refugee camps. The displaced have made themselves invisible by crowding in with relatives and neighbors, finding work where they can. But they are farmers, not urban entrepreneurs. They are living in great poverty, in conditions prone to disease and social exclusion, and the overwhelming majority are longing to go home.

For some this is impossible because the local governor has forbidden their village to be reoccupied. Others are turned back by the gendarmerie. Even if both the local governor and gendarmes allow return, the displaced often face obstruction by village guards who have occupied the land in their absence. Again and again, village guards have barred returning villagers from their land, and in several recent cases, even killed them. In July 2002 Yusuf, Abdurrahim and Abdulsamet Ünal returned with their families to Nureddin village in Mus province to collect their hay crop. A truckload of village guards came to stop them gathering the hay, and began to beat the males. The relatives scattered, but heard gunshots shortly after. All three men had been shot dead.

When pressed, the Turkish Government pumps out inflated return statistics, and periodically announces initiatives for return. But these schemes have consistently been under-funded and ill conceived, falling far short of established international standards. In fact, it is difficult to avoid the conclusion that the government's main goal is to gain time and wear the villagers down to a state of resignation. The Village Return and Rehabilitation Project announced in March 1999, for example, has since yielded nothing more than an unpublished feasibility study for return to twelve model villages. A mere twelve, when even according to official statistics it is acknowledged that more than three thousand villages and hamlets were evacuated.

What is particularly frustrating is that because the government's schemes do not meet international standards (in particular the U.N. Guiding Principles on Internal Displacement), no international organizations want to get involved with them. The World Bank, for example, looked into funding a return-related project but backed away once it determined that the Turkish Government's scheme would not fully respect returnee rights. Instead of helping villagers get international assistance, the government—with its flawed plans—is standing in their path.

Many intergovernmental organizations that have tackled displacement issues in other parts of the world are already working in Turkey, and would be able to contribute expertise and resources to a comprehensive return program. Indeed, potential donors have encouraged Turkey to develop appropriate projects for return. Irish parliamentarian John Connor examined the situation on behalf of the Council of Europe's Parliamentary Assembly last year, and he recommended that the 'Council of Europe Development Bank should consider positively the projects related to the returns of displaced persons in the southeastern regions of Turkey.¹ The Turkish Government should have seized that invitation with both hands.

A fair and effective return program would also serve Turkey's interest in accession to the European Union. The E.U. has identified the need for a 'comprehensive approach to reduce regional disparities, and in particular to improve the situation in the South-East,² as a short-

1. John Connor, Rapporteur, Committee on Migration, Refugees and Demography, Parliamentary Assembly of the Council of Europe, *Humanitarian situation of the displaced Kurdish population in Turkey*, Doc 9391, March 22, 2002; para 12, i, n. iii.

term priority for Turkey on the road to E.U. membership. E.U. resources would very likely be made available to help Turkey meet this goal.

And finally, the Baku-Tbilisi-Ceyhan pipeline deserves a mention here. This ambitious international investment rather accurately draws a line around the quarter of Turkey where the displacement occurred. The displaced are undeniably the most disadvantaged group in that most disadvantaged region of the country. There is considerable public debate about the pipeline—but it cannot be disputed that the project should help support return and reconstruction for these people who are otherwise unlikely to see much benefit from the civil engineering project itself, or the resources it is intended to carry.

In sum, an investment in return to Turkey's southeast would help redress a long-standing violation of fundamental rights, and help ensure the future stability and prosperity of this strategically vital region. Donors certainly appreciate that, and only need the Turkish Government to commit to a plan they can support.

So my appeal to you is for something rather straightforward and relatively inexpensive. Get the ball rolling. Use your influence to press the Turkish Government, as a matter of urgent priority, to convene a planning forum, inviting representatives of interested governments, non-governmental and intergovernmental organizations with relevant expertise, and representatives of the displaced, to develop a plan for safe return in conformity with international standards. Once these parties come together to meet and discuss, then the plight of Turkey's displaced will finally be on the agendas and wall planners of the people and institutions that can make a difference.

Take as your starting point the recommendation of the U.N. Representative of the Secretary-General on internally displaced persons, Dr. Francis Deng, following his visit to Turkey last year: 'The Government might consider convening a meeting with international agencies, including the World Bank, and representatives of the potential partners to explore ways in which the international community could assist the Government in responding to the needs of the displaced.'³

2. *Accession Partnership for Turkey*, 4.1.

3. *E/CN.4/2003/86/Add.2*, paragraph 38.

