

**INTERNATIONAL CONFERENCE ON
INTERNAL DISPLACEMENT IN THE RUSSIAN
FEDERATION**

**MOSCOW, RUSSIA
APRIL 25-26, 2002**

CO-SPONSORED BY:

**THE BROOKINGS INSTITUTION PROJECT ON INTERNAL
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**THE BROOKINGS INSTITUTION – SAIS PROJECT ON INTERNAL
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Introduction

At the end of the year 2000, there were more than 491,000 persons internally displaced within the Russian Federation. Of these, an estimated 170,000 were displaced within the Republic of Chechnya, while 160,000 Chechens were residing in Ingushetia, 20,000 in Dagestan and 20,000 elsewhere in the North Caucasus region; in addition, there was an estimated 106,000 persons, mostly ethnic Russians, displaced during the conflict in Chechnya between 1994-1996, and some 15,000 persons who remained displaced in Ingushetia as a result of the 1992 conflict over the disputed Prigorodny region of North Ossetia.¹

It was against this backdrop that an International Conference on Internal Displacement in the Russian Federation was organized by the Institute of State and Law of the Russian Academy of Sciences, the Moscow-based non-governmental organization (NGO) “Partnership on Migration,” and the Brookings Institution Project on Internal Displacement. The 70 participants included government experts and officials who deal with issues relating to forced migration, representatives of local NGOs and displaced communities, local academics and lawyers, representatives of regional and international organizations and international NGOs working in the country, as well as international experts, including Dr. Francis M. Deng, the Representative of the United Nations Secretary-General on Internally Displaced Persons.

The objective of the conference was fourfold:

- 1) to review the situation of internal displacement internationally, with particular reference to the region of the Commonwealth of Independent States (CIS) and the Russian Federation;
- 2) to stimulate the further development of institutional and legal frameworks in the Russian Federation for addressing internal displacement and reinforce those in government and civil society interested in strengthening local and national capacities;
- 3) to discuss international standards on internal displacement, in particular the Guiding Principles on Internal Displacement, and their application; and
- 4) to identify a program of action for future activities on this issue.

(For Agenda, List of Participants, and Conference Statement, see Appendices.)

Opening Addresses

The meeting was opened by Academician Boris Torpornin, Director of the Institute of State and Law of the Russian Academy of Sciences. After welcoming the participants, he observed that there was a need for growing international understanding of the problem of internal displacement and of the role of government in addressing the problem. He also noted that the war against terrorism, in which the government was engaged, could not mean diminished respect for standards of human rights.

Mr. Vladimir Kartashkin, Head of the Commission of Human Rights under the President of the Russian Federation, addressed the question of who were the internally displaced. Unlike

¹ Figures, US Committee for Refugees, “Russian Federation,” *World Refugee Survey* (2001). Available at: www.refugees.org/world/countryrpt/europe/russian_federation.htm

other migrants, they were nationals of the state and thereby entitled to all the rights and liberties of nationals of the state. He in particular emphasized the right to adequate living standards, food and housing. While emphasizing that the main aid to displaced persons should be provided by the government, he noted that the government also had to look to the international community for help. In his view, the United Nations Principles on Internal Displacement had to be tailored to the conditions in specific countries. The government was interested, he said, in providing fundamental human rights and liberties to internally displaced persons in Chechnya. When military operations were over, all residents of Chechnya should be able to return. He also raised the issue of terrorism and the need to strengthen defenses against terrorist acts.

A second official from the Office of the President, Mr. Serguie Boushmarinov, emphasized that the problem of internal displacement was acute in the Russian Federation and that the government was working to address it. It was a more complicated problem than that of refugees. He expressed the hope that there would be greater cooperation on the part of the government with international and non-governmental organizations.

Academician Valery Tishkov, Director of the Institute for Ethnology and Anthropology of the Russian Academy of Sciences, focused on the "inter-ethnic collisions" that produced displacement and how understanding these better would allow for anticipating the problems associated with displacement. He pointed out that the authorities expressed concern for the displaced but did not always respond to their needs. In some cases, politics were involved; there was also "inertia and bureaucracy," which combined to stop needed help to the displaced. It was important to consider how to eliminate bureaucratic constraints and empower the people concerned to carry out their own solutions.

He considered as "a myth" the view that all internally displaced persons should be returned to their areas of origin. All Chechens in Moscow and other areas would not return to Chechnya. Nor would all Meshketian Turks return; perhaps only 1 percent would go back. This "over-concentration on return" was not an effective policy. People "should not be returned." However, those who chose to return should receive help to do so.

Finally, Tishkov emphasized the importance of prevention of internal displacement.

Global Overview of Internal Displacement

Dr. Francis M. Deng, the Representative of the Secretary-General on Internally Displaced Persons, provided a global overview of internal displacement, emphasizing the truly global nature of the problem, affecting an estimated 20 to 25 million people in over forty countries in all regions of the world. Between three to four million internally displaced persons could be found in Europe, of which more than 400,000 were reported to live in the Russian Federation.

Internally displaced persons often lived under conditions of severe deprivation, hardship and discrimination. In Europe, its economic and political resources notwithstanding, displaced persons could be found living in cramped conditions in railway cars, or in disused hotels and public buildings, often with more than one family to a room. Others were accommodated by friends, relatives or members of the same ethnic group. However, without the requisite support from the state, such hospitality could lead to the impoverishment of host families and communities which, in turn, fostered resentment towards the displaced. Particular attention

was drawn to the fact that internally displaced persons often faced serious protection problems in areas of conflict, especially when these conflicts pitted different ethnic and national groups against one another.

In view of the mounting crisis of internal displacement worldwide, the UN Commission on Human Rights in 1992 had requested the Secretary-General to appoint a Representative on Internally Displaced Persons. Since then, the Representative had focused on three main areas of endeavor: developing an appropriate normative framework for meeting the protection and assistance needs of the internally displaced; fostering effective international and regional institutional arrangements; and focusing attention on specific situations through country missions.

The development of a normative framework was carried out in close collaboration with international legal scholars and resulted first in a *Compilation and Analysis of Legal Norms* relevant to internally displaced persons, drawn from human rights and humanitarian law and refugee law by analogy. The Compilation concluded that while existing law provided substantial coverage for the internally displaced, there were gaps and grey areas requiring clarification. There was also a need to consolidate in one document the various relevant norms that were dispersed in a number of international instruments. The UN Commission on Human Rights and the General Assembly welcomed the Compilation and, on that basis, requested the Representative to develop an appropriate normative framework for the internally displaced. The Guiding Principles on Internal Displacement were prepared in response to those requests and have gained significant international recognition and standing in the four years since their presentation to the Commission in 1998.² The Representative expressed the hope that the Principles would serve as a valuable framework for policies and programs undertaken in the Russian Federation by the government, international and regional organizations, NGOs and civil society.

With respect to institutional arrangements, the Representative noted that in contrast to refugees, there was no single specialized agency such as the United Nations High Commissioner for Refugees (UNHCR) to provide protection and assistance for the internally displaced. Among the existing options were those ranging from the creation of a specialized agency for the internally displaced, to the designation of an existing agency to assume full responsibility for them, to a collaborative arrangement that would utilize existing capacities and enhance the effectiveness of the international system. Although the latter had emerged as the preferred option, there remained a need to strengthen the collaborative approach and overcome the challenging problems of coordination as well as gaps in response, especially in the area of protection, that frequently arose.

To strengthen the collaborative approach and make it more effective, in September 2000, the UN's Inter-Agency Standing Committee (IASC), composed of the heads of the major human rights, humanitarian and development agencies, established a Senior Inter-Agency Network on Internal Displacement and, subsequently in January 2002, a Unit on Internal Displacement within the Office for the Coordination of Humanitarian Affairs (OCHA). Among its responsibilities, the Unit was expected to undertake systematic reviews of selected countries to assess international efforts to meet the assistance and protection needs of the displaced and to make recommendations for improved response. The hope was expressed that the Unit would prove effective in addressing the needs of the world's internally displaced with the real

² The content of the Principles and the ways in which they are being applied worldwide were addressed by Professor Walter Kälin and Ms. Roberta Cohen respectively in a later session of the conference (see below).

test of all arrangements being the degree to which the lives of the internally displaced were improved.

As concerns country missions, these were important in that they offered the opportunity for dialogue with governments and other concerned actors on ways to improve the conditions of the displaced. To date the Representative had undertaken 23 country missions, including to Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, the Russian Federation, Tajikistan and Turkey in the European region. Since March 2000, the Representative stated, he has been engaged in dialogue with the government of the Russian Federation with a view to undertaking a mission to the North Caucasus region and that recent discussions seemed promising and he hoped to receive a positive response from the government in the near future.

Putting the challenge of the global crisis of internal displacement into perspective, the Representative emphasized that the dynamics of the present era required that sovereignty be given a positive meaning. Instead of being perceived negatively as a means of insulating the state against external scrutiny or involvement, increasingly it was being postulated as a concept of responsibility, which required a system of governance based on such principles as democratic participation and respect for fundamental rights. National responsibility also entailed cooperation with regional and international organizations, which also were being challenged to play a role. The emerging response to internal displacement thus comprised national responsibility as well as regional and international cooperation. With respect to the internally displaced, the Guiding Principles provided a useful framework for the exercise of this responsibility.

