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**The Outside Inside:
Chechen IDPs, Identity Documents and the
Right to Free Movement in the Russian Federation**

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TABLE OF CONTENTS

Note on the Current Organization of the Russian Government.....	1
List of Acronyms	2
Dedication and Note.....	3
Introduction.....	4
1. Background: The Identity Document Regime in Context.....	6
2. The Law on Forced Migrants	13
3. The Undocumented in Ingushetia.....	19
4. The Undocumented in Moscow.....	27
Conclusion	34
References Cited.....	38
APPENDIX 1: Human Rights Treaties to Which the Russian Federation Is a Party....	44
APPENDIX 2: Russian Legislation	45

Note on the Current¹ Organization of the Russian Government

The Russian Federation consists of 89 ‘subjects’, or regions: 21 republics, 6 *krais* or ‘territories’, fifty *oblast’s* or ‘provinces’, two federal cities (Moscow and St. Petersburg), one autonomous *oblast’* and ten autonomous *okrugs* or ‘districts’. Ingushetia and Chechnya are both republics.

Each region has its own administration, headed by a popularly-elected governor (*gubernator*), president (*president*) or mayor (*mer*). Chechnya and Ingushetia, being republics, both have presidents; Moscow, being a federal city, has a mayor.

Federal-level ministries and services:

- The Ministry of Interior Affairs, or MVD² (*Ministerstvo vnutrennykh del*). A federal ‘power ministry’, the MVD is mainly concerned with domestic law and order. It maintains 70,000 Interior troops and a professional mobile strike force (Sakwa 2002: 92). Each region in the Federation also has its own interior ministry; these should not be confused with the federal Ministry of Interior Affairs.
 - The Federal Migration Service, or FMS (*Federal’nyi migratsionaya sluzhba*). A subsidiary body of the MVD which sets the Federation’s migration policy and coordinates the operation of the regional migration services.
- The Federal Security Service, or FSB (*Federal’naya sluzhba bezopasnosti*). Another ‘power ministry’, the FSB deals with internal security and intelligence.
- The Ministry of Civil Defence, Emergencies and Natural Disasters, or EMERCOM. Responsible for coordinating federal IDP aid to Ingushetia.

Regional-level ministries and services:

- The Moscow interior ministry, or GUVVD (*Glavnoe upravlenie vnutrennykh del*).
 - The Moscow Migration Service, or MMS (*Moskovskii migratsionnaya sluzhba*). Housed within the Moscow interior ministry. Responsible for IDP and migration policy in Moscow city, as well as regulating Forced Migrant status.
 - Passport and Visa Service, or PVS (*Pasportno-vizovaya sluzhba*). A subsidiary body of the Moscow interior ministry, responsible for overseeing passport issuance and residence registration in the city.
- The Ingush interior ministry, or MVDRI (*Ministerstvo vnutrennykh del Respubliki Ingushetii*).
 - The Ingush Migration Service (*Migratsionnaya sluzhba Respubliki Ingushetii*). Housed within the Ingush interior ministry. Responsible for IDP and migration policy in Ingushetia, as well as regulating Forced Migrant status.
 - Passport and Visa Service, or PVS (*Pasportno-vizovaya sluzhba*). A subsidiary body of the Ingush interior ministry, responsible for overseeing passport issuance and residence registration in the republic.

¹ As of August 2004. In September Putin proposed far-reaching structural changes; see below, Section 1.5.

² In keeping with convention, I have used the Russian acronyms in this paper when referring to government agencies, not their translated English equivalents.

List of Acronyms

ASSR:	Autonomous Soviet Socialist Republic
CCA:	Committee on Civic Assistance
CERD:	Convention on the Elimination of All Forms of Racial Discrimination
CHRPRF:	Commission on Human Rights to the President of the Russian Federation
CIS:	Commonwealth of Independent States
CoE:	Council of Europe
DRC:	Danish Refugee Council
ECHR:	European Convention on Human Rights
EMERCOM:	Ministry of Civil Defence, Emergencies and Natural Disasters
FMS:	Federal Migration Service (<i>Federal'nyi migratsionaya sluzhba</i>)
FSB:	Federal Security Service (<i>Federal'naya sluzhba bezopasnosti</i>)
GUVD	Moscow interior ministry (<i>Glavnoe upravlenie vnutrennykh del</i>)
HRW:	Human Rights Watch
ICCPR:	International Covenant on Civil and Political Rights
ICESCR:	International Covenant on Economic, Social and Cultural Rights
ICRC:	International Committee of the Red Cross
IDP:	Internally displaced person
IMF:	International Monetary Fund
MMS:	Moscow Migration Service (<i>Moskovskii migratsionnaya sluzhba</i>)
MSF:	Médecins Sans Frontières
MVD:	Ministry of Interior Affairs (<i>Ministerstvo vnutrennykh del</i>)
MVDRI:	Ingush interior ministry (<i>Ministerstvo vnutrennykh del Respubliki Ingushetii</i>)
OCHA:	United Nations Office of the Coordinator for Humanitarian Affairs
OSCE:	Organization for Security and Cooperation in Europe
PACE:	Parliamentary Assembly of the Council of Europe
PVS:	Passport and Visa Service (<i>Pasportno-vizovaya sluzhba</i>)
TAC:	Temporary accommodation centre
UNGA:	United Nations General Assembly
UNHCHR:	United Nations High Commissioner for Human Rights
UNHCR:	United Nations High Commissioner for Refugees
USCR:	United States Committee for Refugees
WFP:	World Food Programme

Dedication and Note

I am grateful to Dr. Eva-Lotta Hedman, whose thoughtful input and many revisions have been invaluable. I would also like to thank Nicholas Hiza and Julie Joosten for their time, their patience and their enduring interest.

I would be happy to receive comments, suggestions or corrections from readers. Please direct all communications to kdesorme@wso.williams.edu.