**DISPLACED AND DISREGARDED:
TURKEY'S FAILING VILLAGE RETURN PROGRAM
HUMAN RIGHTS WATCH REPORT, OCTOBER 2002
SUMMARY AND RECOMMENDATIONS**

SUMMARY

A decade ago, when southeast Turkey was in the grip of a vicious internal armed conflict and Turkish soldiers were forcibly clearing villages, Kurdish villagers sent pleas for intervention to the outside world:

“On orders from the major ... the soldiers started to burn our goods. The women of the village tried to intervene. The soldiers threw them to one side. Our property that was burned included more than five thousand poplar trees, more than four tons of wheat, all the forests and pasture around the village, more than twenty buildings ... As we were being driven from the village, the soldiers were machine-gunning our livestock. ... They gave us two choices: Either we were to become village guards and die. Or we were to leave and be hungry. ... Where and how can we shelter? How can we feed our children?”—*Petition by Mehmet M, February 12, 1991, distributed to the Siirt Governorate, Emergency Region Governorate, Human Rights Commission of the Turkish Parliament, Office of the Prime Minister, Office of the President of the Republic, press, Human Rights Association, Human Rights Watch, Amnesty International, heads of Turkish political parties.*

Because we have been driven from our village, we are in difficulties. We are hungry, unclothed, homeless and destitute.... Because the villages are being emptied and the cities filling up, it will be impossible for us to find work. All the steps we have made to protect our property in the villages and to continue our former lives have been in vain. We have repeatedly applied to the authorities. ... At the gendarmerie station, the soldiers told us, “You cannot return to your village. Bring a document to say that you can return. If you do not bring a document, we have received orders to kill you. It is of no interest to us where you go.”—*Undated petition by Abdulkadir A, distributed to the Public Prosecutor, local parliamentary deputies, embassies, Office of the Prime Minister, Office of the President of the Republic, domestic and foreign press, Human Rights Association, Human Rights Watch, Amnesty International, heads of Turkish political parties.*

In June 2001, Human Rights Watch sought out the two farmers who had written the above appeals. We found that the two men and their families were still unable to return to their homes, in spite of the effec-

tive end to the fighting. Instead, they continued to live in overcrowded and difficult circumstances in nearby cities. Their way home remained barred by soldiers and by village guards who had occupied their lands.

According to official figures, 380,000 people were displaced from south-east Turkey during the fifteen-year conflict between government forces and the illegal armed Kurdish Workers' Party (PKK). Nongovernmental organizations estimate the number of displaced, mainly Kurdish villagers, at least a million and a half. Most displaced persons were driven from their homes by government gendarmes and by "village guards"—that is, their own neighbors, whom the government armed and paid to fight the PKK but did little to train or control. This was not an orderly and lawful resettlement program but an arbitrary and violent campaign marked by hundreds of "disappearances" and summary executions. Villagers' homes were torched, their crops destroyed and their livestock destroyed before their eyes.

There has been little fighting since the capture of PKK leader Abdullah Öcalan and the PKK's declaration of a unilateral ceasefire in 1999. The government, faced with the expectation that it should do something for the internally displaced, has announced a series of programs for return and resettlement that sound generous and convincing. But only a trickle of villagers are making their way back. Most remain in the big cities of western Turkey or in towns around the southeast, despite the difficult circumstances of their lives there. Local governors and gendarmerie have forbidden some to return on the grounds that their villages are within restricted military zones. Other villagers are reluctant to make a move because they believe that once they return, the cycle of detention and harassment by government security forces may start again. Some villagers who made tentative expeditions home met soldiers who threatened them and turned them back. Others found that neighboring village guards, in their absence, had taken over their lands, and sometimes their houses too. Displaced villagers are keen to resume their former productive life, but after a decade separated from their livelihoods, they do not have even the small amount of capital they need to buy the necessary equipment, seed, and livestock to start again. New forced displacements occurred as recently as 2001, so villagers dare not run the personal and financial risks of return while it remains possible that the gendarmerie will come and turn them off their lands once again.

The Turkish Government has never acknowledged the human rights violations the security forces inflicted on hundreds of thousands of its citizens. The Turkish Parliament's Commission on Migration documented the scale of the displacement and placed the main responsibility at the feet of the gendarmerie, but the government ignored most of the recommendations contained in the commission's 1995 report. The European Court of Human Rights put the policy of forced displacement on the international record in a series of judgments finding Turkey guilty of violations of property rights. The plaintiffs in these cases received compensation, but they represent only a tiny minority of victims and even they are still unable to go home. The Council of Europe's Committee of Ministers, in its role as enforcer of court judgments, is responsible for ensuring that the plaintiffs can return to their property, but it has had no more success in this than it has in persuading the Turkish Government to implement an effective general return.