The Representative concluded by noting that the challenge for this conference was to elaborate strategies for a comprehensive approach to internal displacement in the Russian Federation. He expressed the hope that strong partnerships would be developed between the government, international organizations, regional bodies and NGOs so that innovative and effective strategies could be put forward and acted upon to ensure a more effective and comprehensive response to the needs of Russia's displaced.

Internal Displacement in the Russian Federation

Moving from the global to the regional and national levels, the conference reviewed some of the main trends in internal displacement in the CIS region, with particular emphasis on the Russian Federation. It also sought to clarify the issue of terminology, a particularly important issue in the Russian context given the absence of the term "internally displaced person" in Russian law and the use of the term "forced migrant" to apply to a relatively broad range of persons, including those who would be considered internally displaced persons as described in the Guiding Principles.³

³ According to which "internally displaced persons are persons or groups of persons who have been forced or obliged to flee or leave their homes or places of habitual residence, in particular as a result 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."

Russian Law and the Question of Terminology

According to Vladimir Shkolnikov (Office for Democratic Institutions and Human Rights, Organization for Security and Cooperation in Europe – OSCE), the origins of the term "forced migrant" could be traced back to the dissolution of the Soviet Union in 1991, at which time segments of Russian society, including the human rights community, felt that the Russian state was responsible for those persons who once lived on the territory of the Russian Soviet Federative Socialist Republic and who wanted to return to the Russian Federation from one of the former republics of the Soviet Union, as well as those Russian citizens who were displaced within the Russian Federation itself. This was reflected in the definition of "forced migrant" in the Law on Forced Migrants of 1993 which essentially provided that anyone, regardless of citizenship, who had been displaced within the Russian Federation could acquire the status of forced migrant. In addition, Russian citizens, who were displaced within the borders of a former republic of the Soviet Union, and foreigners, i.e., citizens of former Soviet republics, who entered Russia after being displaced and then acquired Russian citizenship, could also become forced migrants.⁴

While the motive behind this terminology, Shkolnikov continued, was primarily humanitarian in nature, over time the term had come to clash with internationally accepted notions of citizenship, international borders and refugee status. Indeed, the definition given in the 1993 law included persons who by virtue of having been forced to cross an international border might be eligible for refugee status, while others could be described as "internally displaced persons" (*litsa, peremeshchyonnyye vnutri strany*). Applying the same term to persons displaced within the borders of, and those crossing the borders of the Russian Federation had created much confusion. Russian citizens displaced within the borders of the Russian Federation should be entitled to the protection and assistance of the Russian authorities. Similarly, people fleeing other states should have the opportunity to seek asylum in the Russian Federation and, if the claim were satisfied, obtain refugee status. Mixing these two groups under the "forced migrant" label posed difficulties for the international community in providing appropriate responses. It was equally difficult to conclude inter-state negotiations and agreements based on terms that were not generally accepted.

Shkolnikov pointed out that the definition of "forced migrant" was amended in July 2000, although it continued to apply to diverse categories and raised a question as to the status of those persons who were displaced within the borders of different parts or "subjects" of the Russian Federation, i.e. republics, krais, oblasts, autonomous oblasts, Federal cities and autonomous okrugs. It included Russian citizens and non-citizens, persons residing outside of the Russian Federation and within it, persons who crossed international borders and persons

⁴ According to Article 1 of the Law on Forced Migrants of 1993, a "forced migrant" is "a citizen of the Russian Federation who was forced or has intention to leave the place of his/her permanent residence on the territory of another state or on the territory of the Russian Federation due to violence or persecution committed against him/her or members of his/her family or due to real danger to be subjected to persecution due to race or ethnic belonging, religious belief, language or due to belonging to a certain social group or to political opinion in connection to conduct of hostile campaigns against a certain person or groups of persons, mass public disturbances and to other circumstances significantly infringing on human rights." Article 1 continues that "[a] person without Russian Federation citizenship can also be recognized as a forced migrant if he/she left a place of his/her permanent residence on the territory of the Russian Federation due to circumstances stipulated in the first part of this article." Furthermore, "[a] citizen of the former USSR who lived on a territory of a republic that was a part of the USSR who arrived in the Russian Federation due to circumstances stipulated in the first part of this article and who acquired the citizenship of the Russian Federation while on the territory of the Russian Federation can also be recognized as a forced migrant." (Unofficial translation)

who stayed within the borders of the Russian Federation.⁵ In short, there was no logical or conceptual boundary to the term. For internally displaced persons, the term did not appear in Russian law with the result that internally displaced persons "got lost among the other categories of forced migrant."

With a view to bringing some clarity to the subsequent discussions, Shkolnikov drew a comparison between the term "internally displaced persons," as contained in the Guiding Principles, and the term "forced migrant" in order to determine which internally displaced persons were recognized as forced migrants in Russian law and which were not. To begin with, he observed, the Principles were more expansive as concerned the causes of displacement, i.e. Russian legislation listed specific human rights violations and reasons for persecution (e.g. religious belief, belonging to a particular ethnic or social group) while the Principles listed more general causes – armed conflict, generalized violence, violations of human rights, or natural or human-made disasters. Russian legislation, in fact, did not include natural or human-made disasters as possible causes of displacement.

On the basis of this analysis, he identified three categories of displaced persons. First, those who would be considered internally displaced persons as defined by the Guiding Principles and as forced migrants by Russian legislation, i.e., persons who have been forced or obliged to flee or to leave their homes or places of habitual residence as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights (Russian legislation stipulates a more restrictive list of causes) and who have left the territory of one part or "subject" of the Russian Federation (i.e. republics, krais, oblasts, etc.) and arrived on the territory of another.

Second, those who would be considered internally displaced persons as defined by the Guiding Principles but who would not be considered forced migrants according to Russian law, i.e., (a) persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence within the borders of the Russian Federation as a result of or in order to avoid the effects of natural or human-made disasters; and (b) persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence within one part or "subject" of the Russian Federation for reasons listed in the Principles and who have remained within the territory of that part.

⁵ The amended definition is given in Article 1 of the Law and reads as follows:

1.1 A forced migrant is a citizen of the Russian Federation who was forced to leave the place of his/her permanent residence due to violence or persecution committed against him/her or members of his/her family or due to real danger to be subjected to persecution due to race or ethnic belonging, religious belief, language or due to belonging to a certain social group or to political opinion in connection to conduct of hostile campaigns against a concrete person or groups of persons, mass public disturbances.

1.2 The following could be recognized as forced migrants due to circumstances stipulated in paragraph 1 of this article:

(1) A citizen of the Russian Federation who was forced to leave a place of residence on the territory of a foreign state and who arrived to the territory of the Russian Federation;

(2) A citizen of the Russian federation who was forced to leave a place of residence on the territory of one subject of the Russian Federation and arrived to the territory of another subject of the Russian Federation;

1.3 A citizen of a foreign state or a stateless person legally residing on the territory of the Russian Federation can also be recognized as a forced migrant if he/she left the place of his/her permanent residence within the territory of the Russian Federation due to circumstances stipulated in paragraph one of this article.

1.4 A citizen of the former USSR permanently residing on a territory of a republic that was a part of the USSR who received refugee status in the Russian Federation and who lost this status due to acquisition of citizenship of the Russian Federation in case of circumstances that prevented this person from becoming accommodated on the territory of the Russian Federation during the period when this person had refugee status.

Third, those who would not be considered internally displaced according to the Guiding Principles but who would be defined as forced migrants under Russian law, i.e., (a) a citizen of the Russian Federation who was forced to leave a place of residence in a foreign state (i.e., a state outside the former USSR) and who arrived in the Russian Federation; and (b) a citizen of the former USSR permanently residing in a republic that was part of the USSR who received refugee status in the Russian Federation and who lost this status due to acquisition of Russian citizenship in case of circumstances that prevented this person from becoming accommodated on the territory of the Russian Federation during the period when this person had refugee status.

Overall, Shkolnikov concluded that it would be beneficial to clarify and amend existing legislation, separating internally displaced persons from other categories of forced migrants, in accordance with the Guiding Principles on Internal Displacement. As it stood right now, internally displaced persons got "left out in the current framework."

The Internally Displaced in the CIS Region

Bill Frelick (Director, US Committee for Refugees) provided an overview of internal displacement in the CIS region, with particular reference to the Russian Federation. For the most part, internal displacement in the region was linked to unresolved territorial disputes and ethnic ties to particular territories. In the majority of cases those displaced belonged to the dominant ethnic group such as in the cases of Nagorno Karabakh in Azerbaijan where the majority of the internally displaced were ethnic Azeris; Abkhazia and South Ossetia in Georgia, where the majority of those displaced were ethnic Georgians; the Prigorodny region of Ingushetia, where the majority of those displaced were ethnic Ingush; and the displacement of ethnic Russians from Chechnya in the first Chechen conflict between 1994 and 1996. The second conflict in Chechnya Frelick characterized as "new displacement." Since the majority of those displaced in this second and ongoing conflict were ethnic Chechens, "they also should qualify as internally displaced persons."

Looking at the cases of "old displacement," Frelick questioned whether in terms of solutions one should place emphasis on voluntary, safe and dignified return to places of origin or whether one should emphasize local integration. Displaced persons should have the right to voluntary, safe and dignified return, but when return under such conditions was not possible, there was a humanitarian and practical need for the displaced to integrate and start their lives anew. Moreover, there was a need to take into account the wishes of the displaced and promote the solutions that would be the best for them.