Introduction

In November 1991, a separatist Chechen congress declared Chechnya's independence from the crumbling USSR. Since then, the breakaway republic has been the theatre for two wars³—the first from 1994 to 1996, and the second from 1999 to the present—in which the Russian Federation has attempted to re-impose its sovereignty by force. The present war, like its predecessor, has become infamous for the human rights violations visited in its name upon civilians in the conflict zone. What this paper will explore, however, is the way the scope and reach of these human rights violations has expanded well beyond the Northern Caucasus. Increasingly since this war began, it is not only civilians inside Chechnya who find themselves regularly deprived of basic rights; it is also those who have fled Chechnya for other parts of Russia, sometimes hundreds of miles away from the fighting that displaced them.⁴ As the language of security becomes the ascendant discourse in Russia's domestic affairs, authorities at both federal and regional levels have taken the liberty of imposing tighter and more capricious restrictions on the various identity documents—internal passports, residence registration, and Forced Migrant status—which displaced Chechens would need in order to resettle outside their home republic. These bureaucratic measures have coalesced to create a *de facto* suspension of displaced Chechens' right to free intrastate movement, limiting, if not extinguishing, their chances of finding refuge within Russia.

* * * *

During the current war, Chechen civilians inside their home republic have faced daily violations of their constitutional rights to life, education, healthcare and freedom from arbitrary arrest. Meanwhile, their ability to flee the situation has been restricted by curfews, armed checkpoints, and the general climate of physical insecurity which renders all travel costly and hazardous. Nevertheless, the war since 1999 has caused massive displacement both within and from Chechnya, and many of those who have managed to flee across the republic's borders originally sought refuge in tent camps in the neighbouring republic of Ingushetia. Since 2002, however, these camps have been systematically closed under the watch of the Russian military and Ingush law enforcement officials. The camps' inhabitants, summarily evicted and in many cases offered no alternative shelter in Ingushetia, have found themselves compelled to return to Chechnya.

Such overt forms of abuse are not anomalies, nor are they restricted to the Northern Caucasus region. Indeed, since 1999 Chechen IDPs (internally displaced persons) throughout the Russian Federation have felt the effects of subtler but perhaps no less debilitating denials of their right, as humans and as citizens, to free intrastate movement⁵—as well as all the other rights whose full enjoyment is bound up with it. In their case, however, the means employed involve not military force, but bureaucratic coercion: made possible by Russia's malleable and restrictive laws on identity documents and their instrumental, often discriminatory implementation.

Identity documents and their misuse in Russia today have drawn criticism from a number of scholars and advocates worldwide. As the studies of several intergovernmental organizations and NGOs have shown,⁶ Russia's passport and residence registration regimes have long been used to deny Chechens and other 'undesirables' their right to free movement inside the Russian Federation. What

³ The military campaign in Chechnya which began in 1999 is not officially a declared war, but rather an 'anti-terrorist operation'. As HRW notes, however, the campaign bears all the marks of an internal conflict or war (HRW 2004), and many independent commentators refer to it as such. This paper follows suit.

⁴ Current events necessitate a reminder here: Slavic Russian civilians, too, are feeling the effects of this war. At the beginning of September 2004 the world was horrified by the school siege in the south of Russia, where hundreds of children were held hostage by separatist Chechen gunmen. In this paper I will focus only upon the human rights violations committed by the Russian army and government apparatus *against* people from Chechnya—and especially but not exclusively against ethnic Chechens—but it should be borne in mind that various factions of separatist rebels are guilty of gross violations against civilians as well, both inside and outside of Chechnya. Hostage-taking and suicide bombing in pedestrian areas have become sadly prominent features of rebel war tactics in recent years.

⁵ The Russian Constitution guarantees free intrastate movement and choice of place of residence to all those legally on Russian territory. See Section I, below.

⁶ In English, see UNHCR (2000: especially section 4.6), the Council of Europe (2001), and Human Rights Watch (1997). In Russian, see Gannushkina (2002 and 2003).

has received less scrutiny in the West, however, is the way that the federal Law on Forced Migrants has complemented and contributed to this virtual *cordon sanitaire* around the breakaway republic since the beginning of the present war in 1999.

Originally passed by Parliament in 1995, the Law on Forced Migrants created the so-called Forced Migrant status⁷ as a way of identifying, and ensuring benefits for, internally displaced Russian citizens. In the context of the current war, however, Forced Migrant status has become in large part a policy tool used to marginalize the very people it purports to benefit. An easily manipulable legal label—made all the more elastic in the context of a ‘war on terror’ internationally and a weak civil society domestically—Forced Migrant status has allowed authorities strategically or discriminatorily to deny certain groups of people the protection and assistance to which they should, as displaced citizens, be entitled.

The restrictions which the federal and regional administrations have placed on Forced Migrant status in the past five years, combined with long-standing restrictions on passports and residence registration, have produced a near total absence of protection for displaced Chechens throughout the Russian Federation. Those who are unable to obtain any or all of these identity documents are often so marginalised—denied opportunities to work, vote, go to school, or collect pensions—that they have no real opportunity to resettle and begin rebuilding their lives elsewhere. While these bureaucratic manoeuvrings may not appear as obviously and directly coercive as the militarized closures of tent camps in Ingushetia, the effective result is the same. Cumulatively, such curtailments of IDPs’ rights have the effect of forcing Chechens back into Chechnya, negating any possible internal flight alternative they might have within Russia.

This bureaucratic quarantine is in large part the result of the Kremlin’s wartime agenda—by which it seeks to keep this brutal and unpopular conflict, as well as information about it, contained inside the small, southern republic—but it is more than simply an elite Kremlin conspiracy. As this paper will show, a variety of actors at various administrative and bureaucratic levels are involved in maintaining this state of affairs, all with diverse, though often overlapping, political and economic motives. To see how these various interests combine to discourage Chechen life outside Chechnya, in Section 1 we will review the federal regulations on passports and residence registration and the ways they are applied to Chechen IDPs. Against this backdrop, Section 2 will consider the text of the Law on Forced Migrants, the history of its drafting and its current interpretation in federal migration policy, and the ways this contributes to the already adverse conditions Chechen IDPs suffer under Russia’s identity document regime. Finally, because IDPs really experience the effects of federal legislation on identity documents at the regional level—where applications are filed and services provided—and because regional authorities can interpret federal writ with a good deal of variation, this paper will also examine regional interpretations of federal regulations and their implications for the displaced. For this we will consider Ingushetia in Section 3 and Moscow in Section 4, home to the two largest concentrations of conflict-displaced Chechens in the Russian Federation, and the policies at work there which make Chechens—to borrow the ‘absurd neologism’ coined by UNHCR’s Jean-Paul Cavalieri—‘illegal citizens’ in their own country (ACCORD/UNHCR 2002: 259).

