

Forced Displacement in Europe and Central Asia

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Abbreviations and Acronyms

CAS	Country Assistance Strategy
CPS	Country Partnership Strategy
DPs	Displaced Persons
ECA	Europe and Central Asia Region
ECSS4	Social Development Unit, Europe and Central Asia Region
EDS	Economic Development Support
ESW	Economic Sector Work
EU	European Union
ICR	Implementation Completion Report
IDMC	Internal Displacement Monitoring Centre
IDPs	Internally Displaced Persons
IMU	Islamic Movement of Uzbekistan
JSDF	Japanese Social Development Fund
NATO	North Atlantic Treaty Organization
NIDI	Netherlands Interdisciplinary Demographic Institute
NRC	Norwegian Refugee Council
PLIP	Property Law Implementation Plan
SDV	Social Development Department
SPF	State and Peace-building Fund
TF	Trust Fund
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees

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Abstract

This paper describes forced displacement in the Europe and Central Asia Region (ECA) and the vulnerabilities associated with being a displaced person. It analyzes the development challenges of forced displacement—particularly protracted displacement—in the region and the prospects for durable solutions. Displaced persons face challenges related to recovery of or access to housing and land, employment and livelihoods, access to services and public goods including health, education, and infrastructure, and accountable and responsive governance.

Characteristics of Forced Displacement in ECA

1.1 Introduction

Displacement triggered by violence, conflict and human rights violations poses not only a humanitarian crisis, but also a development challenge.¹ Added to the humiliation and suffering of fleeing one's place of origin, conflict-induced displacement creates specific vulnerabilities and needs for those affected which may continue for many years after the initial displacement. Displaced persons (DPs) face challenges related to housing and land property, employment and livelihoods, psycho-social well being, access to services and public goods including health, education and infrastructure, and accountable and responsive governance (Christensen and Harild, 2009).

If unaddressed, forced displacement may have negative effects on political and social stability and on the long-term prosperity of the countries that host displaced people. The presence of internally displaced persons (IDPs) and/or refugees may cause or heighten grievances leading to violent conflict, instability, crime, human rights violations and in turn, further displacement. As Christensen and Harild put it, "Displacement may also have longer term negative developmental impacts affecting human and social capital, economic growth, poverty reduction efforts, and environmental sustainability."

If well managed however, displacement can have development potential. Displaced people may be able to make good use of their coping and adaptation skills by successfully integrating into new environments. "Displacement may contribute to economic growth benefitting

1. Displacement caused by climate change, resettlement, natural disasters and labour migration is not the focus of this paper, although many of the same lessons are applicable across the different contexts.

Box 1: Definitions

Two main categories of DPs exist whose rights are differently affected according to their status: 'refugees' are those who have crossed an international border while fleeing from conflict while 'internally displaced person (IDPs)' are those who are displaced inside their own country of origin.

Refugee: An individual who "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside his country of nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it." (*Convention and Protocol Relating to the Status of Refugees*, 1951, 1967)

Internally Displaced Person (IDP): "Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed and internationally recognized State border." (*UN Guiding Principles on Internal Displacement*, 1998)

both the displaced and the host region, and may also in the event of return, or successful local integration, or resettlement in third countries bring valuable human and economic capital to the recovery process" (Christensen and Harild, 2009).

This paper describes forced displacement in the Europe and Central Asia Region (ECA). It analyzes how displacement poses development challenges in the ECA region and reviews the key areas where further investment and attention is needed to both support displaced people in rebuilding their own lives and fulfilling their potential to contribute to the countries or regions that host them, or in the case of refugees to their country of origin upon return.

1.2 Data and Countries of Concern

Gaining an accurate picture of the scale of displacement is always difficult; since due to practical difficulties or political incentives the number of displaced may be over or under-reported. Worldwide there are currently estimated to be a total of 43.7 million forcibly displaced persons that have been uprooted due to conflict, violence, persecution, and violations of human rights (UNHCR, 2011). Of these, approximately 27.5 million are IDPs and 15.4 million are refugees. There are 174 countries hosting refugees (UNHCR, 2011), and at the end of 2010, 54 countries currently experience internal forced displacement (IDMC, 2010).

The ECA Region contains fifteen countries experiencing forced displacement. These are: Armenia, Azerbaijan, Bosnia and Herzegovina, Croatia, Cyprus, Georgia, Kyrgyzstan, Kosovo,² Macedonia FYR, Montenegro, the Russian Federation, Serbia, Turkey, Turkmenistan, and Uzbekistan. In 2010, there were an estimated 2.5 million displaced persons in the region, of which up to 140,000 are refugees and 2.4 million are IDPs. The humanitarian catastrophe in Kyrgyzstan and Uzbekistan in 2010 placed the issue of displacement in the ECA region and the related development challenges among the priorities in the region.³

2. In 2008, Kosovo unilaterally declared its independence from Serbia. By mid-2010, 69 countries globally, including the US and many European countries recognized Kosovo. On July 22, 2010, through a non-binding advisory opinion the International Court of Justice stated that the unilateral declaration of independence of Kosovo did not violate international law. However, the dispute remains open. For the purpose of this paper Kosovo will be treated as a separate entity and referred to as a 'country.'

3. According to a donor Joint Economic Assessment, the June 2010 violence in southern Kyrgyzstan against ethnic Uzbeks produced 300,000 IDPs and 75,000 refugees who crossed the border with Uzbekistan. As of mid-July, it is estimated that most

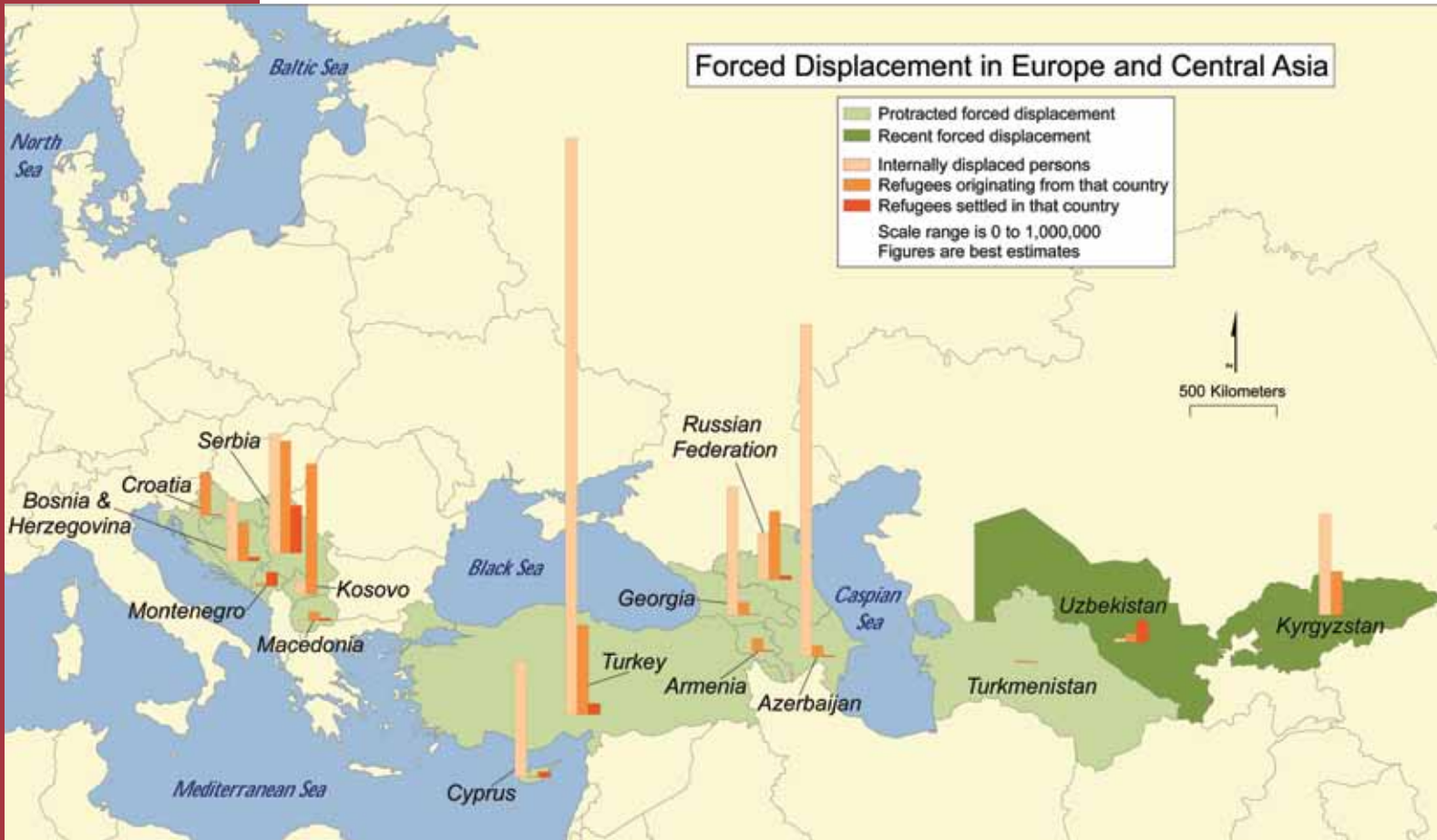
Box 2: Causes of displacement: Regional profiles

Caucasus (*Armenia, Azerbaijan, Georgia, Russian Federation*). Approximately one third of the total number of DPs in ECA are located in the Caucasus. In this area, the demise of the Soviet Union is inextricably linked to the rise of multiple ethnic and territorial conflicts, all of which still lack a political solution preventing the return of displaced people. The 1988–1992 war between Armenia and Azerbaijan over the region of Nagorno-Karabakh created more than a million IDPs and refugees; conflicts in Georgia displaced 300,000 people both from and into Abkhazia and South Ossetia; and in the North Caucasus 850,000 Chechens were displaced following the 1996 and 2000 wars, and at least 35,000 were displaced from North Ossetia in 1992.

Balkans (*Bosnia and Herzegovina, Croatia, Kosovo, Macedonia FYR, Montenegro, Serbia*). The break-up of the Yugoslav Federation (1991) triggered ethnicised wars that resulted in mass forced displacement. Conflicts in the Balkans have been stabilized, but displacement issues and social tensions are still important concerns in Bosnia and Herzegovina, Serbia and Kosovo.

Turkey and Cyprus. Turkey has faced a Kurdish separatist insurgency since 1984. The conflict has caused over 1 million IDPs with a peak of displacement occurring in 1991–96 when over 600,000 people were displaced. One of the longest displacement situations globally, displacement in Cyprus occurred during and after the 1974 civil war, when Turkish Cypriots fled north and Greek Cypriots took refuge in the south of the island.

Central Asia (*Uzbekistan, Turkmenistan, Kyrgyzstan*). In the early 2000s, following alleged armed incursions by the outlawed Islamic Movement of Uzbekistan (IMU) from Tajikistan, the government of Uzbekistan violently forced the relocation of ethnic Tajiks from nine mountainous villages in Sukhandaria province to the areas in the desert of Kashkadarya. In Turkmenistan, forced resettlement and violent relocation occurred in 2002–03, although the extent of it is unknown due to lack of freedom of press and of humanitarian organizations' activities. Lastly, in June 2010 Kyrgyzstan experienced an outburst of inter-ethnic violence predominantly against Uzbeks in the southern cities of Osh and Jalal-Abad which displaced 375,000 ethnic Uzbeks. Although the trigger and the dynamics of the violent events are unclear, violence followed mounting social tensions that had been on the rise in the south of the country with a population fractured by divided loyalties to the new interim government established in April 2010. The displacement proved short lived but outstanding issues include the exclusion of ethnic Uzbeks from sources of income, and the risk of delayed completion of reconstruction of houses damaged during the violence.