As regards "new displacement," he observed that displaced Chechens had not been given "forced migrant" status even though they would appear to fall within the scope of the Law on Forced Migrants. In effect, forced migrant status had been accorded only to non-ethnic Chechens (Russian-speakers), most of whom fled Chechnya during the first phase of the conflict between 1994 and 1996. In 2001, not a single person was registered as a forced migrant within Chechnya itself, and the number of persons registered as forced migrants from Chechnya actually declined during the year, with registration being halted by the authorities in March of that year – something which a number of participants later noted was the starting point for many of the problems facing the displaced since it denied many of them access to humanitarian assistance and basic services.

Frelick further noted that there was pressure on people to return to Chechnya, but returns had been few and far between as a result of the security situation and level of destruction of housing and the lack of economic opportunities within the Republic for returnees. Indeed, it was questioned whether Chechnya was economically capable of successfully absorbing returnees. Referring to Principle 28 of the Guiding Principles, he reiterated the point that while national authorities had the primary duty and responsibility to establish conditions for the voluntary, safe and dignified return of internally displaced persons and that such conditions were the best guarantee of sustained return, it was important also to recognize the needs and aspirations of the displaced which might not in all circumstances mean return but could include resettlement in another part of the country.

Alexandre Dzadziev (Center for Social and Humanitarian Research, Vladikavkaz Institute of Development) and Maria Soulytghova (President, “Gorianka” and Assistant to the Deputy Chairman of the government of the Republic of Ingushetia) focused in detail on the situation of persons displaced from North Ossetia as a result of the conflict in the Prigorodny region and from Chechnya respectively. Dzadziev underlined, *inter alia*, the extent of property destruction in the Prigorodny region and the fact that shelter needs for returnees, at such time as this became possible, would be acute.

Soulytghova, who herself was an internally displaced person, pointed out that tens of thousands of displaced Chechens were in tents in Ingushetia and that shelter was a key issue. She also spoke about the problems of returning to Chechnya, referring in this regard to threats to personal security of the displaced upon return, and to reports of the military taking cash bribes at checkpoints. She also noted that the Federal center was failing to live up to its promises regarding the payment of compensation. Soulytghova called for measures to guarantee personal security for return, more control of block posts or checkpoints, more jobs creation, and the timely issuance of identification documents.

In the discussion, participants highlighted a broad range of urgent problems facing the displaced, including:

- threats to and violations of their physical security;
- ethnic discrimination and persecution;
- lack of access to basic services;
- inadequate shelter;
- restrictions on freedom of movement;
- loss of educational opportunities for displaced children;
- problems in obtaining identity documents in their current places of residence;
- problems in the implementation of federal law concerning property restitution and compensation.

It was also noted that forced displacement and the situation of those affected must be looked at not just in Chechnya and Ingushetia but in Moscow and other places. Particular emphasis was placed on the needs of displaced children who did not receive timely medical assistance in Moscow and did not have the ability to go to schools there. Part of the problem was the difficulties associated with registration, in the absence of which children were unable to obtain needed medical treatment. The problems of disabled internally displaced persons in accessing assistance was also raised, as was the need for psycho-social assistance, especially for children.

Guiding Principles on Internal Displacement

The first international standards developed for internally displaced persons were then presented and discussed with particular relevance to the Russian Federation. As earlier noted, the Representative of the UN Secretary-General on Internally Displaced Persons, together with a team of international legal experts, had developed a normative framework for the protection and assistance of the internally displaced in the form of the Guiding Principles on Internal Displacement, as presented by the Representative to the UN Commission on Human Rights in 1998.

The Content of the Guiding Principles

Professor Walter Kälin (University of Bern), who chaired the legal team, explained their content. The Guiding Principles covered all phases of displacement, providing protection against arbitrary displacement, protection and assistance during displacement and during the return or resettlement and reintegration phases. They began with an introduction on their scope and purpose, including a description, but not a definition, of who is an internally displaced person. This description highlighted two elements: first, the coercive or otherwise involuntary character of movement; and second, the fact that such movement took place within national borders. The reasons for flight might vary and included, but were not limited to, armed conflict, situations of generalized violence and human rights violations as well as natural or human-made disasters. The victims of disasters were included as they, too, might in some cases become victims of human rights violations as a consequence of their displacement.

Section I on General Principles emphasized amongst other things the principle of non-discrimination, specifically that internally displaced persons shall not be discriminated against on account of their being displaced, as has often been the case. Specifically, they provided that "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." This section also provided that the Principles "shall be observed by all authorities, groups and persons irrespective of their legal status" (Principle 2), i.e., not only by states and state actors but also by non-state actors such as insurgent groups and humanitarian organizations and NGOs.

Section II of the Principles addressed protection from displacement. Of particular importance was Principle 6 explicitly recognizing a right not to be arbitrarily displaced. This right was deduced from a variety of human rights guarantees, including freedom of movement and choice of residence, and provisions of humanitarian law that addressed the forced displacement of civilians in time of armed conflict. Paragraph 2 of Principle 6 listed some important categories of prohibited displacement, including displacement occurring as a consequence of armed conflict unless the security of the civilians involved or imperative military reasons made displacement necessary.

Section III of the Principles (Principles 10 - 23) related to protection during displacement. These Principles first restated the applicable human right and then specified its relevance to the internally displaced. Many of these specifications had been derived from humanitarian

law and thus applied to situations of conflict-induced displacement. Others were derived from guarantees found in human rights law while some were derived from both, such as Principle 12(2) which provided that internally displaced persons should not be interned in or confined to a camp and that if such internment or confinement were absolutely necessary, it should last no longer than required by the circumstances.

The next section of the Guiding Principles dealt with humanitarian assistance and stressed that the primary duty and responsibility for providing humanitarian assistance to internally displaced persons lay with national authorities, thereby underlining the principle of state sovereignty. Assistance by international organizations and agencies could only be delivered with the consent of the state concerned. However, such consent could not be denied for arbitrary reasons. In particular if the government concerned was unable to provide the required assistance, it hardly could keep out all organizations providing such assistance for prolonged periods of time without falling into arbitrariness.

The Principles concluded with the post-displacement phase, addressing return, resettlement and reintegration (Section V, Principles 28 - 30). Principle 28 spelled out the primary duty and responsibility of competent authorities to establish conditions and to provide the means to 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. Principle 29(2) provided that competent authorities had the duty and responsibility to assist returned and/or resettled displaced persons to recover their property and possessions or to receive appropriate compensation or another form of reparation when recovery and restitution was not possible.

Reception and Standing of the Guiding Principles

Although the Principles were not a legally binding document like a treaty, as Roberta Cohen, Co-Director of the Brookings Institution Project on Internal Displacement, explained, they nonetheless had acquired considerable international standing and acceptance since their presentation to the UN Commission on Human Rights in 1998. A number of reasons were advanced to explain this. First, the Principles were a reliable indicator of what international law said with regard to the internally displaced. Second, they filled a need for a legal framework. Finally, the Principles were developed by a broad based process, including legal experts, representatives of international and regional organizations and NGOs. Indeed, prior even to their presentation to the UN, many of these organizations had endorsed them, most notably, the heads of the major international humanitarian, human rights and development agencies comprising the UN's Inter-Agency Standing Committee, which welcomed the Principles and encouraged their staff members to disseminate and apply them in the field.

UN bodies followed suit and since 1998 the resolutions of the UN General Assembly and the Commission on Human Rights, from initially taking note of the Principles, had become increasingly supportive of their use worldwide. In a unanimously adopted resolution in 2001, supported by the Russian Federation, the General Assembly welcomed the Representative's use of the Principles in his dialogues with governments, intergovernmental organizations and NGOs, noted with appreciation that an increasing number of states, UN agencies, and regional and non-governmental organizations were making use of the Principles, and encouraged the further dissemination and application of the Principles. In addition, the UN Secretary-General had called upon the Security Council to encourage states to observe the

Principles in situations of mass displacement, and the Security Council had begun to cite the Principles in its resolutions and Presidential statements.

According to Cohen, such expressions of support indicated the value of the Principles in dealing with situations of internal displacement. Indeed, governments were increasingly using the Principles. A number of governments had made the Principles their policy framework. Others had directly incorporated the Principles into their laws or expressed the intention to bring their laws into line with the Principles. Still others had made the Principles the focus of public awareness campaigns about internal displacement. A number of governments had the Principles translated into local languages and had authorized their officials and military officers to participate in training workshops on the Principles. Cohen expressed the hope that the government of the Russian Federation would also begin to use the Principles as a tool in dealing with situations of internal displacement.

In addition to states, she made reference to the fact that regional intergovernmental organizations of which the Russian Federation was a member had been finding the Principles of value. The Organization for Security and Cooperation in Europe had held a special meeting on internal displacement in 2000 and had recommended that the Principles serve as a framework for OSCE activities in this area. And in 2001, the Committee on Migration, Refugees and Demography of the Parliamentary Assembly of the Council of Europe had held a special meeting on internal displacement and was developing recommendations for the Assembly with regard to the Principles.