⁷ Although the term ‘Forced Migrant’ is not capitalised in Russian, I have capitalised it here and throughout to show that it denotes not just a descriptive term but a specific legal status. By contrast, I use the term ‘IDP’ in the UN Guiding Principles sense, to refer to people who are factually internally displaced (whether or not they have been granted Forced Migrant status).

1. Background: The Identity Document Regime in Context

The misuse of identity documents is not unique to the present war. Indeed, it has long been a feature of Russia's post-Soviet bureaucracy, where the lack of effective mechanisms of accountability have allowed for high levels of corruption and legislative idiosyncrasy. What is new to this war, however, is the ascendant discourse of security. Introduced by the Putin administration, seized upon by regional governments and reinforced by the international war on terror, the prioritisation of national security above individual rights has allowed for unprecedented abuses of Russia's displaced citizens. Identity documents like the passport and residence registration frequently serve as the vehicles of this abuse.

1.1 Security

In the five years since the current war began in 1999, advocacy groups and intergovernmental organizations alike have amassed extensive evidence of the Russian army's involvement in extrajudicial killings, disappearances and torture within Chechnya, and of government-initiated harassment and forced relocations of displaced populations in the neighbouring republic of Ingushetia. All are grave violations of international humanitarian law. Yet strong criticisms of Russia's conduct in the course of its so-called anti-terror operation, if rare before 11 September 2001, have been nearly non-existent since. Whereas Yeltsin's 1994-6 campaign in Chechnya was dubbed 'a restoration of constitutional order', Putin rode to power in 1999-2000 calling for an 'anti-terrorist operation'. This official reading of the conflict and the constraints on civil liberties it aims to legitimize have only been reinforced since the attacks on the World Trade Centre in 2001. In Russia as elsewhere, the international 'war on terror' has fed the trend of securitizing formerly humanitarian issues like migration, helping to excuse the erosion of individual rights in the name of national security (see Chimni 1998 and Waever 1995). After the World Trade Centre attacks Putin quickly adopted the Bush administration's anti-terror rhetoric, hoping to cast a halo of legitimacy over Russia's activities in Chechnya and to construe the disorder there not as a result of his own administration's policy failures but as another flare-up of international radical Islam (Lipman 2004). In a televised speech on 24 September, again in a *Wall Street Journal* interview of February 2003, and repeatedly thereafter, Putin drew the connection between international terrorist rings like Al Qaeda and the Chechen separatist movement.

His strategy has largely succeeded in muting what little outside criticism there was of the war (Shevtsova 2003: 205-8). The UN Commission on Human Rights, for example, has declined to pass a resolution on Chechnya since April 2001. Emboldened by the international community's apparent permissiveness, the Kremlin has on several occasions refused to allow outside observers into Chechnya (including the UN Special Rapporteurs on Torture and on Extrajudicial, Summary or Arbitrary Executions, and the Secretary-General's Special Representative on Internally Displaced Persons) and has repeatedly 'encouraged' various aid organizations and observers (including the OSCE and UNHCR) to leave the Caucasus region under the pretext that their safety there could not be guaranteed.⁸ Often this occurs just ahead of planned military escalations.⁹ Thus the Kremlin attempts—and often manages—to isolate the region, and the war which it defensively insists is an 'internal matter', from international scrutiny. Its tactics have met with minimal objections from the West. The international community continues to turn a blind eye on well documented and flagrant breaches of international humanitarian law. In this politically over-determined atmosphere, Chechen

⁸ Also, in December 2002, Russia allowed the mandate of the OSCE's Assistance Group to Chechnya to expire; the OSCE was obliged to withdraw its presence from the country. In 2003, Russia threatened to replace Lord Judd as Council of Europe's rapporteur on Chechnya because of his outspoken criticism (see RFE/RL 2003). He later resigned in protest of the 2003 Chechen constitutional referendum. More recently, on 19 April 2004, the city of Stavropol' closed an office of the Danish Refugee Council on the grounds that it had not properly informed the local authorities of a change of leadership and address.

⁹ See Redmond (2004) on UNHCR's decision to move all international staff out of Chechnya in June, just after a massive rebel raid into Ingushetia and before the subsequent military crack-down.

IDPs whose human rights are being violated cannot look to international bodies to enforce the state's compliance with its treaty obligations.¹⁰

In theory, of course, Chechens are not just the wards of international law but are also citizens of the Russian Federation, and as such should be able to avail themselves of the protections enshrined in the Russian Constitution. Adopted in 1993, the Constitution is fairly expansive in terms of the rights it guarantees to citizens and non-citizens lawfully on Russian territory. Section Two enumerates these rights, including the rights to life (Article 20), freedom and personal inviolability (Article 22), intrastate freedom of movement and choice of residence (Article 27), choice of profession (Article 37), and access to social security, health care and education (Articles 39, 41 and 42). The government may restrict individuals' enjoyment of some of these rights, but only within the context of a declared state of emergency, and never discriminatorily on the basis on social, racial, national, linguistic or religious grounds (Articles 19, 55 and 56). Incredibly, no state of emergency or martial law has been declared in Chechnya since hostilities began in 1999 (Lieven 2004). There is thus no lawful reason that these constitutional rights should not be fully protected, even in the conflict zone.

In practice, however, citizens can only realize their constitutional rights in Russia if they can produce the proper identity documents: passports and residence registration. The misconstrual of these documents as rights-constitutive, and not rights-affirming, enables the state's administrative organs to grant or deny the constitutional rights of selected, 'dangerous' individuals simply by granting or denying them an official stamp or a piece of paper. To a certain extent, it is unavoidable that one's enjoyment of the rights and privileges of citizenship in the modern nation-state should be linked to one's ability to produce the proper documents. This becomes a serious human rights problem, however, when access to these documents is disproportionately difficult to obtain for people originating from certain areas or belonging to certain ethnic groups—whether that difficulty arises from their material circumstances, from the discriminatory behaviour of the authorities, or, as is the case here, both. Since 1999, people from Chechnya generally (and ethnic Chechens in particular) have experienced extreme difficulty in obtaining passports or residence registration, either because the costs of these documents are raised unattainably high, or because they are denied outright on the basis of the applicants' ethnicity or place of origin. Without documents, many IDPs find themselves unable to realize their rights as citizens—including the rights to education, employment, social security, political participation and healthcare.