Refugees and IDPs constitute a large percentage of the total population in some countries in ECA: globally Cyprus has the highest number of IDPs (22.3%) as a percentage of its total population; Azerbaijan and Georgia also have high proportion per capita, 6.7% and up to 5.3% respectively (IDMC, 2010).

1.3 Protracted Displacement

ECA is characterized by several cases of unresolved or ‘frozen’ conflicts leading to long term and protracted displacement. In ECA the majority of the region’s IDPs and refugees have been in displacement for at least 10 years and in some cases up to 35 years (Annex 1).⁴ Protracted displacement is a situation in which, “the process for finding durable solutions is

of the refugees in Uzbekistan were repatriated and that many of the IDPs were able to return to their homes. The number of remaining internally displaced persons is now estimated at 75,000.

4. A notable exception is Georgia where the majority of those displaced after the violent conflict in August 2008 have now returned. However, another approximately 250,000 displaced persons from previous waves of displacement remain unable to return.

stalled, and/or IDPs are marginalized as a consequence of violations or a lack of protection of human rights, including economic, social and cultural rights.”⁵

Where conflicts are unresolved and ‘frozen’ there tends to be a constrained political environment, which works against fully addressing the needs of the displaced, or against developing adequate legislation and investment for the protection and support of the displaced. In the Balkans, for example, the 2008 unilateral declaration of independence by Kosovo has complicated a settlement of the conflict with Serbia; it also placed constraints on attempts to find durable solutions for the displaced persons.

In such cases, DPs can live in limbo for years, hoping for return and in the meantime not fully integrating in their host communities. This situation has a detrimental impact on their social and economic opportunities and choices, on their psychological health, and consequently on the human capital potential of the entire country. In protracted situations IDPs and refugees find themselves further marginalized due to prolonged impoverishment, lack of sustainable livelihood opportunities, and violation or lack of protection of social, economic and cultural rights. A particular characteristic of these situations is that a whole new generation of children and young people are born into and grow up as displaced people, never having seen the lands from which their parents were displaced and to which they have affiliation.

In addition, because displaced persons have limited opportunities to restore their livelihoods and depend on government and international assistance, their coping skills can become eroded and replaced by a dependency syndrome (Christensen and Harild, 2009). As a result, many refugees and IDPs suffer from a feeling of uncertainty and anxiety about the future, which, coupled with dependency on external assistance, impedes many displaced persons from moving out of their unstable conditions.

1.4 Politicization of Displacement

Given that forced displacement in ECA stems from geo-political conflicts and territorial disputes, displacement is always a highly charged political issue. In some cases, forced displacement may be motivated by territorial strategies which envisage the alteration of the demographic composition of an area and the creation of ethnically homogenous regions. In other cases, for example Azerbaijan, DPs are used as symbols of victimhood by states seeking international support for their positions. Governments may be reluctant to consider anything other than return for displaced persons since promoting local settlement and integration for DPs might be seen as a signal of their loss of intent towards recovering the occupied lands from which displacement took place. Often displaced persons can become ‘pawns’ caught

5. Brookings-Bern Project on Internal Displacement. 2007. “Expert Seminar on Protracted IDP Situations.” Hosted by UN-HCR and the Brookings-Bern Project on Internal Displacement. Seminar Report. Geneva, June 21–22, 2007: p. 2.

in the middle between competing authorities and such sovereignty struggles can restrict the space for addressing the development needs of the displaced.

It is the political context, which most often determines the direction of policy and investments made for DPs. In Turkey, for example, renewed political will to address the needs of IDPs has produced important steps forward in terms of policy and legislation (see sections 1.5 and 2.1). Nonetheless, a lack of recognition of the Kurdish identity and continuous human rights limitations for minorities impede a solution to the conflict, and it is widely believed that durable solutions for displaced persons in the country will not be found in absence of a comprehensive peace settlement.

Humanitarian and development agencies frequently engaged in assistance for DPs on the assumption and intent of operating in a non political, humanitarian sphere. This intention, while beneficial in many ways, may however undermine their awareness and sensitivity to the potential political consequences of their work and to the context which frames the wider sustainability and suitability of their investments.⁶

1.5 The Legal Framework Concerning Displacement in ECA

The two most significant international documents concerning displacement are the 1951 Convention relating to the Status of Refugees and the 1998 Guiding Principles on Internal Displacement. Countries across ECA have adopted the 1951 Convention, with all countries apart from Kosovo having signed the Convention and all apart from Uzbekistan having ratified it. However countries have reformed their domestic legal statutes to accord with the 1951 Convention to varying extents (see Table 1).

The domestic laws of Armenia, Azerbaijan, Bosnia and Herzegovina, and Cyprus give legal protection to the rights of refugees in all key areas of property ownership, access to livelihoods, housing, education and social protection, with other countries having a more partial reflection of the 1951 Convention. It is the domestic laws of Bosnia and Herzegovina, which most closely adhere to standards of the Convention.

At the international level, the Guiding Principles on Internal Displacement provide the normative framework identifying rules of international laws that applies to IDPs (Kälin & C. Williams, 2010). The purpose of the Guiding Principles is to address the specific needs of internally displaced persons worldwide by identifying rights and guarantees relevant to their protection. Without creating new obligations, the Guiding Principles restate the relevant principles applicable to the internally displaced and clarify any grey areas that might

6. There is a broad literature on the politics of aid; the acceptable degree of politicization of humanitarian assistance and the need for political awareness of humanitarian actors has been widely debated. See Lewis (2010) for a summary.

Table 1. Adoption of the 1951 Convention in ECA

	Signed 1951 Convention (Y = Yes N = No)	Ratified 1951 Convention	Laws Protecting Refugee Property Ownership Rights	Laws Protecting Refugee Employment	Laws Protecting Refugee Housing	Laws Protecting refugee Education	Laws Protecting Refugee Social Protection
Armenia	Y	Y	Y	Y	Y	Y	Y
Azerbaijan	Y	Y	Y	Y	Y	Y	Y
Bosnia and Herzegovina	Y	Y	Y	Y	Y	Y	Y
Croatia	Y	Y	N	N	Y	Y	Y
Cyprus	Y	Y	Y	Y	Y	Y	Y
Georgia	Y	Y	N	N	N	Y	Y
Kosovo	N	N	-	-	-	-	-
Kyrgyzstan	Y	Y	Y	N	N	N	Y
Macedonia FYR	Y	Y	N	Y	Y	N	Y
Montenegro	Y	Y	Y	Y	Y	Y	N
Russian Federation	Y	Y	N	Y	N	Y	Y
Serbia	Y	Y	Y	Y	N	Y	N
Tajikistan	-	-	-	-	-	-	-
Turkey	Y	Y	N	N	N	Y	N
Turkmenistan	Y	Y	Y	Y	N	Y	Y
Uzbekistan	Y	N	-	-	-	-	-

exist (UN Commission on Human Rights, 1998). They apply to the different phases of displacement, providing protection against arbitrary displacement, access to assistance during displacement, and guarantees during return or alternative settlement and reintegration (UN Commission on Human Rights, 1998).

Globally some 20 states have so far promulgated laws and policies on internal displacement, referencing the Guiding Principles. In ECA, six countries—Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Russia, and Tajikistan—have domestic laws dealing with internal displacement in areas such as protecting IDPs rights to health, education and work. Bosnia and Herzegovina and Russia have taken the most comprehensive steps to incorporate the Guiding Principles (see Table 2) with provision for the protection of IDPs right to freedom of movement and right to recognition, issuance and replacement of documentation. Only Bosnia and Herzegovina however has a full set of laws protecting IDPs right to property and across the region there is still progress to be made in offering domestic legal security to IDPs.

Table 2: Adoption of the Guiding Principles on Displacement

	Modification of Domestic Laws in line with the Guiding Principles	Laws Protecting IDPs Freedom of Movement	Laws Protecting IDPs right to Health	Laws Protecting IDP Education	Laws Protecting recognition, issuance and replacement of documentation for IDPs	Laws Protecting IDP property ownership rights	Laws Protecting IDPs right to work
Armenia	Y	N	Y	N	N	N	N
Azerbaijan	Y	Y	Y	Y	N	N	Y
Bosnia and Herzegovina	Y	Y	Y	Y	Y	Y	Y
Croatia	N	-	-	-	-	-	-
Cyprus	N	-	-	-	-	-	-
Georgia	Y	N	Y	Y	N	Y	Y
Kosovo	N	-	-	-	-	-	-
Kyrgyzstan	N	-	-	-	-	-	-
Macedonia FYR	N	-	-	-	-	-	-
Montenegro	N	-	-	-	-	-	-
Russian Federation	Y	Y	Y	Y	Y	N	Y
Serbia	N	-	-	-	-	-	-
Tajikistan	N	Y	Y	Y	N	N	Y
Turkey	N	-	-	-	-	-	-
Turkmenistan	N	-	-	-	-	-	-
Uzbekistan	N	-	-	-	-	-	-

1.6 Trends in Return, Integration and Resettlement, and Government Responses

Under international law, IDPs and refugees have the right to freely choose a solution to their displacement. In principle, displaced persons have three choices or solutions: return/repatriation, integration within the area of displacement, and resettlement in either a third area of the country—in the case of IDPs—or a third country—in the case of refugees.⁷ These three choices represent a necessary but not sufficient condition for ending displacement and regaining material well-being of the IDPs and refugees. In order to achieve durable and sustainable solutions over time additional development interventions are needed in the following four areas: (i) land, housing and property, (ii) reestablishment of livelihoods, (iii) delivery of services, and (iv) accountable and responsive governance (Christensen and Harild, 2009). In addition, all sustainable solutions are best sought in consultation with those who are affected.

7. These solutions were originally designed by UNHCR for refugees; they were subsequently extended to IDPs by the *Guiding Principles on Internal Displacement*.

As mentioned above, most governments in the ECA region have largely favored and prioritized the policy of supporting the return of displaced persons to their place of origin over other options of integration and third country resettlement. In some cases (Macedonia, Croatia and Bosnia-Herzegovina) return has occurred successfully. Macedonia experienced the fastest rate of return in ECA thanks to return policies and a smaller scale of displacement and related trauma.⁸

However as of 2008, a total of 75% of the total number of IDPs in ECA was still unable to return and this percentage may be even higher currently considering that some IDPs might have returned but then left again due to the lack of employment opportunities, and inadequate income or housing. In the North Caucasus, over 275,000 IDPs have returned to Chechnya and North Ossetia since 1999, but the majority of them still live in inadequate temporary accommodation. In Azerbaijan, Georgia and Cyprus return of displaced people has been prevented by stalemate in the political negotiations and lack of political openness to return. In Turkey, return has been limited despite government efforts to favor such a solution. Barriers to return in that country (but also in other contexts) include ongoing insecurity and violence in the places of origin, the presence of landmines, and economic reasons such as lack of opportunities (employment, housing), along with poor or no service delivery to rural areas.

From a development perspective it is the sustainability of a return process that is of key importance. Even when DPs are able to return this often proves not to be a solution per se: in Bosnia and Herzegovina where the majority of the displaced have returned home, they still face challenges with regard to protection, housing provision and claims to land, livelihood opportunities, employment, education and non-discriminatory access to a full range of municipal services. Displacement only ends when durable solutions are found, and when (former) IDPs or refugees no longer have needs that are specifically linked to their having been displaced (Christensen and Harild, 2009). It ends when ‘returnees’ become simply neighbors again. In some instances, return has not been sustainable over time. Return movements are jeopardized by inadequate welfare assistance, ineffective regulations to resolve property issues, and lack of services and psycho-social support. Such situations can prompt returnees to migrate again and delay the achievement of durable solutions. Croatia is the only case where data on sustainable return is available: about 65% of return has proved sustainable (IDMC, 2009).