Successive Turkish Governments have devised various return schemes, but failed to plan or finance them properly. They have also consistently cut the villagers themselves out of the planning process. Consequently,

the initiatives have been largely unsuccessful. In June 2001 Human Rights Watch conducted a mission to investigate the latest return scheme: the Village Return and Rehabilitation Project. It proved a frustrating task. The only information available in the public arena is a succession of public statements by politicians and local governors that express a degree of urgency, enthusiasm, and readiness to help that makes a striking contrast with the situation on the ground. Officials are broadcasting statistics, of doubtful provenance, that suggest villagers heading back to their homes in large numbers. The government has advertised this as a state-run rural development and reconstruction project designed to meet the needs of hundreds of thousands of people, but no officials could show Human Rights Watch anything on paper to describe the aims or methods of the return project. With no special agency to manage it, and no clear budget, the achievements of the Village Return and Rehabilitation Project after more than three years are limited to a feasibility study, as yet unpublished.

In spite of all the obstacles, a few villagers are testing the water. Some commute from the cities to cultivate their crops, and others are replanting and rebuilding while camping under canvas or sleeping in the village mosque. There are also government-financed resettlement projects in villages such as Konalga near Van and İslamköy near Diyarbakır. But these “central villages” seem mainly intended for village guards displaced as a consequence of attacks and killings by the PKK in the late 1980s and early 1990s. Displaced village guards deserve all the support they can get from the government in returning to normal life. But the same is equally true for the much larger group of communities whom the military drove out because they refused to join the village guard corps.

Governors are refusing to give villagers permission to return unless they sign a form in which they relinquish all rights to compensation. The form also contains a declaration that exculpates the state from its criminal responsibility for the displacement. Governors and gendarmerie commanders have not only withheld permission to return from villagers who decline to sign the forms but also insulted and threatened them.

Most displaced villagers are reluctant to seek judicial remedies, since they believe that there is no chance of a result in their favor. They find it extremely difficult to find a foothold for legal action, since the whole process of displacement has been kept off the record. Few villagers have received any documentary evidence to show that they are unable to return to their property. It is a curious paradox that for years the displaced farmers, most of whom are only semi-literate, have been diligently petitioning government and judicial authorities in writing, while the state bureaucracy has preferred to do business by word of mouth. Local governors generally give or withhold permission to return verbally, and thereby avoid committing administrative acts that might subsequently be challenged in court.

Moreover, villagers fear that legal action may simply aggravate the security forces’ disfavor and further distance their main goal of reoccupying their homes. The persecution and violence experienced by the few who sought a remedy through the law justifies such trepidation. Armed hostilities are over in the southeast, but those who were internally displaced are still infected with profound fear. Most informants would only speak to Human Rights Watch on condition that their identity would be withheld.

In summary, the Village Return and Rehabilitation Project falls far short of the international standards on the treatment of internally displaced persons embodied in the United Nations Guiding Principles on Internal Displacement. There is much pessimistic conjecture as to the motives behind the Village Return and Rehabilitation Project. Many villagers believe that the authorities have decided that they should never return. In 2000 the National Security Council approved a military master plan for the southeast, but the contents of that plan remain secret. Villagers suspect that the Village Return and Rehabilitation Project, if it is ever implemented, will put in place a strategic network of centralized village guard settlements overlooked by large gendarmeries, while the rest of the countryside remains more or less vacant. For the government, such a solution would not only enable easier policing, but would also strike a blow at a section of the Kurdish minority it views as persistently awkward by stranding them in the metropolitan centers where they risk losing their distinct language and culture as they enter their second decade of internal exile.

Human Rights Watch is calling on the Turkish Government to give much greater urgency to facilitating the return and resettlement of the hundreds of thousands of Turkish citizens who were forced from their homes during the PKK conflict, the majority of them by government troops. In particular, the Turkish Government should develop and implement its return projects in accordance with the United Nations Guiding Principles on Internal Displacement, which emphasize the importance of consultation with the internally displaced and access by relevant humanitarian organizations.

The Turkish Government has avoided involving expert intergovernmental organizations in the implementation of the current return program. Indeed, the program is so ill-conceived that several major organizations have specifically refused to participate in it. But a sound program would stand a good chance of receiving international funding and expertise. In similar post-conflict situations around the world, and in the nearby Balkans in particular, displaced populations have received considerable material assistance in reconstruction from the European Commission, the World Bank, the European Bank for Reconstruction and Development, the European Investment Bank and many other donors. The Turkish Government's intransigence seems to be the main obstacle between the displaced villagers of the southeast and the international assistance they deserve.