When the authorities do attempt to justify the restriction of essential identity documents before a domestic audience, it is usually by invoking the shibboleth of public order or national security. In this way, the legitimizing discourse of security has proved doubly useful: it has immunized the administration against criticism not only from the international community, but also from within Russia. Despite considerable advances since the 1990s, Russia's civil society is still fairly weak (Cohen and Deng 1998: 248), and feelings of insecurity and war fatigue among the public have dampened popular enthusiasm for its development in recent years. Most Russians are concerned with subsistence, not civil rights.¹¹ Meanwhile, the Putin administration's attitude towards Russia's independent third sector has been disturbingly ambivalent. In his 2004 address to the Federal Assembly, Putin dismayed the human rights community by suggestively attributing sinister motives to nongovernmental organizations—whose loyalties, he warned, may lie with 'influential foreign funders' or 'dubious group or commercial interests' and not with the Russian people (Putin 2004).

Luckily, there are exceptions to the prevailing climate of civil-rights torpor. Indigenous human rights NGOs like Memorial (this year's recipient of UNHCR's Nansen award), the Committee on Civic Assistance and Vesta are working to increase public awareness of individual rights before the law and to provide pro-bono legal representation IDPs. They have scored some victories in domestic judicial channels, but the road is steep; systemic corruption, long procedural delays and the difficulties of access make the courts an imperfect remedy (UNHCR 2000: 26). Domestic courts are

¹⁰ For a list of the international human rights treaties to which Russia is a signatory, see Appendix 1. The European Court of Human Rights announced in 2003 that it would hear six cases brought by Chechen civilians against the Russian government. As of this writing, the cases are still pending.

¹¹ For more on the Russian public's attitude towards civil liberties, see Gerber and Mendelson (2002-b).

chronically under-funded and lack true independence from political influence. The government, for its part, ‘professes publicly the ideals of the [Rechtsstaat]’ even as it ‘habitually exempts itself and its officials from the law’ (Hendley 1999: 95). Accordingly, most Russians doubt the law’s potential for advancing their interests or helping them assert their rights vis-à-vis the state (*ibid.*: 89-90). Many citizens are uninformed of their legal rights, or are simply sceptical that the time and expense of bringing a case to court would achieve any tangible results.

In today’s Russia, where the courts are widely considered ineffective and the third sector enjoys only tenuous toleration from the Kremlin and lukewarm support, indifference or even mistrust from the population at large, the majority of displaced Chechens are no better equipped to secure their rights under Russian domestic law than they are to secure their rights under international law. As we shall now see, this domestic climate allows the misuse of identity documents like the passport and residence registration to remain a serious and widespread problem.

1.2 The passport

All Russian citizens over age 14 must carry internal passports, which function as their main proof of identity and citizenship, and which must be carried and presented for various everyday purposes. IDPs whose passports were lost or stolen as they fled the fighting in their home republic, or whose passports have expired since,¹² have encountered significant difficulties in replacing them outside of Chechnya. In November 1999, just after the present military campaign began, the Federal Ministry of Interior Affairs (MVD) issued a directive forbidding all regional Passport-Visa Services (PVS) bureaux to issue or renew passports to people from Chechnya, ‘allegedly to prevent possible Chechen militants or infiltrators from obtaining official documents’ (UNHCR 2002: 19). UNHCR has noted that this ban hampers IDPs’ ability to visit or return spontaneously to Chechnya ‘for fear of being detained at military checkpoints’ (*ibid.*), but it also limits the ability of IDPs to travel freely, safe from police harassment, elsewhere in Russia.

In the spring of 2000 the ban was partially lifted, but residents of Chechnya continue to have difficulties in obtaining passports outside their home republic. By 2001 the MVD announced that PVS bureaux in Chechnya had resumed normal operations. The federal government’s position by this time was that the situation in the republic was stabilizing; there was, therefore, ‘no reason’ why applicants should not submit their applications there (Gannushkina 2002: II). It has since become commonplace for people applying for passports elsewhere in the Federation to be turned away from PVS bureaux on the grounds that they can only apply at their place of permanent residence, Chechnya (Gannushkina 2003: I).

Returning to Chechnya, however, is hardly an attractive option for most displaced people who have fled the region. Travel is costly and the way unsafe. Navigating through the military checkpoints along the way will almost certainly entail bribes (since they are, after all, travelling without the proper documents) and may end in detention. Young Chechen men are in danger of being sent to filtration centres¹³ from which they may not return. Even upon safe arrival in Chechnya, the local PVS branch may or may not be open, even despite the federal MVD’s assurances; there is no telling how long processing will take or how much it will cost. As Gannushkina observes, ‘in Chechnya passports have long been a source of income’ (2002: II). Unsurprisingly, faced with such options, many undocumented IDPs from Chechnya choose to remain so.

1.3 Residence registration

Chechens experience similar difficulties in obtaining residence registration outside of their home republic. Registration appears as a stamp on one’s passport, confirming one’s home address. All Russian citizens must be registered at their place of permanent residence as well as at any place of sojourn where they plan to stay for more than ten days. In order to obtain either ‘permanent’ or ‘sojourn’ registration, applicants must produce proof of identity and proof of legal residence such as a property deed, lease agreement, or an invoice from a hotel (UNHCR 2000: 25-7).

¹² Including all those whose old Soviet passports were set to expire in 2003 (Global IDP Database 2004: 111).

¹³ The Russian military famously maintains ‘filtration camps’, or detention centres, for the interrogation and identification of terrorists. For more, see HRW (2000).