Across the region trends of return have slowed down in recent years. After many years of displacement, IDPs and refugees have established and consolidated new social networks and no longer have an incentive to go back to the place of origin. In Kosovo, return recently slowed as a consequence of the uncertainty surrounding the region’s political status, and due

8. Despite this positive trend, Macedonia hosts an unknown number of Roma population: a 2002 census put their number at 53,879, but by some estimates Roma population in Macedonia ranges between 180,000–200,000 (Force Migration Review, 32). Roma are currently seeking asylum in Macedonia, and continue—still in 2009—to be denied access to a full, fair and effective procedure for determining their need for international protection.

to the fact that displaced persons are increasingly settled in urban environments as opposed to their rural and remote places of origin.

Increasingly, governments themselves are looking beyond return as the sole solution for displacement and to support IDPs in the place of their displacement. Some governments in ECA have started to broaden their approach to consider local integration and third country resettlement as durable solutions for DPs, and to consider other options to enhance displaced persons self-reliance. In 2009 many governments in the region (Azerbaijan, Turkey, Georgia, and Russia) took measures to improve living conditions and provide better housing to the displaced persons in the places of their present residence. This shift does not necessarily signal an end to the assumption that DPs will return eventually but rather marks a greater investment in promoting their current opportunities and living standards.

The governments of Bosnia and Herzegovina, Georgia, and Turkey are—to greater or lesser extent—currently facilitating the right of DPs to local integration into the areas of displacement rather than return to lands of origin. This is being done through the design and implementation of policies that provide assistance to displaced persons as well as regulations for compensation for destroyed or lost properties and land. International donors are now working with local municipalities, civil society and businesses across Bosnia and Herzegovina to support local integration for the 114,000 individuals still displaced in the country. The issue is deeply sensitive, however, for some still view local integration as a tactic for consolidating the demographic shifts brought about by ethnic cleansing campaigns during the war.

With mixed results, the governments of Azerbaijan, Georgia, Russia, and Turkey have taken measures for IDPs resettlement in new areas of the country through new housing construction and assistance projects. The governments of Georgia, Armenia, and Bosnia and Herzegovina are in the process of launching national strategies that address IDPs' needs, whereas the government of Turkey has repeatedly stated that it will take such a path. Nevertheless, government resettlement initiatives are not always unproblematic. In Azerbaijan, for example, the government closed the last displaced persons' tented camp in 2007 and relocated its residents to new settlements. Some of these facilities, however, were established next to the ceasefire line with Armenia, placing DPs in danger of the active ongoing skirmishes along this line. In addition, displaced persons who are resettled sometimes find themselves in remote rural areas far from services, employment and livelihood opportunities.

In Turkmenistan and Uzbekistan, the extent of displacement and the living conditions of IDPs is unknown due to government restrictions on the freedom of the press and the involvement of humanitarian actors. Yet, it would appear that DPs are a marginalized and vulnerable group. Forcibly displaced either by security forces or by clashes between rebel groups and security forces, IDPs in both countries face no prospect of return. IDPs do not enjoy legal protection or special assistance, and are not entitled to any compensation for their eviction and lost properties.

1.7 Specific Vulnerabilities of DPs

Within displaced persons in ECA, there are specific groups of vulnerable people whose needs may require particular nuanced attention. Such groups include elderly people, children, women, female-headed households, disabled, chronically ill, psychologically traumatized people, those living in urban settings, and members of minority groups like the Roma people. In Bosnia and Herzegovina, for example, the majority of the 7,000 IDPs that at the end of 2009 were still living in collective centers are elderly and the most vulnerable in terms of income, housing and assistance.

The evidence is that displacement is differentially experienced across genders. In Azerbaijan, for example, there has been a re-traditionalization of women's roles since displacement, with fewer women having employment and girls being more confined to their households. There is growing concern about a prominence of gender-based violence in the new settlements. Studies have revealed very low levels of awareness of issues of gender-based violence in IDP communities, especially among youth. Moreover, the findings point out to the fact that IDP women are more vulnerable to trafficking and other forms of abuse due to their weak socio-economic status within their communities.⁹

A minority group that faces continuous marginalization and often discrimination are the Roma people. In Serbia and Kosovo (and elsewhere in ECA), many Roma people lack the legal documentation through which they would be able to register as displaced people and have access to government assistance. In Serbia, Roma people are estimated to be 11% of the total number of IDPs; other estimates put their number between 40,000 and 45,000. In other parts of the Balkans, Roma people may not have access to health insurance. They often live in informal settlements, which are not heated and not connected to utilities and sewage systems. Lack of documentation also hampers collection of data on the marginalization and special needs of Romas as a vulnerable group.

There are additional challenges for displaced persons who have come from a rural agricultural background and end up displaced into urban contexts. Cities may pose increased challenges for displaced persons including poor governance and quality of services, highly visible inequality, a high proportion of youth with poor prospects and expectations for social integration, the disruption of social networks, and lack of or weak family support. In 2008, up to half of the Azerbaijani IDPs lived in cities, mainly in Baku (186,000) and Sumgait (46,000). In Georgia, up to 70% of the IDPs in protracted situations live in the cities of Tbilisi, Zugdidi, and Kutaisi. In Turkey (2005), up to 75% of IDPs were living in urban centers across the country, both in conflict-affected areas and elsewhere. Along with other migrants in Turkey, IDPs mainly settled in poor and marginalized neighborhoods with limited or no access to housing, jobs and services.

9. UNHCR. 2009. "Azerbaijan: Analysis of Gaps in the Protection of Internally Displaced Persons."

Development Challenges of Displacement in ECA

Four areas—land, housing and property, reestablishment of livelihoods, delivery of services, and accountable and responsive governance—have been identified by the World Bank global program on Forced Displacement as key areas of intervention to guarantee the sustainable development of both displaced persons and host countries. The following section explores the nature of those challenges in the ECA context. In addition, it considers the impact of displacement on the psycho-social wellbeing of DPs.

2.1 Land, Housing and Property

Living conditions: Across ECA residential conditions for IDPs including housing accommodation, heating, sanitation, and infrastructure are generally more precarious than for the local population living close by. In rural areas, many IDPs and refugees still live in makeshift dwellings. These shelters lack the most basic services (running water, electricity, heating system). These challenges become more pronounced when DPs are settled into isolated regions where infrastructure is already poor and transportation links weak. In Kosovo, for example, those who remain displaced mainly live in rural enclaves where they lack freedom of movement.

Collective centers: In ECA, 390,000 IDPs still live in temporarily allocated collective centers, which despite being permanent structures, often comprise impoverished environments that lack the most basic services, including water, electricity and sewage systems, and which can be chronically overcrowded. Collective centers may comprise former university dormitories, hospitals and schools. Despite the government officially closing temporary shelters in Serbia there are still 4,200 IDPs living in collective centers. In Bosnia and Herzegovina and in Azerbaijan the percentage of IDPs living in collective centers is 7% and 30–39%,

respectively. In Georgia, of the 222,000 people displaced into Georgia in the early 1990s about 104,000 (43%) live in collective centers, while about 126,540 (57%) live in private accommodation. In the North Caucasus, as of 2009, about 4,600 IDPs in Chechnya were living in 17 collective centers, some 3,000 people were living in over 60 collective centers in Ingushetia, over 300 people were living in eight collective centers in Dagestan and an unknown number were living in collective centers in North Ossetia.¹⁰ Despite being initially envisaged as a temporary solution, collective centers have turned into a long term residence for DPs in situations of protracted displacement, with a whole new generation being born into and growing up in these unsatisfactory conditions.

Insecurity of housing tenure is one of the most important factors affecting the lives of displaced persons. Not having the security of a permanent house impedes the achievement of durable solutions for displaced persons. It also constrains their ability to use physical property assets as collateral for loans and investments. In Georgia the Government has recently started a process of privatization for IDPs living in collective centers who will gain full property title of their apartments and the right to sell that property after two years. This is an important step forward in facilitating IDPs to obtain improved ownership rights and a more secure foundation on which to plan economic choices.

Property restitution: When displacement occurs people are forcibly uprooted and suffer from lost, damaged or destroyed properties (land and/or housing). To remedy this situation and to offer durable solutions, most countries in ECA (Bosnia and Herzegovina, Croatia, Cyprus, Georgia, Kosovo, Russia, and Turkey) have put in place legal mechanisms and policies to guarantee property restitution or compensation. Situations where return has been prioritized over other options have seen the development of policies that incentivize property restitution rather than compensation, as restitution is seen as more conducive to return.

In Bosnia and Herzegovina, more than 94% of claimant displaced persons obtained restitution of their property. In Turkey, despite some criticism of the fairness and effectiveness of the compensation process introduced in 2004, by 2008 314,000 displaced persons filed for compensation, of which 138,000 were processed and 83,000 accepted. By August 2009, \$1.4 billion was awarded, of which \$1.1 billion was paid. Other cases are more complex: in Croatia there have been obstacles resulting from conflicting claims between tenants (the temporary users of occupied properties) and owners who claimed their properties back upon return, and from

Box 3: Property Restitution

The Property Law Implementation Plan (PLIP) in Bosnia and Herzegovina is a case study of a comprehensive property restitution approach from which much can be learned (Leckie 2007, Toal and Dahlman 2011). Its strengths include: instituting a common property restitution policy and approach across a range of actors; insistence on the nondiscriminatory application of uniform property laws across all regions in the country; capacity building for supervision and implementation monitoring at the local level; granting displaced persons legal rights and those evacuating occupied housing the expectation of alternative accommodation; local police and public official ownership over the need for nondiscriminatory implementation of the law; prioritizing public awareness and information; investing in supporting systems such as comprehensive Cadastral Record. PLIP provides a model for defining and implementing property restitution as a legal rather than political process.

10. Progressively, collective centers have been closed throughout the Russian Federation largely without providing alternative housing opportunities for IDPs.

issues of damaged or uninhabitable repossessed properties. An unsolved property issue in the country concerns the situation of former occupancy rights holders in socially-owned flats: unofficial data suggests that up to 20,000 households of ethnic Serb refugees claim that their occupancy rights were terminated in a discriminatory manner when they fled the conflict.¹¹ The issue is a subject for review and action under the general progress being made on of the protection of Serb minorities for the EU-Croatia negotiations in regards to Chapter 23—Judiciary and Fundamental Rights.

In Serbia, there was widespread illegal occupation and expropriation of houses and land left behind by displaced persons: as a result, restitutions have been slow and are far from complete. In Kosovo, there were 58,000 property claims pending in 2008, mainly from Kosovo Serbs. Restitution and compensation processes were additionally affected by Kosovo's unilateral declaration of independence, so much so that the issue has been a focus during the EU mediated negotiations between Kosovo and Serbia. Property restitution and compensation proposals were similarly affected by geopolitical tensions and political considerations in Georgia.

In line with a policy that promotes the return of DPs as a means to 'normalise' Chechnya, Russian authorities have paid the equivalent of \$11,000 for destroyed properties to those IDPs who decided to settle in Chechnya and only \$4,000 to those settling anywhere else in the Russian Federation. This compensation has been largely processed and paid to up to 57,000 Chechen IDPs, but it has not altogether solved housing problems due to the insufficient amounts of money awarded. In addition, those who do not return to Chechnya had to give up housing and property titles, while those who returned were able to retain their titles.

State programs: Where, for political imperatives, governments in ECA countries have pursued return of DPs over local integration and resettlement, there has been less investment made to address the present housing needs of DPs. Nevertheless, more recently, there have been more substantial government investments in DP housing. In Georgia, for example, the government is providing new houses to those displaced by the 2008 war in South Ossetia. It also launched a housing plan that allows IDPs from the 1990s to convert their unstable tenure in collective centers into property. In Azerbaijan the government has relocated some 90,000 IDPs into purposely constructed so-called 'New Settlements.'