NGOs in particular were playing a special role with regard to the Principles. In a variety of countries they were calling upon their own governments to support the Principles. They also had been using the Principles to monitor, assess and advocate for the needs of the displaced; to promote and strengthen dialogue with their governments on the rights of the displaced; and as the basis for outreach campaigns. Reference was made in this context to a project in which teams of lawyers from Armenia, Azerbaijan and Georgia, with support from the OSCE and the Brookings Institution, had reviewed their national laws and regulations with reference to the Principles and had produced reports identifying areas which need reform. Meetings were then held in each of the countries at which the lawyers reviewed their findings with government officials, NGOs, civil society and international organizations. As a result, constructive discussion was now taking place about improving laws and removing obstacles to implementation. It was observed that such a process could be replicated in other countries, including in the Russian Federation, and that the Brookings Institution Project would be prepared to work in partnership with such efforts.

In the discussion, a number of participants expressed support for this proposal, including the establishment of a group of academic experts to carry out a comparative study of federal and local legislation as it related to the internally displaced and the Guiding Principles. Although some noted that many of the provisions contained in the Guiding Principles were already reflected in the Law on Forced Migrants, others suggested that existing legislation could be further developed as regards the issue of property restitution and compensation for displaced persons and underscored the benefit of undertaking such an exercise since there might be areas in addition to property restitution which could benefit from review and, if necessary, reform. A working group could establish which aspects of the law might need refinement.

Some participants suggested that the Russian government sign the principles and adopt them as law. Others advocated that the Principles be used as the basis for a state migration policy.

It was pointed out that there was no clear cut migration policy that covered internally displaced persons. Moreover, current policies such as they existed were being turned into "anti-migration policies."

Russian non-governmental organizations, such as Memorial, reported that they were using the Principles as the basis of defining rights for internally displaced persons.

The importance of disseminating the Guiding Principles was recommended as well as the undertaking of educational programs in the Principles, in particular for the benefit of national and local officials.

Finally, the importance of implementing the provisions of the Principles at the local level was emphasized, where authorities did not seem to be always aware of the rights of the internally displaced and of their duty and responsibility to ensure those rights. Indeed, local authorities often discriminated against internally displaced persons.

Access to Basic Rights

It was noted at the meeting that as stipulated in the Guiding Principles, internally displaced persons, as citizens of their country, were entitled to a broad range of economic, social, cultural, civil and political rights. In particular, the displaced had the right to basic material assistance (food, medicine and shelter) and physical and legal protection; they were entitled to freedom of movement and residence and 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; and were to be provided with all necessary documentation. In order to ensure that the displaced receive protection and assistance, the national authorities were supposed to grant rapid and unimpeded access to humanitarian organizations.

Henrik Villadsen (Danish Refugee Council, Moscow) pointed out that access by humanitarian organizations to the displaced in the North Caucasus, and in particular those residing in Chechnya, was a serious problem as a result of the ongoing and highly volatile security situation. Free passage for relief supplies and personnel had been denied on several occasions, including by Federal forces and for reasons that were often not explained. Erratic access to the displaced had effectively denied them basic goods and services. The security situation further compounded access problems. Displaced persons in Chechnya were reluctant to leave their current place of residence in order to seek assistance elsewhere in the Republic. Similarly, the representative of the World Food Program (WFP), Bhim Udas, noted that the efforts of his organization to deliver assistance had been restricted both by security problems in Chechnya and also by complicated bureaucratic procedures for obtaining travel permits as well as by the role which was being played by the military in determining access for humanitarian supplies and personnel. In this respect, it was noted that the lack of access by humanitarian organizations to the displaced and *vice versa* was essentially "a man-made problem."

In view of the serious obstacles confronting humanitarian organizations in reaching those in need, a number of participants in the discussion emphasized the important role which could be played by local NGOs in complementing and facilitating the activities of international organizations. Such problems notwithstanding, Toby Lanzer, (Head of the UN Office for the Coordination of Humanitarian Affairs (OCHA, Moscow) noted that current figures revealed that never before had so many humanitarian actors been able to reach so many recipients as

was currently the case, although the continued and sustained provision of humanitarian assistance remained a concern because of the volatile security situation. While an achievement on the one hand, on the other it could be taken as an indication of the gravity of the access problem in the past.

Mikhail Aroutiunov (President of the International Human Rights Assembly) referred to continuing restrictions on the right to freedom of movement, pointing out that while the 1993 Law on Freedom of Movement provided for the right to choose one's residence, in practice some internally displaced persons experienced difficulty in exercising this right because of complicated and bureaucratic residence registration procedures. He in particular highlighted the problems of the Ingush, the Chechens and the Meshketian Turks.

He also raised the issue of "illegal migrants," estimating that there were 5 million of them. He suggested that an effective way to approach this problem would be to recognize all of them as citizens and allow them to live and work on the territory of the Russian Federation. He also noted that the term had been used more broadly and inaccurately to refer also to internally displaced persons. With regard to illegal migrants in the more traditional sense, Aroutiunov said that deportation was an "unacceptable" solution.

Svetlana Gannushkina (Memorial Human Rights Center) spoke about the legal framework for internally displaced persons in the Russian Federation, noting that the Federal authorities were concerned primarily with questions of illegal immigration into Russia and that many "forced migrants," including refugees and some groups of internally displaced persons as well as groups such as the Meshketian Turks, had not been granted formal forced migrant status. In the case of the latter, when deported by Stalin in 1944, Meshketian Turks were effectively internally displaced persons within the Soviet Union. With the change in state borders in the early 1990s, however, they were no longer categorized as such. However, there were those who had returned to the territory of the Russian Federation and who resided in places such as Krasnodar Krai and the Republic of Kabardino-Balkaria. Participants noted that while such persons were entitled to the citizenship of the Russian Federation, their rights were being denied by local authorities.

Attention was also drawn to the fact that for some internally displaced persons it was physically impossible to obtain documentation, such as identity documents. Displaced Chechens for example, residing outside of Chechnya, were unable to obtain such documents as these were only issued on the territory of Chechnya. Among the consequences of this was that those affected were unable to apply for and receive compensation for property lost as a result of conflict as they lacked the necessary documentation to register complaints with the authorities.

Return or Resettlement, and Reintegration

Finding durable solutions, the ultimate goal for internally displaced persons, could be achieved when internally displaced persons were able to resume stable, secure lives by returning to their places of origin or, alternatively, resettling in another location in their country. Jean-Paul Cavalieri (UNHCR) explained that inherent in the right to voluntary return was the obligation of the authorities to establish the necessary conditions to facilitate this, as stipulated in Guiding Principle 28. He noted that the majority of internally displaced Chechens wanted to return to their homes but not at the present time due to the security situation within Chechnya and also the level of destruction of housing which raised obvious

questions as to the availability of suitable accommodation for returnees. Because of the inadequacy of conditions within Chechnya, internally displaced persons should not be induced to return or "forced to follow assistance" or forced to go back to areas where there was no assistance and where conflict continued. He expressed concern that the authorities had stopped registering new internally displaced persons from Chechnya since March 2001. These persons had not been allowed to enter camps for the displaced and, therefore, were unable to benefit from humanitarian assistance available in camps. Yet "all persons who have lost their homes because of conflict should be considered forced migrants."

Another crucial factor in the return or resettlement process was the availability of suitable mechanisms to facilitate property restitution or, in lieu of restitution, payment of compensation or another form of just reparation, as stipulated in Principle 29. Sergey Yagodin (Office of the Commissioner on Human Rights of the Russian Federation) noted that the Russian Constitution proclaimed that the rights of Russian citizens were protected by law, in accordance with which individuals should have access to the courts and to compensation in the event of inaction by the authorities in regard to acts of terrorism and extremism. However, he also noted that the Federal authorities were not doing enough to protect the victims of abuses. To begin with, inadequate attention was being paid to issues of restitution and compensation. Indeed, a system for implementing the relevant law needed to be established. For instance, a system for calculating the extent of property damage had yet to be established. Yet when efforts had been made to claim restitution, the legal system required that unrealistic details on the destruction of property be provided by the claimants. The return of property was rare and the Office of the Commissioner on Human Rights took up restitution and compensation cases in the courts with a view to remedying this state of affairs. More generally, the point was made that those responsible for human rights violations and crimes were not pursued or prosecuted.

Within the context of solutions, Steven Holtzman (World Bank) focused on what he termed the poverty and vulnerability of displacement. Noting that people generally speak of three sustainable solutions for displaced populations – return to home of origin, permanent integration in the location to which they have been displaced, and resettlement elsewhere – he observed that many displaced populations in Europe remained displaced for long periods without access to any of these solutions. In short, many displaced populations were caught in a trap in which they were unable to return to their homes but usually could not integrate into the community into which they were displaced, which resulted in a special kind of poverty with its own characteristics.

He advanced four factors as contributing to the poverty and vulnerability of displaced populations. First, lack of economic assets or access thereto, such as access to agricultural land, livestock, machinery and tools. Second, obstacles to employment such as lack of educational and professional qualifications or lack of documentation. This could be compounded by lack of appropriate skills transfer from areas of origin to areas of settlement; legal and policy restrictions on employment; lack of investment capital; psychological impacts, including unwillingness to accept long term employment; and lack of access to social networks and informal channels for finding employment through the state administration. Third, distortions in social capital stemming from, for example, the physical separation of community members during displacement; changes in household structures and in the roles of men and women; changes in the nature of leadership such as challenges to traditional forms of leadership based on age and disruption of patterns of leadership; and the question of deciding whether to build links with host communities or to invest in community

organization within displaced populations. Finally, psychological factors such as those resulting from the lingering impact of violence and conflict-related trauma and from depression caused by displacement and the psychological effects of being unsure about the future. Holtzman also observed that displacement created a wider circle of vulnerability, affecting the communities in which the displaced were “temporarily” settled as well as their communities of origin.