Registration first appeared in the tsarist period, when it was intended to keep peasants tethered to their villages. The Soviets revived the system under the name '*propiska*' in 1932. Like the imperial government before them, the Soviet authorities used *propiska* as a means of limiting people's movement from rural and impoverished areas into the cities. When changing residences, individuals had to petition the authorities for *propiska*, or permission, to move; without it they could get on a train and travel to another city, but once there they would be unable to register for housing, find work, or even register a marriage (Rubins 1998: I). Thus *propiska* ensured that while people could physically move from their place of residence without the authorities' interference, they had no prospects of integration anywhere else without the authorities' permission. This was in essence a bureaucratic method of arranging and maintaining zones of privilege and disempowerment, of confining unwanted 'others' to their place on the periphery (Gupta and Ferguson 1992: 17).

Today's registration regime¹⁴ remains true to its ancestry. Like *propiska*, it gives regional authorities the power to grant or deny individuals legal access to local employment, housing, education, medical care, pensions and other necessary social services without which individuals have no meaningful prospects of long-term settlement (Human Rights Watch (HRW) 1997: n. 26; Council of Europe (CoE) 2001: II.1.4). Thus, it enables regional governments to restrict the access of certain 'undesirable' individuals—this time, Chechens—to their territory. Moscow, St. Petersburg, Voronezh and other regions of Slavic Russia have all passed regulations seriously restricting non-residents' access to sojourn registration. In defiance of a 1998 Constitutional Court ruling,¹⁵ some regions limit the validity of sojourn registration to 6 months, after which the visitor's stay automatically becomes illegal. Other common restrictions include imposing extra processing fees, setting requirements about having relatives permanently registered in the area, or otherwise raising the bar of qualification high enough to exclude certain underprivileged or locally underrepresented applicants (CoE 2001: II.3.22-3; UNHCR 2000: 25-7). The Council of Europe estimated that in 1996, illegal restrictions on registration were in force in more than 30 of the 89 subjects of the Federation (2001: II.3.19). The Kremlin has little incentive to bring the regions into line on this particular issue; ensuring equal access to residence registration for displaced and destitute Chechen applicants is not a federal priority, and the removal of a steady source of income for the regional migration organs would be unpopular with the more wilful regional administrations like Moscow's.

1.4 Life without documents

In some cases, these restrictions are enforced discriminatorily against people of Caucasian, and particularly Chechen, ethnicity. This is commonly the case in Moscow, as we will see in Section 4. Yet even when they are uniformly enforced against Caucasians and Slavic Russians alike, such restrictions tend to affect displaced people far more harshly. For IDPs from Chechnya, the trauma of displacement, the loss of their property and savings, and their dislocation from a life and a social network in which they feel comfortable can make the task of navigating the bureaucracy in an unfamiliar city time-consuming, emotionally taxing, and financially draining. Newly-arrived IDPs lack information about PVS procedures, which are complicated and vary from region to region. Ethnic Chechens in particular may hesitate to present themselves to PVS authorities voluntarily, especially if their only experience with ethnic Russians in uniform has been with soldiers in the Russian military. Their hesitancy is not without reason: actively discriminatory practices on the part of government officials are endemic. This is to say nothing of the police, whose behaviour toward Chechens and other Caucasians Human Rights Watch describes as 'predatory' (1997: I). These conditions, UNHCR concludes, have made it 'almost impossible' for ethnic Chechens to register locally in many regions of Russia (2003: 22).

Not only is *obtaining* documents more difficult for Chechen IDPs than for other Russian citizens; so is living without them. Non-displaced Russians are more likely to have at least rudimentary financial and social safety nets locally on which they can rely when official sources of support (i.e. state pensions payments) are denied them. For displaced people, and especially ethnic Chechens who may be immediately recognizable by their appearance or accent, the situation is more serious. In Gannushkina's words, they 'are not only deprived of official support but, in many Russian

¹⁴ Residence registration is no longer officially called '*propiska*' but '*registratsiya*', although Russians—the public and public officials alike—often revert to the old name out of habit (see CCA undated-b).

¹⁵ Constitutional Court 1998: pt. 6. See also Appendix 2, Resolution 713.

regions, are pushed outside the sphere ruled by laws and are subjected to deliberate and cruel discrimination by the authorities and the public at large' (2002: I). Lacking identity documents and the benefits, rights and legal standing they confer—unable to find legal employment, unable avail themselves of social services, unable to bring claims to court—IDPs' economic survival and physical safety are simultaneously endangered.

Together, the restrictions on passports and residence registration make life outside Chechnya extremely difficult for Chechen IDPs. What has received less attention outside of Russia to date is the way Forced Migrant status serves a similar purpose of exiling ethnic Chechens from the realm of state-guaranteed rights and protections. With Forced Migrant status, as with the passport and residence registration, we see a persistent misconstrual of documents as rights-constitutive and not rights-affirming things. Displaced Chechens may in fact fulfil all the conditions for Forced Migrant status, but without an official certificate from the migration service, they cannot access the protections and economic benefits Forced Migrant status promises: most importantly, the right not to be forcibly returned and the right to receive compensation. Restrictions on Forced Migrant status are even more closely correlated with ethnicity (as opposed to simply place of origin and residence) than are the above restrictions on passports and residence registration. Indeed, as we will see in the next Section, Forced Migrant status is frequently denied ethnic Chechens on overtly discriminatory grounds.

Lacking the two main identity documents which would legalize their presence in regions outside Chechnya, and lacking the protected status of Forced Migrants, many Chechen IDPs occupy a legal limbo, vulnerable to the exigencies of the Kremlin's political agenda, the protectionist whims of regional governments, and the abuse of a frightened and increasingly ethnophobic¹⁶ Russian public. Furthermore, without the financial assistance Forced Migrant aid supplies, and deprived of residence registration and the attendant freedom to seek employment, they lack the resources to support themselves and to pursue legal remedies for the government's impingements on their rights. Thus legally and economically hobbled, Chechen IDPs are effectively unable to settle anywhere outside Chechnya without facing destitution, abuse, and political disenfranchisement. Life anywhere outside Chechnya becomes a veritable non-option.