Turkey is a case where some progress has been made in addressing the residential needs of IDPs. Incentivized by the prospect of EU accession, Turkey has brought forward new legislation, resources, and renovated political will to address living conditions of the displaced persons and to target durable solutions. In line with the UN Guiding Principles on Displacement, a national strategy for IDP protection and provision of durable solutions was adopted, including measures to address property and compensation issues. In 2006, the province of Van launched a comprehensive plan (Van Action Plan), which included projects and initiatives to support displaced persons' and returnees' needs in both rural and urban contexts. Then,

11. Exact numbers of those Serb refugees affected are unknown, although verification is currently being attempted through a survey undertaken by the IOM.

in 2008, the Turkish government launched the Grand Anatolian Project Plan, which aims to provide irrigation and basic infrastructure to depressed areas in the south-east of the country. As of the end of 2009, plans to replicate the Van Action Plan to twelve more regions in Turkey were still underway.

2.2 Reestablishment of Livelihoods.

A crucial issue for achieving durable solutions to IDPs and refugees concerns economic self-reliance and reestablishment of livelihoods. After the emergency humanitarian assistance phase, displaced persons need a sound socio-economic environment and the right policies to enable them to autonomously generate income. Yet achieving such opportunities for IDPs has proved challenging.

In Turkey, displaced persons living in urban centers experience high rates of unemployment and social and economic marginalization, which prevent them from moving out of poverty. Returnees, on the other hand, lament that their return to impoverished southeastern Turkey is marked by extreme lack of opportunities (job, income) and access to services (such as education) in their place of origin. Women seem to be particularly affected. According to a 2006 UNHCR study,¹² Armenian refugees from the conflict in Nagorno-Karabakh living in Armenia are still in poor conditions even though many of them obtained naturalization and Armenian citizenship. An indicator of their vulnerability is that only 13% of the surveyed refugee households stated that food is usually sufficient, and over 60% that sufficient food is seldom or never available. Again, there is a high prevalence of widow and female-headed households, who have more difficulty in finding stable incomes and suffer from higher poverty levels. One third of the adult female refugees are either widowed, divorced or separated women.

An important obstacle to livelihood opportunities for the displaced is discrimination and marginalization based on ethnic grounds. This phenomenon is particularly detrimental for displaced persons in the Balkans. In Croatia, some displaced persons—Serb returnees in particular—report facing ethnic discrimination, which they feel constrains most of them from finding a stable employment situation and thus limits livelihoods opportunities. The difficulty for Serb minorities to access employment, especially in the war-affected areas is recognized as an area requiring additional redress.¹³ Unemployment is higher in return areas than the rest of the country, and minorities are under-represented in public offices (local government, judiciary, and police). In Bosnia and Herzegovina, returnees from minority groups also face discrimination. Here, according to UNHCR data (2007), a mere 17% of the total number of displaced persons are employed, and 20% of displaced persons lack any source of income (employment, government assistance, and remittances or allowances). Likewise, in Macedonia,

12. Commissioned by UNHCR, the study was conducted by the Netherlands Interdisciplinary Demographic Institute (NIDI).

13. EC Croatia 2010 Progress Report.

discrimination in Albanian-dominated areas and Macedonian-dominated areas largely prevents ethnic Macedonians and ethnic Albanians respectively from accessing employment and sustainable income.

In Russia, discrimination against ethnic Chechens in particular and people from the Caucasus in general is long standing. Ethnic Chechens have met discrimination with respect to access to employment and to housing opportunities in the private sector, thus reducing their livelihood opportunities. Reportedly, instances in which Chechens have been denied a job based on ethnic grounds are common. According to a recent study, displaced Chechens living in other parts of the Russian Federation mainly find an employment in the informal sector, which prevents them from enjoying equal rights, access to benefits and a sustainable source of income (IDMC, 2008).

This disadvantage faced by DPs due to ethnic status may be more subtle than active discrimination. As a result of ethnic differences DPs may have weaker social capital than the non-displaced. If positions of power and authority are held by a dominant ethnic group, DPs may find it difficult to access employment opportunities due to a lack of personal connections as much as being actively barred.

Within Chechnya, the official unemployment rate in 2009 was still at 49%, and most IDPs in the region report that they live off social benefits, small trade, temporary construction work, humanitarian assistance and remittances from relatives living elsewhere. A positive development concerns the restoration of the social benefit system across the North Caucasus, which includes payments for children, veterans, and elderly, disabled and unemployed people.

Reestablishment of livelihoods for the displaced persons is a priority in the South Caucasus as well. In Azerbaijan, the majority of IDPs are still dependent on state subsidies as their main source of income. Government projects introducing IDP employment quotas, financial credit schemes and income generation for IDPs have had some impact but employment rates still remain lower among IDPs than for the non-displaced.

Unable to gain access to formal employment opportunities, many IDPs work in the informal sector where they are subject to job insecurity and potential exploitation. In Azerbaijan, many young IDP men migrate into Baku to seek informal employment in the construction industry and have suffered from the contraction of this sector during the economic crisis. In Georgia, the rapid resettlement process that took place after the 2008 war was nevertheless accompanied by high levels of livelihoods disruption among the returnees. Despite the rapid response by the international community and the Georgian government in terms of housing projects for the displaced poverty levels have reportedly increased among the returnees.

2.3 Delivery of Services

Access to basic services including water, electricity, telecommunications infrastructure, education and health is often a major constraint faced by IDPs and refugees. For displaced people, lack of services often becomes chronic once the emergency and humanitarian assistance and the attention of the international community fade. There are specific needs of service delivery depending on the displacement situation. Displaced persons living in precarious and old collective centers, for example, are often neglected in terms of the most basic services (lack of running water, heating and sewage systems). In Georgia, 43% of IDP households living in collective centers lack adequate access to water, bathing facilities, proper insulation, functional sewage systems, safe electrical wiring, and means of proper communication. Some of the collective centers are also remotely located and quite isolated from settlement areas and social infrastructure. In Croatia and Serbia, the closure of several state-run collective centers implied the loss of free or subsidized access to services for many IDPs and refugees.

The success and viability of a return process is dependent on the provision of public services by state authorities. In Turkey, the southeastern areas—where most of the displacement took place—are socially and economically disadvantaged, and lack of social services and basic infrastructure in rural areas constitute a major obstacle to return. In addition, resettlement plans in rural areas sometimes overlook crucial problems including distance and availability of infrastructure to access markets, employment opportunities, schools and health care facilities.

Education is a key sector to be targeted in order to achieve durable solutions. With the exception of the positive results among refugees in Armenia in terms of literacy rate and school attendance, access to education is a concern in Turkey and in the Caucasus. Illiteracy rates among displaced children have risen in recent times. In displaced households, fewer children attend school than non-displaced children, and there is also a higher drop-out rate. In 2006 in the North Caucasus, up to 40% of displaced children do not attend school regularly (IDMC, 2009b). In terms of infrastructure, schools and facilities are damaged by conflict and need repair, and are sometimes remote from DPs' communities.

The quality of education is also important. Education may act as peace-builder and reconciliation tool after conflicts. Inclusive language policies and curricula that address past trauma and reflect multiple cultures are key to reconciliation between groups and long term integration (or reintegration). In Turkey, the potential of education for social cohesion is not realized; Kurdish culture and languages are not recognized and thus not reflected in the curriculum. In Georgia and Azerbaijan, segregation and separation of schools between displaced and non-displaced children occurs. In Azerbaijan, a study on the quality and level of education found that 60% of IDP children are taught separately from local children, and that additional qualified teachers are needed (IDMC, 2010). In Georgia, approximately 3,000 displaced children attend separated schools. In Bosnia and Herzegovina, the development of a common curriculum did not overcome the problem of ethnically divided instruction, which

still persist in some part of the country. In Serbia in the past, education authorities reinforced discrimination by separating Roma children from their peers or referring them to schools for children with special needs, an issue which is being addressed through education reform to promote inclusion.

2.4 Accountable and Responsive Governance

Durable solutions for IDPs and refugees need to entail the provision of accountable and responsive governance. Too often Government legislation concerning those with a displaced status still serves to entrench marginalization and institutionalize disadvantage by circumventing rights and access to decision making. This serves to undermine local integration between displaced persons and host communities, and reconciliation both at the local and national levels.

In some cases IDPs voting rights are constrained; in Azerbaijan for example, IDPs may vote for representatives from their land of origin but not from the places in which they are settled, undermining their ability to influence their local region. Sometimes IDPs and refugees are not fully aware of the rights and benefits that they are entitled to as displaced people. The lack of knowledge of these rights and benefits and the failure to communicate them by authorities has led to delays in the registration and protection process. Across ECA displaced persons often lament their scarce involvement, if any, in the design and implementation of policies and legislation that affect them. A participatory and consultative approach would lead to better identification of needs and priorities, and to more effective results. The lack of involvement and communication is also reflected in poor understanding of and lack of data on displaced people needs. In Turkey, the lack of IDP participation in government initiatives is highlighted by the 2005 national survey, which revealed that 88% of the returnees surveyed had returned without assistance from the government and that nearly half of them were not aware of the assistance available.

The experience of loss and disruption during and after displacement can take a heavy toll on the social relationships of those affected. The break-up and dispersal of communities may weaken social capital for DPs—undermining the connections they rely upon to gain access to resources and those in power. When settled in a new area they may not have the same relationships to people in positions of influence and decision-making as do the host community, and this serves to contribute to their marginalization. In Azerbaijan, for example, DPs feel that they are particularly disadvantaged by not having friends and relations embedded within institutions that provide the employment opportunities in the areas in which they have settled, making it harder for them to gain access to jobs.

A specific and critical governance issue in ECA concerns the availability of legal documentation by displaced persons. In many contexts, personal documents (ID cards, property titles, diplomas, work history etc.) were left behind, lost, or destroyed during the conflict. Official

records may also be damaged or purposefully destroyed. Lack of legal documents impedes displaced persons from registering as displaced, from applying for government assistance, social housing, health, education, and unemployment pension, and from reclaiming property rights over land or patrimony. In addition, in cases of unsolved conflicts, authorities do not recognize one another's documentation, such as in the case of the authorities in Georgia and Abkhazia. In Kosovo, after the unilateral declaration of independence, cooperation and activity between the Serbian authorities and the Kosovo Property Agency were suspended.

In the North Caucasus, Russian authorities have at times granted documentation for IDPs arbitrarily, and especially in Chechnya this has resulted in many IDPs being unable to access entitlements such as government housing, free medical care and pensions. Ethnic Chechens have sometimes been prevented from acquiring the forced migrant status that entitles them to enjoy a pension and other benefits: a differential treatment of applications from Chechens has resulted in a de facto discrimination with a lower percentage of displaced ethnic Chechens holding the right documentation to access services.

2.5 Psycho-Social Wellbeing of DPs

The experience of trauma suffered by DPs may affect their mental health for years after their displacement, undermining their confidence and security in settling into a new place or their hope for the future. Two further characteristics are common in the emotional and mental outlook of DPs in ECA (Holtzman and Nezam, 2004). The first is the growth of a 'dependency syndrome,' particularly for those DPs in a situation of protracted displacement. This may occur when, after several years of being the focus of humanitarian, development and state interventions for their well-being, DPs expect to rely on and feel entitled to external assistance to support their lives without demands on their own initiative. Second, those who are unable to envisage an end to their displacement, either because they are displaced in the context of a frozen conflict or because they are not fully integrated into new locations, may experience a high degree of uncertainty and vulnerability. This constrains their ability to plan for the future, and may make them less likely to take risky or ambitious investment decisions for themselves and their families, undermining their economic and social success and recovery.

It is challenging to define investments that may support the psycho-social recovery of displaced people, as much that is effective in overcoming alienation and depression is contingent upon external factors. However providing opportunities for DPs to share experiences, to restore important community events and connections in safe spaces, and to rebuild social capital through mobilization activities may have positive effects. In Azerbaijan, for example, the provision by the Government of large tents in IDP settlements allows important life cycle events such as funerals and wedding to take place and restores for IDPs a sense of normalcy and opportunities for celebration.