The Turkish Government could show its readiness to take a new direction by hosting a forum on return involving representatives of the internally displaced themselves, as well as concerned nongovernmental organizations and international organizations with a specific interest and expertise in displacement, including the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Program (UNDP), the International Committee of the Red Cross (ICRC), and the Organization for Security and Co-operation in Europe (OSCE).

RECOMMENDATIONS

Recommendations to the Turkish Government

During the period 1984-99, Kurdish Workers' Party (PKK) attacks displaced a substantial number of villagers in the southeast. However, a large body of documentary evidence and judgments at the European

Court of Human Rights indicate that Turkish state security forces were responsible for the majority of the population movements, and that these were carried out with numerous violations of human rights, including extra-judicial executions, “disappearances,” and torture.

The Turkish Government should now:

- Publish comprehensive information about the progress of returns, including a verifiable list of communities that have returned and those that have not.
- Publish detailed information about programs for return, including the names of villages open for return or temporarily closed to return, project aims and objectives, government departments responsible for the returns, budgets, and progress updates.
- Establish a specialist agency dedicated to implementing the return of internally displaced persons.
- Set up a planning forum with representatives of governmental, nongovernmental and intergovernmental organizations with relevant expertise, as well as representatives of displaced villagers. The forum should develop a return program that will ensure that internally displaced communities can return to their homes in safety and dignity and can resume their livelihoods. All return programs should be consistent with the U.N. Guiding Principles on Internal Displacement and respect the rights of internally displaced communities. Such an agency should inquire into allegations of appropriation of land by village guards, and take steps to end this practise, including informing the local prosecution service to initiate legal action as necessary.
- Take measures at all levels of government to stop the harassment of internally displaced persons, the recently returned, and those who assist them.
- Abolish the village guard system.
- Permit villagers to return to their own homes unless there are legitimate security reasons to prevent this, such as continued armed conflict or the presence of landmines that would endanger civilian lives.
- Clear landmines from villages and surrounding farmland, and give villagers documentary evidence that their village has been cleared of mines and munitions before they return.
- Ensure that infrastructure for villages and hamlets is restored at least to the standard prior to their destruction and evacuation, at state cost.
- Where villages are inaccessible for security reasons or because they have been mined, pay appropriate levels of compensation, including maintenance for the internally displaced, and ensure their access to health, education, and employment or other basis for an adequate standard of living.
- Ensure unfettered access for nongovernmental organizations throughout the southeast, especially for national and international human rights and humanitarian nongovernmental organizations.
- Publish the secret “Action Plan for the East and Southeast” adopted by the National Security Council in May 2000.
- Establish an interim program for practical and financial support of villagers before, during, and after return, without prejudice to subsequent litigation they may open in the courts.

Recommendations to Intergovernmental Organizations with an Interest in Displacement, including the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Program (UNDP), and the Organization for Security and Co-operation in Europe (OSCE)

- Urge the Turkish Government to set up a planning forum involving interested local and international nongovernmental and intergovernmental organizations and representatives of displaced villagers. The forum should put in place a return program that will ensure that internally displaced persons can return to their homes in safety and dignity and can resume their livelihoods. All return programs should be consistent with the U.N. Guiding Principles on Internal Displacement and respect the rights of internally displaced persons.
- Assure the Turkish Government of their willingness to contribute their expertise and experience to assist with the design and implementation of a fair, safe, and sustainable program of return.
- Assist the Turkish Government in obtaining funding for appropriately designed and implemented programs that are consistent with the U.N. Guiding Principles on Internal Displacement.

Recommendations to the Committee of Ministers of the Council of Europe

Following a succession of judgments that found Turkish security forces responsible for destroying the property of villagers in the southeast, the European Court of Human Rights placed the responsibility for ensuring the return of those villagers and the restoration of their property on the shoulders of the Committee of Ministers. Since, as the Court has indicated, this pattern of village destruction was widespread, the Committee of Ministers has a further responsibility to the community of displaced villagers as a whole.

The Committee of Ministers should therefore:

- Pass a resolution to make the continued displacement of hundreds of thousands of villagers from the southeast, the largest and most intractable problem remaining from the conflict of 1984-1999, a regular agenda item and press the Turkish Government to implement a thorough return program, in line with the recommendations made by the Parliamentary Assembly of the Council of Europe's Committee on Migration, Refugees and Demography.
- Urge the Turkish Government to set up a planning forum involving interested local and international nongovernmental and intergovernmental organizations and representatives of displaced villagers. The forum should put in place a return program that will ensure that internally displaced communities can return to their homes in safety and dignity and can resume their livelihoods. All return programs should be consistent with the U.N. Guiding Principles on Internal Displacement and respect the rights of internally displaced communities.
- Make supervision of the return program a regular agenda item of the Committee's meetings.