1.5 A Kremlin conspiracy?

Since 2002, UNHCR and other observers have reported the forcible closure of IDP tent camps and the pressure on their inhabitants to return to Chechnya. The restrictions on identity documents we have reviewed above seem to serve a parallel function: that of internalizing the war and its human consequences, of keeping Chechens in Chechnya. One might reasonably imagine that these parallel phenomena are evidence of a well-organized plan crafted at the highest levels of political authority—a coherent policy of systematic, state-sponsored containment conceived in the Kremlin and executed all the way down the chain of command. In my opinion, however, the truth is somewhat more complicated. The widespread suspension of Chechen IDPs' right to free movement may be better characterized not as a straightforward conspiracy, but as a confluence (partly deliberate, partly coincidental) of overlapping federal and regional interests.

At the federal level, the overriding concern ever since ground assaults began in September 1999 has been to keep the conflict contained within Chechnya, that it might not spread and destabilize other areas of the Northern Caucasus. This war was engineered almost exclusively as a means to secure Putin's claim on the presidency, but it would only be politically useful if kept safely within bounds. Thus, as the military made its first formal incursions, the Kremlin erected pre-emptive barriers, both physical (like checkpoints and sealed borders) and bureaucratic (like the federal ban on passport issuance) to keep Chechens inside their home republic. By 2001, however, containment had become imperative not only to guard against regional inflammation and keep the size of the war manageable—the latter being an aim which clearly had failed—but also because all across the Federation, the appalling mistreatment of and high casualty rates among Russian conscripts had turned popular Russian opinion against the war. The Kremlin thus reactively intensified its efforts at

¹⁶ 'Ethnophobia' is Malashenko and Trenin's term for anti-Chechen or anti-Caucasian sentiment. See Section 4.1, below; for more see Malashenko and Trenin (2002: II).

internalization in the hopes that, if it could not end this costly and politically damaging military entanglement with force, it must at least suppress evidence of its continuation (Shevtsova 2003: 137). This necessitated pushing the displaced—especially those occupying camps in Ingushetia, but also large numbers of Chechens elsewhere in the Federation—back inside Chechnya and out of the public view. In the Kremlin’s eyes, IDPs fleeing Chechnya are not just humans in need of aid; they are also emissaries from the zone of conflict, witnesses to and evidence of a prolonged, brutal and now deeply unpopular military entanglement which the Kremlin would like to repudiate. Thus, the federal policy of withholding passports or registration from anyone permanently registered as a resident of Chechnya is another method of denying Chechens freedom of movement—an attempt to keep them contained, in part to keep the war’s human costs from public awareness.

It is revealing to note here that the November 1999 MVD ban on passport issuance applied ‘to *all* IDPs from Chechnya irrespective of their ethnic affiliation’—including ethnic Russians (Gannushkina 2002: II; my italics). This only seems incongruous if one believes the Kremlin’s policies are driven chiefly by nationalist or racist sentiments. In truth, however, although the Kremlin may inflame and exploit the public’s feelings ethnophobia to garner support for its actions in Chechnya, it is itself driven by more pragmatic considerations. The desire to suppress and internalize evidence of the war appears to be strong enough that the government is willing to trample the rights not just of an underrepresented and popularly demonized ethnic minority, but even those of the majority, the government’s ‘own’ people, Slavic Russians.

Such is the primary motivation behind the federal government’s identity document regime. But if *federal* policies are driven largely by the Kremlin’s desire to contain the war in Chechnya and avoid domestic unrest and international interference, policies at the *regional* level are also shaped by localized concerns. Yeltsin left Russia with a chaotic federal system, the disorganization of which frequently allowed regional authorities to disobey rules dictated by the centre—especially in policy areas where the Kremlin considered deviations permissible or simply unimportant. Putin’s attempts to consolidate the Kremlin’s control during his first term in office have gone a considerable way towards subordinating the regional administrations, but crucially, he has subordinated them not to the rule of law, but to the rule of the executive. Thus, authorities in many of the 89 regions have continued to pass and enforce unconstitutional regulations, benefiting from the Kremlin’s selective permissiveness in certain circumscribed areas like residence registration policy (Shevtsova 2003: 91-2; Sakwa 2002: 243; see also CoE 2001: II.3.31). As the regions lose more real authority to the federal government, regional politicians resort to dodging responsibility and ensuring their own personal survival and enrichment through illegal (or quasi-legal) favours and bribes. Widespread ignorance of the law, a weak and under-funded judiciary, and the deeply entrenched networks of corruption among various levels of authority allow regional politicians to subvert the law so long as this does not bring them into direct conflict with the Kremlin’s agenda.

The degree of deviation allowed depends in large part on the region’s relationship to the Kremlin. While the administrations of the Federation’s smaller and poorer regions like Ingushetia are anxious to demonstrate their obedience, others, like Moscow, have more latitude in pursuing their own agendas in open defiance of federal law and regulations. The Moscow administration excludes Chechens from its labour market not because it cares particularly about proving its loyalty or assisting the Kremlin in its campaign in the Northern Caucasus, but because it is interested in playing to the protectionist mood of city residents, using it to ensure electoral support and continued funding for local migration and law enforcement agencies. Growing public unrest about terrorist attacks in Russia has provided election-minded regional politicians with a particularly powerful incentive for to crack down on IDPs. As this summer’s two plane crashes and the Beslan school massacre tragically proved, endemic corruption and a lack of accountability have left Russia’s regions ill equipped to guard against attack. (It took a bribe of only 34 dollars to convince airline officials to allow one of the bombers to board the plane she was to destroy (Baker and Glasser 2004).) Regional politicians and law enforcement officials themselves are often implicated in the networks of corruption, and are often unable or unwilling to rectify the problem. In order to deflect voters’ doubts about their capability to tackle terrorism at home, politicians and law enforcement officials must appear to be doing *something*, and taking a tough stance on IDPs is an easy and relatively successful diversionary tactic. Meanwhile, regional migration organs which execute Forced Migrant policy have a vested

interest in keeping migration securitized—a top-priority issue which will justify their continued existence and funding (see Waever 1995 and Bigo 2002). The fact that regional politicians and migration authorities have their own reasons to deny Chechens access to their territory, quite apart from the Kremlin’s wartime agenda, means that they might strive to make their bureaucratic defences insurmountable to Chechens even independently of the Kremlin’s commands, incentives, threats or calculated indifference.