World Bank Response

Since the 1980s, the World Bank has undertaken at least 94 activities (including 84 operations and 10 pieces of analytical work) that address the development dimensions of forced displacement in different ways. In the ECA Region, the Bank's displacement-related activities include investment lending and grant operations in Croatia, Georgia, and Azerbaijan to improve living conditions for IDPs, to enhance their participation in local decision making, and to increase their livelihood opportunities. The World Bank has also initiated a range of analytical work to identify the sources of IDP vulnerability with the aim of defining sustainable solutions. In addition, the World Bank has sent teams to make needs assessments and recommendations for resolution and stabilization in cases of new displacement such as in Georgia in 2008 and Kyrgyzstan in 2010 (see Annex 3 for a full listing of all these activities).

The World Bank, when undertaking activities that address forced displacement, does not assume the role of a humanitarian agency but tackles forced displacement as a development challenge. The Bank's forced displacement-related activities should be seen in the context of the transition from relief to development, which requires the engagement of both humanitarian and development actors from the onset to ensure that the development dimensions of recovery are addressed. The World Bank's engagement in addressing the development dimensions of forced displacement is aligned with Bank policies. Operational Policy 2.30 (2001) on Development Cooperation & Conflict provides for support to countries vulnerable to conflict, countries in conflict, and countries in transition from conflict. For countries in transition from conflict, the priorities to support the overall policy objective of economic and social recovery can include reintegration of refugees and other war affected populations (Note 16 in OP 2.30).

Over the last number of years, humanitarian actors, including the United Nations High Commissioner for Refugees, have requested the World Bank to increase its activities addressing the development challenges of forced displacement. The Bank's collaboration with humanitarian actors is also supported by its operational policies. One of the principles of engagement

stated in the 2007 OP 8.00 is the close coordination and establishment of appropriate partnership arrangements with other development partners, including the United Nations (UN).

In October 2007, the Bank's President identified fragile states as one of the six global challenges confronting the Bank.¹⁴ In a speech on *Fragile States: Securing Development* in Geneva in September 2008, the President further singled out displacement (of refugees) as both resulting from and contributing to the fragility of such states.

3.1 Lessons Learned

Some important lessons have been gleaned from these previous initiatives that should be taken into account when tackling the issue in future:¹⁵

Policy dialogue. Given the political sensitivities of displacement, investments and operations for IDP beneficiaries need to be combined with active policy engagement to build an enabling context to support IDP integration. Starting by working with the Government on investments and operations for the displaced can create a strong platform and partnership for more potentially sensitive policy engagement. Policy reform may proceed at a different pace from operations.

Target beneficiaries. To narrowly limiting project beneficiaries to IDPs may create additional social and political risk. In the course of project implementation, there should be ways of considering how to extend project benefits in recognition of the fact that although many IDPs are poor, not all poor people are IDPs and may resent the additional focus given to the IDPs. Projects have the potential to create cohesion between IDPs and non-IDPs through allocating resources to mixed communities.

Livelihood and skills. Skills development should be an important part of any livelihood support program for IDPs, allowing IDPs to keep their skills up to date and competitive, and to prevent them being de-skilled while displaced. One of most important potential outcomes of all investment projects for IDPs is increase in their employment opportunities; IDPs can be hired as contractors and laborers and every effort should be made to encourage their role in project works and roles.

Involvement of communities in decisions on local investments is essential for it generates local ownership and can prevent the type of dependency syndrome that so many IDPs are subject to.

14. President's Note to the Development Committee, October 21, 2007.

15. Taken from the ICR of: The Azerbaijan Pilot Reconstruction Project (P035770), the Bosnia and Herzegovina Emergency, Demobilization and Reintegration Project (P044521).

3.2 Recommendations

The above notwithstanding, there are still ample opportunities for a more systematic approach to tackle the development challenge of forced displacement in the region and further work is recommended in the following areas:

Address the politicization of displacement. Engaging on displacement can only be done with sensitivity to the socio-economic and political context in which policies towards DPs are being devised and maintained. Across ECA, strong political and ideological narratives prevail with regards to DPs. For example, that they are ‘passive victims’ of aggression and that return to their homelands is their only viable solution, and that they must wait in transit until that day comes. Such paradigms, which are often strongly promoted by country governments, do not necessarily promote the best interests of the DPs, nor do they promote their human capital or psycho-social well being, or foster development progress for and by those affected especially when the displacement is protracted over decades. Alternative narratives and responses are possible and can be advocated by the World Bank, for example suggesting that Governments allow DPs the opportunity to be ‘resilient victims,’ capable of self reliance and entrepreneurship despite their suffering and circumstances. The premise that supporting DP integration would ensure that DPs never return home, thereby undermining sovereign claims to occupied land, can also be challenged. An alternative model is possible where Governments create an enabling environment to limit vulnerability in the meantime, which will allow DPs to be more likely to be equipped and empowered to rebuild their lives when they do finally return.¹⁶

Identifying an alternative model requires a solid understanding of the political economy of conflict and displacement in the countries affected by displacement. Political economy studies should be conducted to identify and assess opportunities for improving the Bank’s contribution to an enhanced development response to forced displacement in those countries. The studies can also identify partnership opportunities. Partnership with other multilateral organizations, NGOs, bilaterals, and government actors should be based on comparative technical advantage, and risk and burden sharing.

Increase the range of analytical work focused on DPs. More analytical work is required to identify the specific needs and vulnerabilities of DPs in the region and to explore the lessons learned and good practice of existing investments. Such research and assessment will contribute to the development of evidence based policy reform and project investment by the World Bank and Government partners. Besides targeted work on the displaced, there is an urgent need to mainstream analysis of the displaced into overall country socio-economic and poverty assessments. At present only in Azerbaijan does the regular household survey for the poverty assessment provide data that disaggregate the displaced and non-displaced. Yet such insight and information is essential to highlight differences in poverty levels, living con-

16. Holtzman & Nezam, 2004.

ditions, and vulnerabilities among the displaced compared to the overall population, and to track changes regarding these dimensions over time. In countries such as Bosnia, Kyrgyzstan and Georgia where there are sizeable groups affected by displacement, household poverty assessments need to identify and over-sample for DP to improve the knowledge of their comparative situation, and thereby inform operations that can address their specific poverty characteristics and vulnerabilities.

Invest in sustainable return, relocation and resettlement. There are several recent return, relocation and resettlement processes in ECA including the return of 375,000 newly displaced persons in Kyrgyzstan, and the resettlement of 90,000 IDPs in Azerbaijan and upwards of 25,000 IDPs in Georgia into Government sponsored New Settlements. The World Bank can play a vital role in the design and implementation of these processes, engaging with governments to advocate for best practice, and providing infrastructure and livelihood investment after the immediate humanitarian phase is over and until DPs regain a decent standard of living. The World Bank can also play a key role in supporting positive social dimensions of these transitions, for example advocating for DPs to be given full freedom of choice in any resettlement options. To be fully sustainable, return and relocation processes have to promote social cohesion between the displaced and non displaced by making sure that investment benefits are extended to the host populations as well as the displaced. The processes address the legal mechanisms and practices that promote segregation over integration also need attention. In Kyrgyzstan for example, this means not only addressing the physical damage of the violence but also seeking to change the poor governance, inequity, failure of the rule of law, and youth marginalization that triggered the conflict. Community based projects that promote social capital and peace building can be especially effective in such contexts.

Expand the portfolio of operations in land, property and housing for DPs. A full inventory of the housing conditions of DPs in ECA is required, especially to identify where DP housing stock and collective centers fall below minimum standards and to ascertain where immediate relocation is advisable. The assessment also needs to investigate where DPs face additional constraints and lack of information with regard to property claims, registration and ownership, and what can be done to overcome these barriers. Instead of high cost investments in designated IDP settlements, there are a number of alternative housing provision models that can be explored with Governments for the provision of DP housing including voucher schemes and the provision of small home construction grants to home owners with technical support to maintain quality.

Increase opportunities for DPs to achieve self reliant livelihoods. More investment is needed in operations that enable DPs in ECA to make a transition away from dependence on Government assistance as their main source of income towards more potentially self-reliant and lucrative household economies. This would serve to reduce government expenditure on the care and maintenance for DPs, and instead enable the DPs to productively contribute to the local and national economy, while also equipping them better to reintegrate in the event

of a return to their areas of origin. Existing small scale projects for DP livelihoods fostered in the NGO sector can be evaluated and successes scaled up through Government adoption. All such investments need to consider a full range of possible livelihood stimulus models including skills development and vocational training, micro-finance and access to regular bank credit, small and medium enterprise development and scale up, community based livelihood and asset management cooperatives, and improvement in agricultural produce and marketing. Investments need to be based on thorough study of market conditions and constraints together with opportunities for DPs in making the most of such opportunities, and will require comprehensive evaluation to identify those who benefit from such support and those still unable to maximize new opportunities. The resiliency and coping of IDPs, developed over the course of the displacement experience, can be more fully recognized and maximized as an important source of human capital.

Improve service delivery for displaced people. Targeted projects to improve services for DPs may be required. However, it is recommended that a response to displacement is mainstreamed in Bank lending so that DPs can benefit from a multi-sectoral approach where all sectors—housing, infrastructure, financial services, targeted social assistance, health, education, social protection—consider the particular needs and vulnerabilities affecting DPs within their sector and work with client governments to address them. Parallel service delivery for DPs, such as the education system in Azerbaijan, should be strongly discouraged as this only contributes to the social marginalization of DPs. There is strong evidence that the psycho-social suffering of DPs and the chronic effects of trauma, will result in a worse health profile among this group and additional mental health and psycho-social support services will be required.

Advocate for increased participation by DPs in decisions that affect them. The World Bank has a key role to protect the rights of DPs and to ensure their access to full information and to avenues for consultation, participation, and voting. Too often DPs are constrained from active political, governance and development engagement. The World Bank can set a crucial precedent by facilitating DP participation in its projects; Community-Driven Development projects can be instrumental in this regard allowing DPs access to fora and resources to address the needs they identify and prioritize at a local level together with their host communities. Such mobilization and participation opportunities can also have important psycho-social impacts, allowing DPs to work together and to feel empowered, and more in control of their own lives, and may contribute to establish or strengthen relations with host communities.