Response of National and Local Authorities

The duty and responsibility for meeting the protection and assistance needs of the internally displaced, according to Guiding Principle 3, rested first and foremost with the national and, through them, local authorities. The question was one of translating this duty into appropriate steps which sought to meet the needs of the displaced in an effective and comprehensive manner.

Academician Torpornin (Institute of State and Law, Russian Academy of Sciences) noted that the present conference was occurring at a time when the state structures responsible for issues of migration (both internal and external) were undergoing change and that a new system was not yet in place though it was clear that the Federal Migration Service, the state institution responsible for these issues, would be coming under the control of the Ministry of Interior. Reference was made to the broader political and institutional context in which this change was taking place, specifically the reform of federal structures marked by a reallocation of responsibilities and a decentralization of powers to local authorities, which he regarded as a necessary step towards positive change. Within this process, expanding the powers of local authorities as regards migration policy was seen as key, although such expansion of powers at the local level would need to be accompanied by a commensurate budget increase.

Vladimir Khartchenko (Deputy Head of the Regional Office on Nationalities and Migration in Rostov-on-Don) also referred to the current vacuum in which the Russian migration system was operating, namely the disbanding of the old system without the establishment of a functioning successor. As the new system developed, it was important that attention be paid to the regional and local level and the problems they would face in dealing with migration issues. While Rostov-on-Don had been traditionally an ethnically mixed area, population movements stemming from the conflict in Chechnya had been perceived negatively and the attitude of local populations towards the displaced was one of hostility bordering on aggression, extending also to a perception of the displaced as competitors in, rather than contributors to, the labor market. Among the problems facing the displaced and requiring urgent attention were the need for housing and employment. Khartchenko noted that NGOs and civil society could play an important role in working with the local authorities to resolve these problems and that consultations had begun between the authorities and local NGOs with regard to a scheme in which the displaced themselves would provide the labor for the construction of homes.

Several participants underscored the importance of effective working relations between the Federal and local levels. Reference was made to the lack of experience on the part of the local authorities in addressing migration issues and resolving situations of displacement and the need for training and education on such issues. One of the consequences of the poor relationship between local officials and forced migrants was that internally displaced persons

felt discouraged from applying to the authorities for the services they needed, feeling they had to rely on bribery and corruption to gain access.

Participants also underscored the need to educate local or receiving populations and communities to overcome what one participant referred to as the "threshold of ethnic rejection," or the drop in tolerance of the "other" ethnic groups. Other participants noted that the mass media and senior local officials and policymakers, while having a responsibility to work to eradicate such intolerance were, on the contrary, fuelling it to varying degrees through, for example, voicing demands for the expulsion of displaced Chechens, something which was "very serious and alarming."

The importance of overcoming such attitudes of intolerance was considered particularly important since, as several participants noted, return of the displaced to their original homes was not a viable option at the present time and that consideration must be given to alternatives such as resettlement and local integration. Indeed, while emphasis was placed on the voluntary return of displaced persons in safety and dignity to their places of origin as being perhaps the optimum solution to displacement, it was also stressed that when return under such conditions was neither possible nor the desired outcome for the individual concerned, local integration should be given due weight and consideration.

Some participants also drew attention to serious discrepancies between different regions of the country in implementing international standards. It was noted that in some regions, such as Krasnodar, contrary to the Guiding Principles, internally displaced persons were not provided with documentation such as birth certificates and were not allowed to settle in their current area of residence through the purchase of real estate for example. Participants stressed the need for greater coherence and transparency in implementing Federal law and international norms in the different regions. Given the new emphasis on decentralization, several participants said it was incumbent upon the Federal government to take steps to ensure that its own laws as well as international norms were implemented at the local level.

Role of NGOs and Civil Society

Often, the efforts of national and local government in meeting the protection and assistance needs of the internally displaced should be supplemented by the efforts of NGOs and civil society, a situation which applied as much in the Russian context as elsewhere in the world. Indeed, as Natalia Voronina (Partnership on Migration) observed, NGOs had come to play an increasingly prominent and important role in the Russian Federation in recent years, as exemplified by the multitude of such organizations carrying out valuable work in the North Caucasus in providing protection and assistance to the displaced. To facilitate the work of NGOs in Russia with regard to internal displacement, Voronina endorsed the suggestion of one of the participants that a process be established similar to the one undertaken at the 1996 Geneva Conference, organized under the auspices of UNHCR, the International Organization for Migration (IOM) and OSCE/ODIHR, and that had brought together a range of interested governments, NGOs and international and regional organizations in an effort to address the needs of those uprooted in the region of the former Soviet Union. A scaled-down version of the process was proposed which would bring together the key actors from the government, NGOs and the international community in order to discuss the problem of internal displacement in the Russian Federation with a view to developing a comprehensive and coordinated response to the problem. It was suggested that an organization such as UNHCR might consider lending support to such an initiative.

Samuel Hautenstein (Médecins Sans Frontières (MSF) – Holland) referred to the efforts of his organization in supporting local health structures in Chechnya that were faced with enormous capacity problems. MSF's main counterpart was the Ministry of Health which, he noted, attempted to facilitate the organization's work but which itself was constrained by limited resources. Picking up on earlier comments made at the conference, he noted problems of access to those in need resulting from both security lapses and administrative and bureaucratic constraints.

Recalling Voronina's earlier remarks, Svetlana Gannushkina (Memorial Human Rights Center) noted that NGOs and civil society in the Russian Federation had gained strength during the 1990s and had learned how to dialogue with and seek to influence the authorities. However, in recent years, a change in attitude was discernible on the part of the authorities, reflected in a reluctance to cooperate with NGOs. This in turn had translated into a number of practical difficulties for NGOs, ranging from an inability to register organizations, which had implications for their legal personality and their ability to open bank accounts in their organization's names, to the application of the tax code in such a way as to increase their costs substantially. In the face of what was described as an ongoing and indeed deteriorating situation, Gannushkina ended with a plea to the international community to assist NGOs in their efforts to operate effectively in Russia.

Many participants noted the positive role which NGOs and civil society could play in protecting and assisting the displaced. It was stated, for example, that the adoption of Order No. 80 on the steps which should be followed by the armed and security forces in the conduct of *zachistka* or sweep operations in Chechnya was largely the result of pressure exerted by NGOs, although the implementation of Order No.80 left considerable room for improvement. Others referred to the important role that NGOs could play in acting as partners of international humanitarian organizations and in reaching populations the latter were unable to access. Reference was also made to the important role that NGOs could play in helping to combat or reverse the xenophobic trends which seemed to dominate the migration debate in Russia.

The point was further made that NGOs could achieve more in terms of advocacy and protection by working together and cooperating and sharing information. In this connection, one participant suggested that an NGO coordination center be established with a view to strengthening the efforts of NGOs in monitoring conditions of displacement, mobilizing public opinion and generating international support.

Role of Regional and International Organizations

In recent years a broad range of humanitarian, human rights and development organizations have begun to provide protection, assistance, and reintegration and development support to internally displaced populations and regional organizations have become active in promoting political solutions to internal conflicts and in drawing attention to the problem of internal displacement in their regions. Alexandre Gussel (Office of the Council of Europe High Commissioner for Human Rights) noted that a significant proportion of the High Commissioner's work concerned the situation in the North Caucasus, noting in this regard that High Commissioner Alvaro Gil Robles was the first international official to visit the North Caucasus following the outbreak of hostilities in 1999. His last visit to Chechnya was

in March 2001 during which he recommended: first, that there could be no peace without justice, referring to the need for the authorities to take steps to prevent impunity on the part of military personnel who had committed abuses against the civilian population; second, that the ongoing debate on the future of the Chechen Republic should include the Chechen people themselves, who should be given a role in deciding their future; and third, that dialogue on these and other issues should continue and be facilitated by the Council of Europe.

Guessel took note of the usefulness of the Guiding Principles for the North Caucasus, in particular Principle 28 and the fundamental importance for the authorities to ensure that any return of displaced persons be voluntary and take place in conditions of safety and dignity. Due regard, he emphasized, should also be paid to the relevance of the European Convention on Human Rights (a number of whose provisions were reflected in the Principles), to which the Russian Federation was a state party and whose provisions therefore applied on the territory of the country.

In addition to the steps being taken by the High Commissioner for Human Rights, it was also noted that the Committee on Migration, Refugees and Demography of the Parliamentary Assembly of the Council of Europe was active on the question of Chechnya. The Committee had appointed a rapporteur to undertake a study on the situation of internal displacement in Europe and had drafted a motion for a recommendation, calling upon states to promote and apply the Guiding Principles and to incorporate them into their national law where this had not been done already.

Ambassador Jorma Inki (head of the OSCE Assistance Group to Chechnya) noted that at the present time, the OSCE was the only international organization "formally present" within the Chechen Republic, with a staff of six operating out of the town of Znamenskoye. Its presence in the republic provided it with a useful role in terms of monitoring the rights and conditions of the displaced and the civilian population in general and in advocating with the Federal and local authorities. Indeed, the OSCE was referred to as "field representative of the international community" and a plea was made to other international organizations to work more closely with it and take advantage of its physical presence in Chechnya.