When regional authorities exclude ethnic Chechens from the identity document regime, then, they tend to justify such measures before their local constituencies as measures necessary to ensure *local* public order and security or to protect *local* resources and job markets—not as measures necessary to wage a national war or preserve the integrity of the Federation’s borders. The latter rationale holds no great appeal for Russian voters today; the former certainly does. Once should not, however, overestimate the capacity of voters’ concerns to dictate regional policy. In many ways, although the Kremlin may allow regional authorities to use migration and identity document regulations as a populist issue with their regional constituents, it does predetermine what the concerns of those constituents will be by pre-emptively setting the terms of possible debate. The Putin administration has secured a *de facto* monopoly on the televised news media, and thus it controls not only which issues receive the attention of the Russian public, but also how they are popularly understood (Gerber and Mendelson 2002-*b*). The widespread perception of migration as a regional security issue did not spring up spontaneously, endogenously, inevitably in constituencies all across the Federation; it has been manufactured by the federal government (for *its* own reasons), and cultivated and capitalized upon by regional authorities (for *their* own reasons). The Kremlin is in large part responsible for supplying regional politicians with a ready-made scapegoat—the Chechen migrant—and for producing a war-weary, politically lethargic and increasingly ethnophobic Russian populace which desires stability above all else and which is decidedly disinclined to mount any organized public opposition when that scapegoat’s civil rights are violated.¹⁷ Yet there is a way in which these things take on a life of their own. Increasingly now the general public themselves—landlords, teachers, law enforcement officers, petty bureaucrats—have become active participants in the marginalization of Chechens. In some cases their actions are driven by the desire for personal gain through bribes; in other cases by a fear of punishment from above; in still others by feelings of vulnerability and anger as the war drags on.

To what extent all this has been planned by the Kremlin, and to what extent it is the unwitting convergence of independent factors, however, is difficult to say. During Yel’tin’s presidency, disorganization was so widespread that mounting a large-scale government conspiracy was simply not a logistical possibility (Lieven 1998: 94). Putin has striven to change this, streamlining the channels of authority in the Russian government into what he calls ‘the vertical of power’, which ends at his desk. Recently, in early September 2004 and in the wake of the horrific school siege in Beslan, Putin announced radical plans to restructure the government and further consolidate control over the regions in the federal executive branch. Among other things, he called for an end to the popular election of regional governors, proposing instead that they be nominated by the Kremlin and appointed by the legislatures (Myers 2004). Regional administrations would then have to answer to the Kremlin, not to their local constituencies. If these proposed changes do come to fruition, they will certainly have a profound impact on the functioning of Russia’s regional governments. Until then, however, regional governments will continue to craft their identity document policies with one eye on the Kremlin, and one eye on their constituents.

1.6 Summary

Since 1999 these diverse factors at federal, regional and even individual levels have coincided, sometimes haphazardly, to produce a bureaucratic quarantine on Chechen IDPs, more strictly observed in some areas than others but nevertheless in force throughout the Federation. Yet the fact that it is motivated by many and sometimes unrelated factors does not make it any less harmful. Considering the level of fighting still going on in Chechnya, the suspension of IDPs’ right to move freely and choose their place of residence constitutes not just a violation of their human rights and dignity—as enshrined in Article 27 of the Russian Constitution and in a number of

¹⁷ I am grateful to Nicholas Hiza for his suggestions on this point.

international human rights treaties to which Russia is a party—but an immediate threat to their survival. Along with kidnappings by rebel forces, ‘disappearances’ by the Russian army, uncontrolled crime and sporadic irregular fighting in Chechnya, UNHCR notes that more formal warfare

has continued to rage [. . .] despite Moscow’s claim that hostilities have subsided. [. . .] Russian aircraft and artillery [continue to] pound [. . .] several regions in southern Chechnya in a daily effort to hit suspected rebel bases. (UNHCR 2004-*b*)

The assassination of president Kadyrov in May 2004 and the election of his successor General Alu Alkanov in August have occurred in an atmosphere of complete social disorder and generalized insecurity. Notwithstanding the Kremlin’s optimistic estimates that 79% of Chechnya’s residents turned out to vote on Alkhanov’s election day, journalists on the ground noted that the streets of Grozny were empty; civilians did not dare to leave their homes for fear of random attacks by militiamen and rebels. An estimated 80,000 federal troops, too, remain stationed within Chechnya, and there is no sign of that number diminishing soon (BBC 2004-*a*, 2004-*b*). This instability which Chechens face in their home republic, combined with the near impossibility of settling elsewhere in the Federation, has prompted UNHCR to suggest that ethnic Chechens whose permanent residence is in Chechnya have no genuine internal flight alternative in the Russian Federation (2003: 31-2).

2. The Law on Forced Migrants

In 2002, at a Brookings-sponsored conference on internal displacement in Russia, Vladimir Kartashkin of the Commission on Human Rights for the President of the Russian Federation (CHRPRF)¹⁸ noted that IDPs are ‘nationals of the state and thereby entitled to all the rights and liberties of nationals of the state’ (Brookings 2002: 1). We have already seen that this entitlement does not always translate into enjoyment, because the accoutrements of citizenship—passports and residence registration—are often denied IDPs from Chechnya. Of course, IDPs also have special needs which other, non-displaced citizens do not. The fact of being displaced can render IDPs far more vulnerable to breaches of their constitutional rights—such as the right to move freely within the Federation’s borders, the right to choose one’s place of residence, and the right to own property (and, implicitly, to be compensated if it is lost). The 1995 Law on Forced Migrants would appear to be an effective way to ensure IDPs’ rights in these areas of particular vulnerability when more general protections of their rights under the Russian Constitution and international law fail.