Annex 1: Forced Displacement in Europe and Central Asia

Country	Total Pop. (in millions)	Cause of Displacement	Internally Displaced Persons (IDPs) ^a	Trend in IDPs (from 2009 or previous year)	Refugees + Asylum-seekers by Country of Asylum ^b	Trend in Refugees (from 2008 or previous year)	Refugees + Asylum-seekers by Country of Origin ^c	Returned Refugees + IDPs in 2010	Stateless persons ^d	Start of displacement situation
Armenia	3.08	Support to independence of Armenian-populated enclave of Nagorno-Karabakh	At least 8,000	...	3,296 + 23		17,547 + 2,957	...	6	1988
Azerbaijan	8.24	Civil war over Nagorno-Karabakh independence	Up to 593,000		1,891 + 17		16,753 + 2,072	...	2,078	1988
Bosnia & Herzegovina	4.61	Internationalized internal conflict following break-up of Yugoslavia	113,400		7,016 + 153		63,004 + 1,347	909 + 277	5,000	1992
Croatia	4.44	Internationalized internal conflict following break-up of Yugoslavia	2,300		936 + 81		65,861 + 355	469 + 160	1,749	1991
Cyprus	1.08	Civil war between Greek and Turkish sides	Up to 208,000		3,994 + 5,396		13 + 3	0	0	1974
Georgia	4.47	Internal conflict against break-away regions of Abkhazia and South Ossetia, both supported by Russia	Up to 258,000		639 + 44		10,640 + 7,195	0	1,826	1992, 2008 (S. Oss.); 1994 (Abkh.)
Kosovo	1.8	Struggle for independence from Serbia, supported by NATO	18,300		N/A	...	7,000	1999
Kyrgyzstan	5.3	Inter-ethnic violence predominantly against ethnic Uzbek in the cities of Osh, Jalal-Abad and surrounding areas.	About 75,000	=	2,458 + 554		Violence in 2010 caused 75,000 fleeing to Uzbekistan. All refugees returned (est.)	0 + 200,000	21,157	June 2010
Macedonia FYR	2.06	• Conflict in Kosovo • Ethnic conflict between Albanians & Macedonians	650	=	1,398 + 161		7,889 + 2,851	0	1,573	2001
Montenegro	0.622	Internationalized internal conflict following break-up of Yugoslavia	16,364 + 5		3,246 + 185	0	1,300	1991–92
Russian Federation	140.04	Conflicts in the North Caucasus (Chechnya, North Ossetia)	6,500 - 78,000		4,922 + 1,463		111,948 + 10,475	38 + 758	50,000	1992 (N. Oss.); 1994 (Chech.)
Serbia	7.35	Conflict in Kosovo and NATO intervention	225,000	=	73,608 + 209		183,289 + 16,197	399 + 1,803	8,500	1999
Turkey	73.89	Internal conflict with Kurdish separatists	954,000—1.2m. (2006)	=	10,350 + 5,987		146,387 + 9,293	150,000	2,739	1984
Turkmenistan	4.88	Human rights violations	Unknown	...	62		738 + 66	0	20,000	2002
Uzbekistan	27.61	• Human rights violations • Inter-ethnic violence in Southern Kyrgyzstan produced refugee flow into Uzbekistan	3,400 (2005)	...	311 + 0		8,840 + 1,617	0	0	2000; 2010

a. As of end of 2010, unless specified (IDMC, 2011). b. As of end of 2010, unless specified (UNHCR, 2011). c. As of end of 2010, unless specified (UNHCR, 2011). d. UNHCR, 2011.

Annex 2: Vulnerable IDPs in Europe and Asia

Country	Elderly	Single-parent households	Children	Other vulnerable groups	Source/Note
Armenia	1,260 (15 percent)	Unavailable	1,680 (20 percent)	Unavailable	NRC, 2005
Azerbaijan	59,500 (10 percent)	Unavailable	238,000 (40 percent)	276,621 in collective centers and makeshift housing (48 percent)	World Bank, 2008
Bosnia and Herzegovina	2,467 (2 percent)	30,720 (32 percent)	19,000 (15 percent)	8,845 physically and/or mentally disabled (7 percent) 10,926 chronically ill (9 percent) 8,500 in collective centers (7 percent)	Government, 2006
Croatia	Unavailable	Unavailable	Unavailable	Unavailable	
Cyprus	34,467 (17 percent)	Unavailable	27,113 (14 percent)	Unavailable	Government, 2008
Georgia	Unavailable		50,000 (24 percent)	96,970 in collective centers (44 percent)	Ministry of Refugees and Accommodation, 2008
Kosovo	Unavailable	Unavailable	Unavailable	Unavailable	
Macedonia	Unavailable	Unavailable	Unavailable	Unavailable	
Russian Federation	1,055 (9 percent)	Unavailable	4,196 (36 percent)	3,130 in collective centers (28 percent) 869 invalids (7 percent) 34 orphans (less than 1 percent) 21 elderly with inadequate social support (<1 percent)	DRC, 2008 Data only available for Ingushetia
Serbia	Unavailable	Unavailable	Unavailable	5,500 in collective centers and specialized institutions (3 percent)	UNHCR, 2008
Turkey	43,000–54,000 (4.5 percent)	109,000–140,000 (11 percent)	4000,000–510,000 (45 percent)	343,000–430,000 with inadequate income (36 percent)	Hacettepe University, December 2006 Figures derived from survey of all internal migrants, not just those displaced due to insecurity

Source: IDMC. 2009. "Protracted Internal Displacement in Europe. Current Trends and Way Forward." Geneva: p. 10.

Annex 3: Portfolio of World Bank Activities: Addressing Forced Displacement

Table A3.1: Current Activities

ID	Project Name	Country	Product Type	Sector	Start Date	Development Objectives/Abstract/ Displacement Activities	Sector Themes
P089751	IDP Economic Development Support (EDS) Project	Azerbaijan	Investment Lending	Primary education; Other social service; Roads & highways; Gen wat/ san/fld sect; Housing construction	2/2005	Objective is to help improve the living conditions of IDPs and enhance their economic opportunities and prospects for social integration. This is a 'repeater project' that replicates part of the 'Pilot Reconstruction Project' (see Table 2). The project includes the following components: (a) micro-projects of rehabilitation, repair or reconstruction; (b) micro-credit to IDPs; and (c) IDP/EDS Implementation support.	Post-conflict reconstruction, local integration, civic engagement & participation, livelihoods
TF090489	IDP Youth Support Project	Azerbaijan	Investment Lending (JSDF grant)	Social Development	2007	Objective is to enhance the social inclusion of, and promote economic opportunities for, young IDPs in Azerbaijan living in New Settlements and in collective centers in large urban areas. The project includes the following components: (a) Community grants for youth in new settlements. (b) IDP youth skills and business development. (c) Partnerships between municipal/IDP schools in major urban settlements to increase social interaction among students. (c) Implementation support.	Delivery of services, livelihoods, governance
P118363	Crisis Impact on IDPs	Azerbaijan	Analytical Work (ESW)	Social Development	9/2009	The ESW explores the social and economic basis of the livelihoods of IDPs in Azerbaijan. In particular, it will identify the impacts of the recent economic crisis on IDPs in the country and the measures they have taken to mitigate or cope with those impacts. The objective of this work is to increase understanding of the social and economic vulnerability and resilience of IDPs in Azerbaijan, and the constraints and opportunities for their economic self sufficiency.	Conflict prevention & post-conflict reconstruction
P076730	Social and Economic Recovery Project	Croatia	Investment Lending	Gen agr/fish/ for sec; Gen pub admin sector; Other social service; Gen ind/trade sector	3/2005	Objective is to support the economic and social revitalization of disadvantaged and war-affected areas as a way to increase social cohesion. The project includes the following components: (a) community investment including social inclusion and economic revitalization, small community infrastructure subprojects, with participation of inter-ethnic and war affected groups. (b) Demining activities. (c) Institutional development	Post-conflict reconstruction, local integration, livelihoods

(continued)

Table A3.1: Current Activities, Continued

ID	Project Name	Country	Product Type	Sector	Start Date	Development Objectives/Abstract/ Displacement Activities	Sector Themes
	Joint Needs Assessment	Georgia	Analytical Work	Multi-sectoral	10/2008	The JNA examines the overall impact of the conflict, and needs for early and medium-term recovery based on losses and damages resulting from the conflict, and presents an overall strategy for recovery as well as priority actions and investments. Three major areas for donor support are identified: Support for the rapid restoration of confidence; Support for social needs (IDPs & vulnerable groups); Support for critical investments.	Post-conflict reconstruction
P122730	Self Reliance for IDPs	Georgia, Azerbaijan	Analytical Work	Social Development	8/2010	Defining the Meaning of 'Self Reliance' for IDPs in Georgia and Azerbaijan: Evaluation of projects that aim to support the Self Reliance of IDPs in the Caucasus. The study includes a full review of the impact and effectiveness of previous livelihood support modalities for IDPs. This review would include assessment of the results of a number of past and ongoing initiatives in both countries.	Conflict prevention & post-conflict reconstruction
	Joint Economic Assessment: Reconciliation, Recovery, and Reconstruction	Kyrgyzstan	Analytical Work	Multi-sectoral	7/2010	Following the ethnic violence in Southern Kyrgyzstan the report identifies the need for external (donor) support in three major areas: (a) Essential public expenditures and service. (b) Social needs: support for housing, livelihoods, social protection and other social programs for displaced people and vulnerable categories. (c) Critical investments.	Post-conflict reconstruction
	Country Profiles: Situation of Displacement	Regional	Analytical Work	Social Development	2009–10	Country information sheets on development challenges of forced displacement were prepared for the following countries: Macedonia, Azerbaijan, Armenia, Georgia, Kosovo, Serbia, Croatia, Turkey, Bosnia, Cyprus.	Post-conflict reconstruction
P122943	IDP Living Standards and Livelihoods Project	Azerbaijan	Investment Lending	Social Services; Roads and Highways; Gen wat/san; Housing; Livelihoods	2012	To improve the living conditions and economic self reliance of targeted IDPs. The project has the following components: (i) Micro-projects, (ii) Collective Center Renovation, (iii) Livelihood Support, (iv) Project Management	Post-conflict reconstruction, Local Integration, Civic engagement and participation, Livelihoods.

Table A3.2: Past Activities

ID/Donor	Analytical Work	Country	Close Date	Abstract
P067018	Refugee Impact and Prospects Study	Albania	2000	Report assesses impact of the Kosovo crisis on refugees and prospects for post-war recovery.
P074906	Long-Term Conflict-Induced Displacement in ECA Region Study (“Living in Limbo”)	Regional	2004	The publication Living in Limbo reviews surveys, assessments and field studies to understand the situation in specific countries as well as broader patterns of the vulnerability of displacement in the region.
ID	Project Name	Country	Close Date	Development Objectives/Displacement Activities
P064245	Support to Areas of Albania Hosting Refugees from Kosovo	Albania	2001	Enhance the capacity of the local administration to continue its role in the relief effort and to reduce potential frictions and tensions between the resident population and refugees.
P035770	Pilot Reconstruction Project	Azerbaijan	2005	Components: (a) Facilitates the repatriation of IDPs. (b) Establishes and strengthens institutions involved in the voluntary resettlement of IDPs, de-mining and the reconstruction of areas affected by the conflict. (c) Assists in raising and coordinating support from international donors.
	Employment for Displaced Women	Bosnia and Herzegovina	2001	Project financed an initiative for employment of displaced women through the production, marketing and sale of handmade knitwear in international markets.
P044521	Emergency Demobilization & Reintegration Project	Bosnia and Herzegovina	1999	Project assisted economic reintegration of displaced workers into the civilian workforce in order to reduce the burden on families, decrease dependency on eventual social assistance, and increase economic productivity.
P071528	Refugee Impact Grant Monitoring	Croatia	2002	Objective: to facilitate the peaceful integration of Serbian refugees with the local Croat population, in order to minimize the possibility of new outbursts of conflict.
State & Peace-building Fund (SPF)	Refugees Return and Regional Development— Strengthening Capacity of Local Initiatives	Croatia	2004	Purpose: support the second phase of a project focusing on the physical, economic and social revitalization of communities within the Northern Dalmatian Region.
SPF	Georgia Self Reliance Fund for Internally Displaced Persons	Georgia	2003	Objective: To fund sustainable community development initiatives that will involve cooperation between IDPs and hosts.
SPF	Kosovo Community Development Fund	Kosovo	2001	Purpose: (i) to assist communities rehabilitate or develop basic infrastructure and services at the local level and among marginalized communities, (ii) support the development of responsive, transparent, equitable and accountable local governance structures.
SPF	Promoting Inter-ethnic Dialogue and Supporting the Learning Environment of Children	Macedonia	2001	Purpose: To benefit Kosovar refugees, host families and vulnerable groups by supporting the promotion of conflict-prevention activities.