Toby Lanzer (Head of Office, OCHA-Moscow) spoke on his organization's role in facilitating coordination and liaising with the Federal authorities to ensure that humanitarian action could take place with government consent. OCHA, he said, worked in close collaboration with UN agencies, the International Committee of the Red Cross (ICRC) and representatives of donor communities, as well as international and local NGOs, to seek to ensure a coordinated and adequately funded humanitarian response to the situation in the North Caucasus. Lanzer noted, however, that there was a tendency to talk rather than actually do and in this regard paid tribute to the efforts of the OSCE Assistance Group, operating within the Republic of Chechnya.

The UN's humanitarian operation in the North Caucasus was described as having four strategic aims: to protect the basic rights of the civilian population in Chechnya and Ingushetia; to preserve the well-being of children and youth; to help local NGOs and civil society groups to gain confidence, skills and the capacity needed to contribute to the development of society; and to prepare legal, health, education and other structures in Chechnya so that they could function effectively in the future. To support these efforts the UN had mobilized over US\$90 million since November 1999. Lanzer described the UN's contribution to the humanitarian effort in the North Caucasus as not just a matter of feeding

people but of providing "a bit of protection" for those displaced within Chechnya and "a lot of protection" for those displaced in Ingushetia, given the UN's support of Ingushetia as a "safe haven" from which there should be no forced return, a principle it tried to defend actively and on a daily basis.

Bernard Lhoest (International Committee of the Red Cross – ICRC) underlined one of the crucial issues facing humanitarian workers in the North Caucasus and indeed throughout the world – the safety of humanitarian personnel. He observed that humanitarian work in the region was taking place in the face of numerous and varied dangers and risks, posed by landmines, unexploded ordnance, shooting, bombing, physical and verbal abuse, as well as a climate of criminality. In an effort to reduce the risks posed by working in such an environment, the ICRC had developed a concept of staff security which was based on "seven pillars." The first was the "acceptance of the ICRC" by the parties to the conflict in order to allow the organization to be able to operate. The second concerned "identification," that once its role had been accepted, the ICRC should be identifiable. The third was "information," that in any high-risk situation information was a fundamental element of security. Reliable information made it possible to anticipate events and to react in an appropriate manner as situations developed or when dangers arose during field trips. The fourth pillar was composed of the security regulations drawn up by individual delegations. Each delegation had its own security rules which prescribed proper behavior and which were specific to the country concerned. Fifth was the concept of "personality," that the safety of the ICRC's field activities depended to a large extent on the personal attributes of its staff, the most important of which was solidarity and a sense of responsibility. Sixth was "telecommunications," specifically that of facilitating the transmission of information and notifications, monitoring and checking movements in the field, giving warning of a deterioration in the situation, or dealing with any crisis that might arise. Finally, the seventh pillar concerned physical protection, such as the placing of premises in unexposed positions and the use of physical barriers, alarm systems, guards, and the like. It was observed that while humanitarian workers would always be exposed to risks, there were steps that could be taken to reduce those risks as much as possible. On the specific issue of information, he noted that information sharing among the various humanitarian actors in the region could be improved. Finally, reference was made to the fact that the murderers of the six ICRC staff in Chechnya in December 1996 were still at large.

PROGRAM OF ACTION FOR FUTURE ACTIVITIES

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, 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, that balance respect for individual rights with protection of ethnic and national groups from discrimination.
- 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 extend to taking into account the wishes of the displaced and 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, and/or health would be at risk.
- Provide measures aimed at improving relationships between ethnic and national groups in areas of integration. This would include 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 on Internal Displacement could serve as a framework for such programs.

- 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 for these organizations to areas of displacement as well as expanded presence, when 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.

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 OSCE 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.
- A process similar to the 1996 CIS Process should be convened, this time exclusively focused on the Russian Federation and on the problem of internal displacement, bringing together the Government, NGOs and the international community to develop solutions.

ANNEX I

LIST OF PARTICIPANTS

OFFICE OF THE PRESIDENT, FEDERAL AND LOCAL MINISTRIES AND AGENCIES OF THE RUSSIAN FEDERATION

Afanasiev, Alexey, Chief Expert, Office of the Procurator General of the Russian Federation
Boushmarinov, Serguei, Counselor, Expert Department of the President of the Russian Federation

Demidov, Andrey, Deputy Director, Department for International Humanitarian Cooperation and Human Rights, Ministry of Foreign Affairs of the Russian Federation

Kartashkin, Vladimir, Head of the Commission on Human Rights under the President of the Russian Federation

Khartchenko, Viktor, Deputy Director, Territorial Body of the Ministry of the Russian Federation in Rostov Region, Rostov-on-Don

Larkov, Anatoly, Director of the Department, Office of the Procurator General of the Russian Federation

Nalghiev, Azmat, Head of the Committee on Nationalities, International Affairs and Relations with Public and Religious Organisations, Parliament of the Republic of Ingushetia

Nikolaeva, Ludmila, Chief Expert, Ministry of Finance of the Russian Federation

Nikulina, Natalia, Deputy Director of the Department, Ministry of Justice of the Russian Federation

Roudova, Ekaterina, Senior Consultant, Supreme Court of the Russian Federation

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Loukasheva, Elena, Head of the Department of Human Rights, Institute of State and Law, Russian Academy of Sciences

Malinovskaya, Elena, Program Coordinator, Coordinating Council of Assistance to Refugees and Forced Migrants, Moscow

Moukomel, Vladimir, Director, Center for Ethnopolitical and Regional Studies, Moscow

Petrosian, Margarita, “Migration and Law,” Human Rights Center “Memorial,” Moscow

Potchekina, Olga, “Forum of Forced Migrants,” Moscow

Soulygova, Marifa, President, “Gorianka” and Assistant to the Deputy Chairman of the government of the Republic of Ingushetia

Tishkov, Valery, Director of the Institute of Ethnology and Anthropology, Russian Academy of Sciences

Topornin, Boris, Director of the Institute of State and Law, Russian Academy of Sciences, Moscow

Tretiakov, Vladimir, “Migration and Law”, Stavropol

Vassilieva, L, Scientific Researcher, Institute of Legislation and Comparative Jurisprudence under the government of the Russian Federation, Moscow

Voronina, Natalia, President, “Partnership on Migration,” Moscow

Zhaiontchkovskaya, Zhanna, Director, Laboratory on Migration, Institute of National Prognostication, Russian Academy of Sciences, Moscow and President, CIS Research Council on Migration, Moscow

REGIONAL ORGANIZATIONS

Guessel, Alexandre, Office of the Council of Europe High Commissioner for Human Rights, Strasbourg

Inki, Jorma, Ambassador, OSCE Assistance Group to Chechnya

Shkolnikov, Vladimir, Office for Democratic Institutions and Human Rights, OSCE, Warsaw

INTERNATIONAL ORGANIZATIONS

Cavaliere, Jean-Paul, Protection Officer, United Nations High Commissioner for Refugees, Moscow

Ferli, Kim, Protection Officer, United Nations High Commissioner for Human Rights, Moscow

Holtzman, Steven, Senior Social Scientist, World Bank, Washington DC

Klicheva, Zaiema, Office Assistant/Translator, North Caucasus Sub-Office, Office for the Coordination of Humanitarian Affairs

Lanzer, Toby, Head of Office, Office for the Coordination of Humanitarian Affairs, Moscow

Lhoest, Bernard, International Committee of the Red Cross, Ingushetia

Negus, Ben, Field Adviser, North Caucasus Sub-Office, Office for the Coordination of Humanitarian Affairs

Santini, Tullio, Humanitarian Affairs Officer, Humanitarian Emergency Branch Office for the Coordination of Humanitarian Affairs, New York

Scott, Richard, Chief of Mission, International Organization for Migration, Moscow
Sherbakova, Natalia, Program Officer, International Labor Organization, Moscow
Udas, Bhim, Senior Emergency Coordinator, World Food Program, Moscow
Vaessen, Marcel, NGO Liaison Officer, Office for the Coordination of Humanitarian Affairs, Moscow
Vitkovskaya, Galina, Program Coordinator, Moscow Migration Research Project, International Organization for Migration, Moscow
Von Siemens, Christina, Donor Liaison Officer, Office for the Coordination of Humanitarian Affairs, Moscow
Yandarov, Zelim, Program Consultant, World Food Program, Moscow
Zupka, Dusan, Head of European Desk, Response Coordination Branch, Office for the Coordination of Humanitarian Affairs, Geneva

INTERNATIONAL NGOs

Angaparidze, Manana, Medical Coordinator, Medecins Sans Frontieres-France, Moscow
Erkel, Arjan, Head of Mission Medecins Sans Frontieres-Switzerland, Dagestan
Hauenstein, Samuel, Project Coordinator, Medecins Sans Frontieres-Holland, Nazran
Mahadou, Claude, Desk Officer, Medecins Sans Frontieres-Switzerland, Geneva
Moinie, Sylvie, Medical Coordinator, Medecins Sans Frontieres-Holland, Moscow
Repriels, Koen, Project Coordinator, Medecins Sans Frontieres-Belgium, Nazran
Repriels, Koen, Project Coordinator, Medecins Sans Frontieres-Belgium, Nazran
Villadsen, Henrik, Representative, Danish Refugee Council, Moscow