- Assist the Turkish Government in obtaining Council of Europe funding for appropriately designed and implemented programs that are consistent with the U.N. Guiding Principles on Internal Displacement and respect the rights of internally displaced communities.

Recommendations to the World Bank

The World Bank has refused to fund Turkey's Village Return and Rehabilitation Project, but is considering support for the Turkish Government's Village-Townships (köykent), another rural development scheme that extends to the southeast. The World Bank has stated that it will not support Village-Townships in areas where displacement has occurred.

The World Bank should:

- Maintain its current policy of withholding support for any Village-Township projects in southeast Turkey that are not consistent with the U.N. Guiding Principles on Internal Displacement, or that may indirectly facilitate other projects that are contrary to the Guiding Principles.
- Use its influence to encourage the Turkish Government to redesign its return program in accordance with the U.N. Guiding Principles on Internal Displacement, and to develop projects that the World Bank and other international bodies could feel confident in supporting.
- To this end, urge the Turkish Government to set up a planning forum involving interested local and international nongovernmental and intergovernmental organizations and representatives of displaced villagers. The forum should put in place a return program that will ensure that internally displaced communities can return to their homes in safety and dignity and can resume their livelihoods. All return programs should be consistent with the U.N. Guiding Principles on Internal Displacement and respect the rights of internally displaced communities.
- Assist the Turkish Government with funding for appropriately designed and implemented return programs that are consistent with the U.N. Guiding Principles on Internal Displacement and respect the rights of internally displaced communities.

Recommendations to the European Union

The EU's requirements from Turkey for accession include the short-term development of "a comprehensive approach to reduce regional disparities, and in particular to improve the situation in the South-East, with a view to enhancing economic, social and cultural opportunities for all citizens" and over the longer term, implementation of reforms in conformity with the European Convention for the Protection of Human Rights and Fundamental Freedoms. Meeting these requirements would necessitate Turkey's ensuring the safe return of the internally displaced, as is reflected in the annual Regular Reports on Turkey's Progress towards Accession, which mention the internally displaced and quote government figures on returns.

The E.U. should:

- Not rely on unsubstantiated and unverifiable Turkish Government statements concerning the return process, but use its high

level of access to carry out field research in the region that would contribute to the sum of information about returns through the annual Regular Report.

- Closely monitor the situation of the internally displaced in the cities and in the countryside after return, and pool information with other intergovernmental bodies and interested nongovernmental organizations.
- Urge the Turkish Government to set up a planning forum involving interested local and international nongovernmental and intergovernmental organizations and representatives of displaced villagers. The forum should put in place a return program that will ensure that internally displaced communities can return to their homes in safety and dignity and can resume their livelihoods. All return programs should be consistent with the U.N. Guiding Principles on Internal Displacement and respect the rights of internally displaced communities.
- Not finance return or resettlement projects in southeast Turkey if they are not consistent with the U.N. Guiding Principles on Internal Displacement, or if they indirectly facilitate other projects that are contrary to the Guiding Principles.
- Assist the Turkish Government with funding for appropriately designed and implemented return programs that are consistent with the U.N. Guiding Principles on Internal Displacement and respect the rights of internally displaced communities.

Recommendations to E.U. Member Governments and the U.S. Government

Governments that have strong bilateral relations with Turkey and are likely to be the source of foreign investment in development and reconstruction in the southeast, should:

- Urge the Turkish Government to set up a planning forum involving interested local and international nongovernmental and intergovernmental organizations and representatives of displaced villagers. The forum should put in place a return program that will ensure that internally displaced communities can return to their homes in safety and dignity and can resume their livelihoods. All return programs should be consistent with the U.N. Guiding Principles on Internal Displacement and respect the rights of internally displaced communities.
- Not finance return or resettlement projects in southeast Turkey if they violate the U.N. Guiding Principles on Internal Displacement, or if they indirectly facilitate other projects that violate the principles.
- Assist the Turkish Government with funding for appropriately designed and implemented return programs that are consistent with the U.N. Guiding Principles on Internal Displacement and respect the rights of internally displaced communities.

The U.S. Government, in its annual State Department report on human rights practices, should not rely on unsubstantiated and unverifiable government statements concerning the return process, and should use its high level of access to carry out field research in the region that would contribute to the sum of information about returns.

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