Table 3: World Bank Engagement

Country	World Bank engagement in addressing displacement (# of active/closed activities) ^a			
	Reference in Country Partnership Strategy (CPS)	Analytical Work	Trust Fund Activities	World Bank Lending Operations
ECA—Totals		1/1	4/8	6/3
Albania	Ref	0/1	0/1	0/0
Azerbaijan	IDPs	1/0	2/0	3/1
Bosnia & Herzegovina	IDPs,/ref	0/0	0/2	1/2
Croatia	IDPs ^b	0/0	0/1	2/0
Georgia	IDPs	0/0	2/1	0/0
Kosovo	No CAS	0/0	0/1	0/0
Macedonia	Ref	0/0	0/1	0/0
Serbia	No	0/0	0/0	0/0
Yugoslavia	No CAS	0/0	0/1	0/0

Notes: Table 3 was drawn and adapted from a global portfolio review conducted by Margarita Puerto-Gomez (SDV) within the global work program on Forced Displacement. a. Total number of activities will be presented as # active/# closed. b. No mention of displacement in the CPS 2008 and CASPR 2007, but mentioned in CAS 2004.

Annex 4: Relevant International and Domestic Laws Governing Forced Displacement in ECA

1. International and Domestic Refugee Laws

The 1951 Convention relating to the Status of Refugees is the key international legal document that defines who is a refugee, refugee rights, and the legal obligations of states. It has several provisions relevant to development, including those dealing with property ownership, employment, housing, education, and social protection. The Convention has been signed by all countries in the region, except Kosovo. Out of the signatories of the Convention, all, but Uzbekistan, have ratified the Convention. At the time of signature, ratification or accession, countries can make reservations to some of the articles dealing with development. None of the ECA countries have made reservations to the development-related articles. Except Uzbekistan, all of the countries in ECA that have signed the Convention have promulgated domestic laws to implement the provisions of the Convention. Domestic refugee laws usually deal with the main issues related to refugees. While it is common for countries to use non-refugee laws to govern the situation of refugees, the analysis in this section deals with domestic refugee laws.

Property Ownership

Article 13 of the 1951 Convention provides that parties shall accord refugees treatment as favorable as possible and, in any event, not less favorable than that accorded to aliens generally in the same circumstances, with regard to movable and immovable property. While the minimum standards of treatment of aliens under international law apply to refugees, countries can treat refugees as favorably as possible with regard to movable and immovable property.

The domestic refugee laws of Croatia, Georgia, Macedonia, Russia and Turkey make no mention of property rights of refugees. Even those countries that have provisions dealing with property rights in their refugee laws have taken different approaches. Some countries have adopted the standard set by the 1951 Convention. For example, in Bosnia and Herzegovina, the *Law on Movement and Stay of Aliens and Asylum* specifically states that refugees have the rights defined in Article 13 and 14 of the 1951 Convention. Cyprus follows a similar approach but does not go as far as Bosnia. The Cyprus refugee legislation provides that refugees the same treatment granted to aliens in the same circumstances. The refugee laws of Kyrgyzstan, Turkmenistan and Serbia provide refugees the same rights granted to aliens with regard to movable and immovable property.

Other countries follow a different approach. For instance, Montenegro's refugee legislation grants refugees the right to acquire movable and immovable property on the terms set by

law. The 1999 Azerbaijan *Law on IDP (Internally Displaced Person) and Refugee Status* does not specifically mention property rights but states that refugees have the same rights as nationals, unless otherwise provided by the Constitution or other legislative acts.

With regard to intellectual property, Article 14 of the Convention provides that refugees will be provided with the same protection accorded to nationals of that country. Refugee laws of most of the countries in ECA do not mention intellectual property. The three countries whose laws mention intellectual property rights—Bosnia Herzegovina, Cyprus and Serbia—grant refugees the same protection accorded to their nationals.

Access to Livelihoods

The 1951 Convention requires contracting states to accord refugees the most favorable treatment accorded to nationals of a foreign country in the same circumstances with regard to wage-earning employment. With regard to self-employment, however, the Convention adopts a slightly different standard. As stated in Article 18, contracting states are required to treat refugees as favorably as possible and, in any event, not less favorably than aliens generally in the same circumstances.

Countries in ECA follow different approaches when implementing their 1951 Convention obligations. Armenia, Azerbaijan, Cyprus, Russia and Turkmenistan allow refugees to engage in wage-earning and self-employment on par with nationals. Bosnia and Herzegovina's refugee law adopted the 1951 Convention standards with regard to wage-earning and self-employment. The refugee laws of Macedonia and Montenegro allow refugees to work under the same conditions as aliens living in those countries permanently. The refugee laws of Macedonia and Montenegro have no provisions regarding self-employment. Serbia's domestic refugee legislation has provisions dealing with both wage earning and self-employment for refugees. These provisions provide that refugees have rights equal to those of permanently residing aliens with regard to wage-earning and self-employment.

The domestic refugee laws of Georgia and Kyrgyzstan deal with wage-earning and self-employment but do not set the standards. They simply state that the refugees' rights are supposed to be in conformity with other laws, without specifying the laws. Croatia's refugee law makes no mention of refugees' right to wage-earning employment or self-employment.

Housing

Article 21 of the 1951 Convention deals with housing and provides that refugees shall receive treatment as favorable as possible and, in any event, not less favorable than that accorded to aliens generally in the same circumstances. This standard is reflected in the refugee law of Cyprus, which grants refugees the most favorable treatment possible, which in any case may not be less favorable than that accorded to aliens under the same circumstances. The refugee legislation of Bosnia and Herzegovina explicitly adopts the 1951 Convention standard.

The refugee laws of Azerbaijan, Croatia and Montenegro mention housing assistance in their refugee laws without setting the standard of treatment. Article 17 of the *Law of the Republic of Azerbaijan on IDP (Internally Displaced Person) and Refugee Status* states that the appropriate government bodies will be responsible for providing refugees with temporary and resident living space is carried out by the appropriate executive authorities. It also gives refugees the right to a ten-year interest free loan and land for residential purposes. The refugee laws of Croatia, Macedonia and Montenegro give refugees the right to government-provided accommodation for specified periods—12 months in Croatia, two years in Macedonia and six months in Montenegro. The refugee laws of Georgia, Kirgizstan, Russian Federation, Serbia, Turkey and Turkmenistan do not have provisions dealing with housing for refugees.

Education

Article 22 of the 1951 Convention deals with refugees' right to public education. With regard to primary education, Article 22(1) requires host countries to accord refugees the same treatment as is accorded to nationals. The Convention sets a different standard for non-primary education. States shall accord to refugees treatment as favorable as possible, and, in any event, not less favorable than that accorded to aliens generally in the same circumstances. This standard is also applicable to access to studies, the recognition of foreign school certificates, diplomas and degrees, and the award of scholarships.

The refugee laws of a number of countries in the region have more generous standards with regard to education. The refugee laws of Croatia, Cyprus, Georgia, Montenegro and the Russian Federation provide refugees with national treatment with regard to primary as well as non-primary education. The Armenian refugee law also provides refugees with national treatment but makes exception for higher education by requiring refugees to pay fees. The refugee law of Bosnia and Herzegovina adopted the 1951 Convention standard. Turkey provides refugees with free access to primary education. The refugee laws of Azerbaijan and Turkmenistan guarantee refugees with the right to education without defining the standard of treatment. Kirgiz and Macedonian refugee laws do not deal with the refugees' right to education.

Social Protection

Issues of social protection have been dealt with by Article 24 of the 1951 Convention, which requires states to accord to refugees the same treatment accorded to nationals in respect to labor standards and social security. Article 24 (1) (a) specifically mentions remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on home work, minimum age of employment, apprenticeship and training, women's work and the work of young persons, and the enjoyment of the benefits of collective bargaining. With regard to social security (including legal provisions in respect of employment injury, occupational diseases, maternity, sickness, disability, old age, death, unemployment, family responsibilities), the refugees' right to receive the same treatment accorded to nationals is subject to some limitations discussed in Article 24 (1)(b) of the 1951 Convention.

The refugee laws of Armenia, Bosnia and Herzegovina, Croatia, Cyprus, Georgia, Macedonia, and Russian Federation specifically state that refugees have the same rights as nationals with regard to various social protection issues. While the refugee laws of Azerbaijan, Kirgizstan and Turkmenistan do not specifically deal with social protection, they provide that refugees have the same rights as nationals, unless otherwise provided by other laws. Serbian refugee legislation provides that refugees have the right to health care, in accordance with the regulations governing health care of aliens.

2. International and Domestic IDP Laws

At the international level, the Guiding Principles on Internal Displacement (hereinafter, the Guiding Principles) provide the normative framework identifying rules of international laws that applies to IDPs (Kälin & C.Williams, 2010). The purpose of the Guiding Principles is to address the specific needs of internally displaced persons worldwide by identifying rights and guarantees relevant to their protection. Without creating new obligations, the Guiding Principles restate the relevant principles applicable to the internally displaced and clarify any grey areas that might exist (UN Commission on Human Rights, 1998). They apply to the different phases of displacement, providing protection against arbitrary displacement, access to assistance during displacement, and guarantees during return or alternative settlement and reintegration (UN Commission on Human Rights, 1998).

This section deals with the principles relevant to social and economic development of internally displaced persons. National authorities have the primary duty and responsibility to provide protection and assistance to internally displaced persons within their jurisdiction (Principle 3(1)). States have started taking informed and systematic actions to deal with internal displacement. So far, at least 20 states have promulgated laws and policies on internal displacement, many of which reference the Guiding Principles directly (Kälin & C.Williams, 2010). In ECA, six countries—Armenia, Azerbaijan, Bosnia-Herzegovina, Georgia, Russia, and Tajikistan—have domestic laws dealing with internal displacement. This section examines how the development-related Guiding Principles have been incorporated in the domestic IDP laws of these countries.

Freedom of Movement

In situations of internal displacement, freedom of movement refers to the right to move freely and to choose one's place of residence within the borders of a state. It also refers to the right of IDPs to move freely into, and outside of, IDP camps or other sites of their displacement. A fundamental human right, freedom of movement is indispensable condition for the free development of a person. It is also an essential element in finding durable solutions to displacement. Freedom of movement is often a precondition for other development-related rights, including rights to health, shelter, food, water, education, employment, and property restoration (Oloka-Onyango, 2010).

The Guiding Principles deal with freedom of movement. In addition to affirming that every IDP has the right to liberty of movement and the freedom to choose his or her residence, Principle 14 states that IDPs have the right to move freely in and out of camps or other settlements. This Principle implies that national authorities have the obligation not to interfere with persons seeking to exercise their freedom of movement in contexts of displacement (Oloka-Onyango, 2010). Principle 15 gives further effect to the movement-related rights identified in Principle 14. IDPs have the right to seek safety in another part of their country, the right to leave their country, the right to seek asylum in another country, 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.

Domestic IDP laws of various countries in ECA have provisions that guarantee freedom of movement. The 1999 Law of the Republic of Azerbaijan ‘On status of refugees and forcibly displaced (persons displaced within the country) persons’ guarantees IDPs the right of movement to their previous place of residence. In Bosnia and Herzegovina, the *Law on Refugees from BiH and Displaced Persons in BiH* contains a number of provisions that deal with the freedom of movement of IDPs. Article 9 provides that IDPs have the right freely to return to their former habitual residence. IDPs have the right to choose another permanent residence, which has to be chosen voluntarily and based on the objective information with reference to all the facts relevant for making a choice decision (Article 11). Another Bosnian law, the 2005 *Law on Displaced Persons, Returnees and Refugees in the Republika Srpska*, provides that IDPs have the right of freedom of movement and the freedom to choose their place of permanent residence. The *Federal Law on Forced Migrants* of the Russian Federation guarantees IDPs freedom of movement. Article 8 provides that forced migrants shall not be returned against their will to a territory or populated center. It also states that IDPs shall not be moved to another populated center without their consent. The 1994 *Law of the Republic of Tajikistan on Forced Migrants* also contains a provision dealing with freedom of movement. Article 5 provides that a forced migrant is free to choose the place of permanent residence in the territory of the Republic of Tajikistan.