INTERNATIONAL EXPERTS AND RESEARCH INSTITUTIONS

Cohen, Roberta, Senior Fellow and Co-Director, Brookings Institution Project on Internal Displacement, Washington DC
Deng, Francis, Representative of the Secretary-General on Internally Displaced Persons; Distinguished Professor, Ralph Bunche Institute for International Studies, Graduate Center, City University of New York, and Co-Director, Brookings Institution Project on Internal Displacement
Frelick, Bill, Director, US Committee for Refugees, Washington DC
Kälin, Walter, Professor of Constitutional and International Law, School of Law, University of Bern

RAPPORTEURS

Bagshaw, Simon, Brookings Project on Internal Displacement, Geneva
Schenkenberg van Mierop, Ed, Coordinator, International Council of Voluntary Agencies, Geneva

Annex II

INTERNATIONAL CONFERENCE ON INTERNAL DISPLACEMENT IN THE RUSSIAN FEDERATION MOSCOW, 25-26 APRIL 2002

SPONSORED BY THE INSTITUTE OF STATE AND LAW OF THE RUSSIAN ACADEMY OF SCIENCES,
“PARTNERSHIP ON MIGRATION” AND THE BROOKINGS INSTITUTION PROJECT ON INTERNAL
DISPLACEMENT

AGENDA

THURSDAY 25 APRIL

09.30 - 10.00 Registration

10.00 – 10.30 Opening Addresses

*Academician Boris Topornin, Director of the Institute of State and Law,
Russian Academy of Sciences, Moscow*

*Representatives of the Office of the President and the Commission on Human
Rights of the President*

10.30 – 11.00 Global Overview

In 1992, at the request of the United Nations Commission on Human Rights, the Secretary-General appointed a representative on internally displaced persons. This session provides an overview of the problem world-wide and examines the response of the international community.

Moderator: Academician Boris Topornin, Institute of State and Law

*Dr. Francis Deng, Representative of the United Nations Secretary-General on
Internally Displaced Persons*

Discussion

11.00 – 11.20 Coffee Break

11.20 – 13.30 Internal Displacement in the Russian Federation

There are nearly 500,000 internally displaced persons in the Russian Federation. This session begins with a discussion of the terminology used in regard to internal displacement and then seeks to identify the main trends in internal displacement in the country; the causes of displacement and its impact on communities and the country as a whole.

*Moderator: Mr. Richard Scott, Chief of Mission, International Organization
for Migration, Moscow*

The issue of terminology

Dr. Vladimir Shkolnikov, Migration Advisor, Office for Democratic Institutions and Human Rights, OSCE, Warsaw

Overview of internal displacement in the CIS with particular reference to the Russian Federation

Mr. Bill Frelick, Director, US Committee for Refugees, Washington DC

Forced Migration from Chechnya (1991-1994)

Mr. Valentin I. Nitikin, President of the Committee on Nationalities, State Duma, Moscow

Return of Ingush IDPs to North Ossetia

Mr. Alexandre Dzadziev, Center of Social and Humanitarian Research, Vladikavkaz

IDPs displaced from Chechnya as of 1995 and 1999

Ms. Marifa Soulytghova, assistant to the Deputy Head of the government of the Republic of Ingushetia and President of the NGO "Gorianka"

Social status of IDPs in camps in Ingushetia and Chechnya

Ms. Lipkhan Bazeava, "Migration and Law," Nazran

Discussion

13.30 - 14.45 Luncheon

14.45 – 15.45 Guiding Principles on Internal Displacement

In 1998, the first international standards for internally displaced persons were presented to the UN Commission on Human Rights. Entitled the Guiding Principles on Internal Displacement, the Commission, Economic and Social Council and General Assembly have acknowledged them, the international humanitarian, development and human rights organizations in the Inter-Agency Standing Committee have endorsed them, and they are being widely disseminated by the UN. Regional organizations in Europe, Africa and the Americas have also acknowledged them and have been using them in their work as have many NGOs. This session reviews their origin and content, and how they are being applied worldwide.

Moderator: Professor Elena Loukacheva, Head, Department of Human Rights, Institute of State and Law, Russian Academy of Sciences

Professor Walter Kälin, School of Law, University of Bern, Switzerland

Ms. Roberta Cohen, Co-Director, Brookings Institution Project on Internal Displacement, Washington DC

Discussion

15.45 – 16.05 Coffee Break

16.05 – 17.30 Access to Basic Rights

Internally displaced persons, as citizens of their countries, are entitled to a broad range of economic, social, cultural, civil and political rights. In particular, the displaced have the right to physical and legal protection and to basic material assistance (food, medicine, shelter); they are entitled to freedom of movement and residence and should be provided with all necessary documentation. This session seeks to identify and discuss the issue of access to basic rights by internally displaced persons in the Russian Federation and to identify priorities for the future. Particular attention will be paid in this session to groups among the displaced who may have particular needs.

Moderator: Mr. Toby Lanzer, Head of Office, OCHA-Moscow

Ensuring the rights of IDPs

Representative of the Office of Mr. Vladimir Kalamonov, Special Representative of the President of the Russian Federation for Human Rights in the Republic of Chechnya

Physical and legal protection

Mr. Alexander Tcherkassov, “Memorial”

Access to humanitarian assistance: food, medicine and shelter

Mr. Henrik Villadsen, Danish Refugee Council, Moscow

Freedom of movement

Mr. Mikhail Aroutiunov, President, International Human Rights Assembly, Moscow

Registration and the judicial process

Ms. Margarita Petrosian, “Memorial”

Perspectives on the development of the legal status of IDPs in the Russian Federation

Ms. Svetlana Gannushkina, Civic Assistance Project, “Memorial,” Moscow

Discussion

17.30 – 19.00 Return or Resettlement and Reintegration

Finding durable solutions, the ultimate goal for internally displaced persons, may be achieved when internally displaced persons are able to resume stable, secure lives by returning to their places of origin or resettling in another location in their country. This session focuses on conditions for safe and voluntary return, including the protection of returnees and questions of property restitution and compensation, and looks at alternatives to return since the search for lasting political solutions often takes time and situations of internal displacement easily can become protracted. It also looks at how poverty as experienced by internally displaced communities is often of a qualitatively different nature than for non-displaced communities and as such requires different approaches for its alleviation. It looks as well at questions of reconstruction and development.

Moderator: Dr. Valery Tishkov, Director, Institute of Ethnology and Anthropology, Russian Academy of Sciences

Voluntary, safe and dignified return or resettlement

Mr. Jean-Paul Cavalieri, Protection Officer, UNHCR, Moscow

Poverty and vulnerability of displacement

Mr. Steven Holtzman, Senior Social Scientist, World Bank, Washington DC

Reconstruction and development

Mr. Vladimir Yelagin, Minister for Economic and Social Restoration in Chechnya

Property restitution and compensation

Mr. Sergey Yagodin, Head of Division, Office of the Commissioner on Human Rights in the Russian Federation, Moscow

Discussion

19.00 - 20.00 Reception

10.00 – 11.15 Response of National and Local Authorities

As Guiding Principle 3 affirms, the duty and responsibility for meeting the protection and assistance needs of the internally displaced rests first and foremost with the national and, through them, local authorities. This session aims to identify the means through which the federal and local authorities in the Russian Federation are seeking to respond to the needs of their internally displaced populations and the level of success they have enjoyed, and what steps are envisaged for the future.

Moderator: Dr. Vladimir Shkolnikov, OSCE/ODIHR, Warsaw

Federal law and Internally Displaced Persons

Academician Boris Topornin, Director of the Institute of State and Law, RAS

Institutional arrangements

Representative of the Ministry of Interior

Response of local authorities

Mr. Vladimir Khartchenko, Deputy Head of the Regional Office on Nationalities and Migration, Rostov-on-Don

Discussion

11.15 – 11.35 Coffee Break

11.35 – 12.45 Role of NGOs and Civil Society

Often, the efforts of national and local government in meeting the protection and assistance needs of the internally displaced may be supplemented by the efforts of local NGOs and civil society. This session examines the role of local NGOs and civil society in the promotion of solutions and also how to strengthen their collaboration with national and local government.

Moderator: Mr. Mikhail Aroutiunov, President, International Human Rights Assembly, Moscow

Role of NGOs and civil society

Dr. Natalia Voronina, "Partnership on Migration," Moscow

Operational problems

Mr. Samuel Hauenstein, Project Coordinator, Medecins Sans Frontieres-Holland, Nazran

Ms. Svetlana Gannushkina, Civic Assistance Project, "Memorial," Moscow

Discussion

12.45 – 14.15 Lunch

14.15 – 15.30 Role of Regional and International Organizations

In recent years a broad range of humanitarian, human rights and development organizations have begun to provide protection, assistance, and reintegration and development support to internally displaced populations and regional organizations have been promoting political solutions. This session looks at the role and approaches of these organizations in the Russian Federation, ways to increase local and national capacity building, promotion of solutions and whether there is a need for such organizations to play an expanded role with the internally displaced.