Right to Health

As provided under Article 12 of the *International Covenant on Economic, Social and Cultural Rights*, every person has the right to enjoy the highest attainable standard of physical and mental health without discrimination. The right to health encompasses not only access to timely and appropriate health care but also to underlying determinants of health, which include access to an adequate supply of safe and nutritious food, safe and potable water and adequate sanitation, and housing, as well as other hospitals, clinics and other health-related facilities, trained medical and professional personnel who receive domestically competitive salaries, and essential drugs (Brookings-Bern Project on Internal Displacement, 2008).

Principle 18(2)(d) of the Guiding Principles requires competent authorities to provide IDPs with and ensure safe access to essential medical services and sanitation. Beyond this, Principle 19 requires states to provide wounded and sick IDPs with medical care, as well as psychological and social services, and to pay special attention to the health needs of women as well as to prevention of contagious and infectious diseases.

ECA countries have taken different approaches in incorporating the right to health in their domestic IDP laws. The *Republic of Armenia Law on Population Protection in Emergency Situations*, for instance, has identified “supremacy of securing human life and health” as one of the principles of population protection in emergency situations (Article VI). Article V of the Law also states that the “fulfillment of medical services for population” is one of the main activities of population protection in emergency situations. Azerbaijan’s IDP law, on the other hand, takes a rights-based approach. Article 6 of the 1999 *Law of the Republic of Azerbaijan ‘On status of refugees and forcibly displaced (persons displaced within the country) persons’* states that IDPs are guaranteed free-of-charge medical assistance and day-to-day goods on favorable conditions at the places or the temporary residence. Another law, the *Law of the Azerbaijan Republic, ‘On social protection of forcibly displaced persons and persons equated to them’* provides more detailed provisions related to right to health. Article 10 provides that IDPs can use state medical institutions and health services free of charge. In Bosnia and Herzegovina, the *Law on Refugees from BiH and Displaced Persons in BiH* states that IDPs have the rights to health care. Article 5 of the *Law of Georgia on Internally Displaced Persons* provides that the state shall cover the expenses borne by vulnerable IDPs in medical institutions. The *Federal Law on Forced Migrants* of the Russian Federation provides that registered IDPs will be provided with free medical assistance and free medicines at the state and at the municipal public health institutions. Tajikistan’s IDP law also deals with the provision of medical treatments to registered IDPs. Article 3 of the *Law of the Republic of Tajikistan on Forced Migrants* provides that registered IDPs have the right to enjoy medical treatment and pharmaceuticals in state medical institutions. In addition to registered IDPs, returning IDPs also have the right to enjoy medical services in state health facilities (Article 12).

Education

As provided under Article 26 of the Universal Declaration of Human Rights, every human being has the right to free education at the primary level. In displacement situations, continued school attendance provides a degree of stability, security, structure, and normalcy in the context of upheaval, uncertainty, and trauma that the experience of displacement entails. Schools can provide IDP children with an important source of psycho-social support and help to reduce their exposure to threats including sexual exploitation, physical attack, and military recruitment. Equal access to education is an important indicator of IDPs’ integration into the local community (Mooney & Wyndham, 2010).

Principle 23 of the Guiding Principles is meant to protect the right of IDPs to education during their displacement. In addition affirming the right of every human being to education, Principle 23 requires the authorities concerned to ensure that IDPs receive education which shall be free and compulsory at the primary level. Education should respect their cultural identity, language and religion. The Principle also requires the concerned authorities to make special efforts to ensure the full and equal participation of women and girls in educational programs. Right to education is also to be secured in the context of durable solutions in accordance with the obligation to provide “equal access to public services” in Principle 29(1).

Azerbaijan’s IDP law, the 1999 *Law of the Republic of Azerbaijan ‘On status of refugees and forcibly displaced (persons displaced within the country) persons,’* states that IDPs are provided with the guarantees to educate children in kindergartens and teenagers and the youth at relevant educational institutions. Article 11 of the Law of the Azerbaijan Republic, ‘*On social protection of forcibly displaced persons and persons equated to them*’ provides that IDPs studying in secondary schools are to be provided with free-of-charge textbooks and educational accessories. In Bosnia and Herzegovina, the *Law on Refugees from BiH and Displaced Persons in BiH* states that IDP returnees are entitled to primary education. Article 11 of the 2005 *Law on Displaced Persons and Returnees in the Federation of Bosnia and Herzegovina and Refugees from Bosnia and Herzegovina* provides that recognized IDPs and returnees have the right to education. Article 5 of the *Law of Georgia on Internally Displaced Persons* provides that IDPs have the right to free education in the public secondary educational institutions. Russia’s *Federal Law on Forced Migrants* requires the federal and local governments to render assistance in placing IDP children into the state-run or municipal pre-school and general education establishments and primary vocational training institutions. It also requires the governments to give priority to IDP children when transferring students to secondary, vocational or higher professional education. Article 6 of the *Law of the Republic of Tajikistan on Forced Migrants* provides that government institutions are obliged to place IDP children in pre-school, comprehensive, secondary, special, and higher education institutions.

Recognition, Issuance, and Replacement of Documentation

In many displacement situations, IDPs’ access to benefits and legal rights could be contingent upon the production of documents such as identification cards, passports, birth and marriage certificates, educational diplomas, and certification of health and welfare rights or property title (Foley & McCallin, 2011). However, in the course of displacement, IDPs frequently lose their personal identity papers or leave them behind. Armed conflicts can also lead to the destruction of official records and archives (Brookings-Bern Project on Internal Displacement, 2008). Domestic procedures on issuance and recognition of documentation are rarely adapted to situations of forced displacement and frequently result in unforeseen obstacles for IDPs in obtaining or renewing personal documents (Foley & McCallin, 2011). In such cases, inadequate procedures to provide or renew missing or invalid documents for displaced per-

sons can lead to violations of their rights (Foley & McCallin, 2011). Missing documentation also presents an obstacle to return and other durable solutions, for example, in the case of disputes over property and inheritance rights, perpetuating the vulnerability of groups such as female-headed households or minorities whose members may have traditionally been less likely to possess documented rights (or be entitled to them in accordance with local practices) (Foley & McCallin, 2011).

Principle 20 of the Guiding Principles deals with the recognition, issuance and replacement of documentation in situations of internal displacement. The Principle starts by relating the “right to documents” specifically to the right to “recognition as a person before the law.” The second paragraph of Principle 20 includes a non-exhaustive list of documents required to enjoy other rights such as education, adequate housing, health care, or other social benefits. It also requires the concerned authorities to issue or facilitate the issuance of new documents or documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one’s area of habitual residence in order to obtain these or other required documents. The third paragraph ensures that women and men are treated equally by stipulating that they have the right to obtain necessary documents and that they have the right to have documents issued in their own names.

The IDP laws of two ECA countries deal with the issuance and replacement of documents. In Bosnia and Herzegovina, article 15 of the 2005 *Law on Displaced Persons, Returnees and Refugees in the Republika Srpska* requires the responsible authorities to issue to displaced persons and returnees all documents necessary for the exercise of their legal rights. It also requires them to facilitate the procedure of issuing new documents or replacing documents lost or destroyed as the result of displacement. Russia’s *Federal Law on Forced Migrants* contains a provision that requires authorities to render assistance to the forced migrant, upon his request, in obtaining the necessary documents for restoring his work record, in conformity with the legislation of the Russian Federation.

Property

All persons have the right to ownership and peaceful enjoyment of property and possessions and any deprivation of property and possessions and rights by the state or authorized by it must be in the public interest and subject to the conditions provided for by law and by the general principles of international law, including the payment of just compensation (Brookings-Bern Project on Internal Displacement, 2008). Forced displacement situations are often accompanied by violations and abuses of rights in housing, property, and land. Violations to property rights take different forms. In some conflict situations, violations are part of planned and manifestly illegal acts, such as ethnic cleansing. In other cases, states are not directly responsible for events that have taken place on their territory, but fail to fulfill their primary responsibility for resolving any resulting displacement in a manner consistent with the victims’ human rights (Williams, 2010).

Under international law, the preferred remedy for wrongful acts is restitution, or the physical restoration of what the victim lost by virtue of the breach. In addition to serving as a remedy, restitution can contribute to the creation of durable solutions for IDPs. In addition to facilitating return, restitution can provide IDPs with choice, giving IDPs a basis for either returning or resettling should they so choose. In this sense, it can contribute to voluntary resettlement or local integration when beneficiaries choose to sell, exchange, or rent reinstated properties (Williams, 2010).

Principle 21 of the Guiding Principles prohibits the arbitrary destruction, appropriation, occupation or use of IDP's property and possessions. In addition to prohibiting acts that violate the property rights of IDPs, the Guiding Principles also contain provisions dealing with remedies. Principle 29(2) requires competent authorities to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. It also requires competent authorities to provide or assist IDPs in obtaining appropriate compensation or another form of just reparation when recovery of property or possessions is not possible.

Some domestic IDP laws of various ECA countries have included provisions dealing with property restoration or compensation. In Bosnia and Herzegovina, the *Law on Refugees from BiH and Displaced Persons in BiH* states that IDPs have the right to have restored to them property they left behind or to be compensated for any property that cannot be restored to them (Article 13). Another Bosnian law, the 2005 *Law on Displaced Persons, Returnees and Refugees in the Republika Srpska*, contains a similar provision. In addition to affirming IDPs right to restoration of their property, Article 11 provides that the repossession of immovable property implies the possibility of the owner to fully and practically dispose of his/her property in the manner of his/her voluntary choice. Article 7 of the *Law of Georgia on Internally Displaced Persons* requires relevant authorities to return to displaced persons their personal assets, including house and land. It also provides that the compensation of damage, after estimation of its amount, shall be processed by the local self-government bodies. Georgia also has another legislation—the 2007 *Law on Property Restitution and Compensation for the Victims of Conflict in the Former South Ossetian Autonomous District in the Territory of Georgia*—which provides the procedures by which IDPs who fled South Ossetia can seek property restitution or compensation.

Access to Livelihoods

Like their fellow citizens, all IDPs need, and have a right, to work (Tajgman, 2010). Forced displacement affects the ability of the IDPs to independently pursue livelihoods and economic activities. However, steps can be taken to ensure that IDPs do not fall into long-term dependency on outside aid during displacement and to facilitate their economic integration or reintegration into society (Brookings-Bern Project on Internal Displacement, 2008). Principle 22 (b) of the Guiding Principles is meant to ensure that IDPs are able to participate in

economic activities without discrimination relative to the rest of the population. It provides that IDPs have the right to seek freely opportunities for employment and to participate in economic activities.

A number of domestic IDP laws deal with access to livelihoods. The 1999 *Law of the Republic of Azerbaijan 'On status of refugees and forcibly displaced (persons displaced within the country) persons'* requires relevant authorities to assist IDPs find jobs (Article 16). Bosnian laws entitle IDPs and returnees to income generation assistance. Article 18 of the *Law on Refugees from BiH and Displaced Persons in BiH* provides that returnees are entitled to the credits to start businesses. The 2005 *Law on Displaced Persons and Returnees in the Federation of Bosnia and Herzegovina and Refugees from Bosnia and Herzegovina* also provides that IDPs and returnees are entitled to income generation assistance that includes loans and grants. Article 5 of the *Law of Georgia on Internally Displaced Persons* requires relevant authorities to assist IDPs in finding temporary employment. IDPs are also to be allocated agricultural land plots on temporary and land tax exempt basis. Russia's *Federal Law on Forced Migrants* requires the federal and local governments to provide IDPs with livelihoods assistance, which includes providing IDPs with information on employment opportunities and assisting IDPs in creating jobs. The *Law of the Republic of Tajikistan on Forced Migrants* contains number provisions that are relevant to IDP's access to livelihoods. Articles 5 and 6 require government authorities to provide job placement assistance. Article 6 also requires government authorities to grant additional tax concessions and compensations to enterprises and organizations employing forced migrants.

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