Moderator: Mr. Bill Frelick, Director, US Committee for Refugees, Washington DC

Council of Europe

Mr. Alexandre Guessel, Office of the Council of Europe High Commissioner for Human Rights, Strasbourg

Organization for Security and Cooperation in Europe

Ambassador Jorma Inki, OSCE Assistance Group to Chechnya

United Nations agencies

Mr. Toby Lanzer, Head of Office, OCHA-Moscow

Safety of humanitarian personnel

Mr. Bernard Lhoest, ICRC Representative in Ingushetia

Discussion

15.30 – 16.00 Coffee Break

16.00 – 18.00 Program of Action for Future Activities

This session will bring together the major conclusions and recommendations reached during the conference, identifying a program of action through which the protection, assistance, reintegration and development needs of internally displaced persons in the Russian Federation can be best met at the national, regional, and international levels.

Moderator: Professor Walter Kälin, University of Bern

Rapporteurs, Mr. Ed Schenkenberg van Mierop, Coordinator, International Council of Voluntary Agencies, Geneva, and Mr. Simon Bagshaw, Brookings Institution Project on Internal Displacement

Discussion

18.00 Concluding Remarks

Dr. Natalia Voronina, Director, "Partnership on Migration," Moscow

Roberta Cohen, Co-Director, Brookings Institution Project on Internal Displacement

Academician Boris Topornin, Director of the Institute of State and Law, Russian Academy of Sciences, Moscow

Dr. Francis Deng, Representative of the Secretary-General on Internally Displaced Persons

18.30 Dinner

Annex III

INTERNATIONAL CONFERENCE ON INTERNAL DISPLACEMENT IN THE RUSSIAN FEDERATION

SPONSORED BY THE INSTITUTE OF STATE AND LAW OF THE RUSSIAN ACADEMY OF SCIENCES,
PARTNERSHIP ON MIGRATION AND
The Brookings Institution Project on Internal Displacement

MOSCOW, 25-26 APRIL 2002

APRIL 26 CONFERENCE STATEMENT

This conference has been challenged to develop strategies to promote a comprehensive approach to the problem of internal displacement in the Russian Federation. In its two days of discussions, conference participants emphasized that the situation of internal displacement in the Russian Federation represents a formidable humanitarian, human rights, and development challenge. Over the past decade, between 400,000 and 500,000 persons fled their homes in the Republics of Chechnya and Ingushetia and became forcibly displaced within the Russian Federation. Today there are an estimated 491,000 internally displaced persons, 170,000 inside Chechnya, 160,000 in Ingushetia, 20,000 in Dagestan and 20,000 elsewhere in the North Caucasus region; there are also some 106,000 persons, mostly ethnic Russians, displaced during the conflict in Chechnya between 1994-1996, and 15,000 displaced persons in Ingushetia, displaced in 1992 during the conflict over the disputed Prigorodnyi Region of North Ossetia.⁶ In addition, conference participants drew attention to the plight of the Meshketian Turks who when deported by Stalin were internally displaced persons. Although no longer so categorized because of the change in state borders, those living in Krasnodar Krai and the Republic Kabardino-Balkaria, although entitled to citizenship in the Russian Federation, are being denied their rights by the local authorities.

Participants identified a broad range of urgent problems facing internally displaced persons in the Russian Federation. These included threats to and violations of their physical security; ethnic discrimination and persecution; lack of access to basic services; inadequate shelter; restrictions on freedom of movement; loss of educational opportunities for displaced children; problems in obtaining identity documents in their current places of residence; and problems in the implementation of federal law concerning property restitution and compensation. It was also noted that the starting point for many of the problems facing the displaced, in particular those who fled from the Chechen Republic after 1999, was the suspension of registration services in March 2001, which denied many and continues to deny many access to humanitarian assistance and basic services. In this connection, participants also noted that humanitarian agencies are hindered in their efforts to provide humanitarian assistance. Reference was also made to the poverty and vulnerability to which the displaced are exposed as a result of being both unable to return to their homes and unable to integrate where they are, which sets them apart from others in the population. In this respect, it was recommended that the authorities pay the same special attention to the needs of internally

⁶ Figures, US Committee for Refugees, "Russian Federation", *World Refugee Survey* (2001). Available at: www.refugees.org/world/countryrpt/europe/russian_federation.htm

displaced persons that they do to other vulnerable groups and that the laws of the Russian Federation relevant to the rights of the internally displaced persons be assiduously applied.

The difficulties in finding solutions for internally displaced persons were also emphasized. In particular, participants noted the need for recognition of the fundamental principles of non-discrimination and freedom of movement and choice of residence so that the internally displaced could enjoy the full range of "durable solutions" to their plight. While return to their homes of origin is generally the preferred solution to internal displacement, lack of security, lack of housing, and lack of economic opportunity in areas of return have made this solution largely impractical for many. Consequently, and depending on the wishes of the displaced themselves, it was pointed out that solutions must also include integration of internally displaced persons in the areas in which they currently reside as well as resettlement elsewhere within the country.

The proposals made for responding to the challenge of internal displacement in the Russian Federation can be grouped in terms of national, regional and international responses:

At the **national level**, it was emphasized that primary responsibility for the internally displaced rests with the government of the Russian Federation. However, its role needs to be made far more effective. Above all, there is urgent need for the development of a coherent migration policy, which pays due regard to fundamental human rights standards, as contained in the International Covenants on Human Rights and the European Convention on Human Rights, and that balances respect for individual rights with protection of ethnic and national groups from discrimination. The policy, participants urged, should focus on a number of issues identified at the meeting. Prominent among these is 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 it would be more effective to distinguish between different groups of forced migrants and in particular separate out internally displaced persons from those comparable to refugees. Many participants noted the special needs and circumstances of internally displaced persons and the neglect of their needs in the overall framework for forced migrants.

A migration policy would seek to promote solutions to the many problems confronting internally displaced persons, including addressing their basic needs and alleviating the poverty they experience as well as protecting them from discrimination and threats to their personal security. A migration policy would also be expected to provide solutions to problems of internal displacement that extend beyond the safe, voluntary and dignified return of the displaced to their places of origin. Indeed, the wishes of the displaced must be taken into account and should include 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. The need to improve relationships between ethnic and national groups in areas of integration must further be a major component of the policy. The relationship between local and national authorities must also be an important element as well as ensuring that there are uniform standards governing the policies and programs of both. In this regard, the promotion of humane solutions for deported peoples such as the Meshketian Turks would be featured.

The Guiding Principles on Internal Displacement were acknowledged as providing a useful framework for the development of a migration policy. The Principles were also considered a useful tool for reviewing existing 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, although it was acknowledged that a number of the guarantees contained in the Principles are already provided for in existing legislation, among these the 1993 Law on Forced Migrants.

It was suggested that the Office of the Representative of the President of the Russian Federation for Human Rights in the Republic of Chechnya be given a strong role in overseeing migration policy, in particular with regard to addressing violations of the human rights of internally displaced persons.

The development of an effective migration policy as well as additional national and local legislation 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. It was suggested that a series of roundtables should be held to bring together government officials and civil society in different regions of the country. Indeed, the need for closer consultations between local and national authorities and non-governmental organizations (NGOs) and civil society were emphasized by many participants. So too was the need to lift the restrictions on the ability of NGOs to function effectively and to gain access to areas of internal displacement. Clearly, the strengthening of civil society and increasing its access should be a key part of migration policy. The importance of the role of the media in highlighting and supporting these efforts was emphasized.

The development of a migration policy would also require 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, it was pointed out, could play a strong role in organizing the educational seminars and workshops needed. The Guiding Principles could serve as a framework for training and education seminars.

Further, it was suggested that NGOs could establish a coordination centre 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.

Another important aspect of a migration policy would be government cooperation with regional and international organizations in order that these organizations 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 would mean unimpeded access to areas of displacement as well as expanded presence, as needed. As pointed out by one of the participants, restricted access is after all “a man-made problem.” The need for more effective

efforts to improve the overall security situation would improve the safety of humanitarian workers, who have been subjected in the past to killing, kidnapping as well as other serious threats to their security. While some steps have been taken to redress this problem, the arrest and prosecution of those responsible for such acts should be a government priority.

At the **regional level**, participants urged that the government actively support the efforts and the access of the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe, both of which play important roles with regard to internal displacement within the Russian Federation. In addition, 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 organizational policies and programs for the displaced. Participants recalled that an OSCE special meeting in 2000 recommended that internal displacement be better integrated into the work of the organization and that the Guiding Principles serve as a framework for such activities. In the case of the Council of Europe, the Committee on Migration, Refugees and Demography of the Parliamentary Assembly recently called for a decision by the Committee of Ministers to invite Member States to adopt and include the Guiding Principles on Internal Displacement in national legislation. Further It was suggested, at the regional level, that the CIS process be revisited with a stronger focus on internally displaced persons.

At the **international level**, participants urged the government to facilitate the access of and support the efforts of international organizations to respond to the assistance, protection and reintegration and development needs of the internally displaced. In particular, support should be given to the role of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), which facilitates the coordination of the international response, as well as to the various international organizations and NGOs that carry out vitally needed programs. Participants also expressed the hope that the government would take the necessary steps to facilitate a visit to the North Caucasus by the Representative of the Secretary-General on Internally Displaced Persons so that he might see the problem of internal displacement first-hand and enter into a dialogue with the authorities and other pertinent actors.

Overall, participants underscored that the problem of internal displacement requires a comprehensive approach, encompassing a joint effort by the government, regional and international organizations, NGOs and civil society. Working together, it was felt, would be the most effective way of responding to the urgent needs of internally displaced persons.