In fact, however, the Law does not provide adequate protection or even assistance to Chechen IDPs, particularly those of Chechen ethnicity, for it is flawed in both its conception and its execution. First, the text of the Law fails to address the needs of a large category of displaced people: namely those displaced within their own federal region. Secondly, while the Law extends economic assistance to Forced Migrants, it omits any substantive discussion of the state’s obligations to the displaced in the sphere of civil and political rights. These problems of wording are further compounded by problems of implementation. Status determination procedures are not immune to the influence of political interests at various levels: the international war on terror, the Kremlin’s agenda in Chechnya, and regional protectionist impulses. Since 1999 the interaction of these various interests has led, as we will see, to a discriminatory shift in the Law’s official interpretation which effectively leaves ethnic Chechens outside the Law’s protection.

2.1 The drafting of the Law on Forced Migrants

Just before the fall of the USSR, between 54 and 65 million Soviet citizens were living outside their home republics—an astounding one-fifth of the Soviet Union’s total population (UNHCR 2000: 5). These people, many of whom had migrated for employment opportunities, suddenly found themselves on the wrong side of international borders as the Soviet Union dissolved

¹⁸ The Commission on Human Rights for the President of the Russian Federation monitors human rights around the Federation and reports to the President with recommendations. Hereinafter referred to as CHRPRF.

into new nation-states. Fears about their physical safety and job security in the face of reviving nationalisms spurred many ethnic Russians living outside Russia proper to move back (Helton and Voronina 2000: 74). Naturally, the fledgling Russian government ranked migration management high on its list of priorities as it braced for impending population movements. It was in this context that, in February 1993, the Russian Federation became a signatory to the 1951 Convention on the Status of Refugees. Not long thereafter it incorporated the Convention's key norms into a domestic Law on Refugees (1993). This was in part a practical move; the government apparatus of the young Federation was ill-prepared to address the region-wide migration crisis following the USSR's collapse (Messina 1999: 14; Pilkington 1998: 35-6). By demonstrating its allegiance to international refugee standards, Russia made itself an attractive candidate in the eyes of international donors for the financial and capacity-building assistance it needed to deal with these population movements (see Messina 1999: 147).

In the same year Parliament passed the Law on Forced Migrants, establishing a parallel legal status alongside that of refugees for displaced persons with Russian citizenship.¹⁹ Recipients of Forced Migrant status are entitled to a range of integration assistance from the government, including a one-time cash allowance, transportation of their belongings to their current residence, medical care, accommodation in a temporary accommodation centre (TAC) and interest-free loans for housing construction. While it acknowledges the possibility of Forced Migrants returning to their former places of residence (Article 7.2.5), the main purpose of the Law is to facilitate resettlement and local integration. The Law on Forced Migrants thus represents a deeply contextual response to the post-1991 migration crisis: a declaration of the responsibility the state ought to bear towards ethnic Russians returning 'home' from other former Soviet republics. Not only was some form of government assistance imperative if the large numbers of returnees anticipated were to resettle in Russia without straining the local infrastructure, but it was also widely considered among Russians to be something of an ethical obligation, as Vladimir Shkolnikov of the OSCE points out (Brookings 2002: 5).

Such was the context when the Law on Forced Migrants was first passed in 1993, and its amendment in 1995 preserves this spirit.²⁰ Article 1.1 of the amended Law sets out the following definition:

A forced migrant is a citizen of the Russian Federation who was forced to leave his place of [permanent] residence due to violence committed against him or members of his family or persecution in other forms, or due to a real danger of being subjected to persecution for reasons of race, nationality, religion, language or membership of some particular social group or political opinion, which grounds have served as reasons for hostile campaigns with regard to individual persons or groups of persons, [or²¹] mass violations of public order. (My translation)

In some respects this definition is more inclusive than the 1951 Convention definition of a refugee on which it was originally modelled. For example, the Law stipulates that violence directed against applicants' family members (not just against applicants themselves) may constitute sufficient grounds for a positive status determination. The scope of the definition becomes less clear towards the end of Article 1, however. Particularly puzzling is the mention of 'mass violations of public order': does this constitute independent grounds for Forced Migrant status, distinct from the persecution paradigm, or is it simply a description of the conditions under which persecution might occur (Gannushkina 2002: 1)? When it was first passed in 1993, the Law on Forced Migrants received criticism for its vague wording. The 1995 version has partially remedied that problem, but ambiguities like this

¹⁹ Or for those who are eligible to become Russian citizens under the citizenship laws passed after the fall of the USSR.

²⁰ The 1995 amendments addressed some problems of vagueness in the Law's wording. This was both to ensure consistent implementation and to account for financial constraints the drafters had not foreseen (Pilkington 1998: 43). Nevertheless, the impulse motivating the 1993 Law—to take care of and facilitate the integration of 'Russia's own'—remains intact. For more on the 1995 amendments, see Helton and Voronina (2000: 130-3), Pilkington (1998: 42-9), Chernysheva (undated) and Gannushkina (1995-a).

²¹ The sentence would make more sense if there were a conjunction here. Strangely, there is none, which makes the relation of the ensuing clause to the rest of the sentence even more unclear.

remain, allowing for a wide range of interpretation both over time and across all 89 regional migration authorities in the Federation (which are responsible for individual status determinations).

If the definition of a Forced Migrant is more inclusive than the 1951 Convention regarding the reasons for flight, it is far more restrictive than the definition of IDP put forward in the UN Guiding Principles. Consider Article 1.2 of the Law, which sets out the two main categories of people eligible for Forced Migrant status:

- 1) a citizen of the Russian Federation who was forced to leave the place of his permanent residence on the territory of a foreign state and came to the Russian Federation; [and]
- 2) a citizen of the Russian Federation who was forced to leave his place of permanent residence on the territory of a subject of the Russian Federation *and came to the territory of another subject* of the Russian Federation. (My translation and italics)

Rather than applying to people who ‘have not crossed an internationally recognized State border’, as the UN Guiding Principles on Internal Displacement do (OCHA 1998), the Law on Forced Migrants applies explicitly and only to people who have crossed either an international border or an administrative border within Russia. Therefore, Russian citizens displaced inside their home subject cannot look to the Law on Forced Migrants for protection. This includes the estimated 150,000 residents of Chechnya who have lost their homes, but who have not dared or managed to leave the republic, since 1999.²²

Indeed, *protection* is not the Law’s primary focus. The UN Guiding Principles enumerate a host of political, civil and socio-economic rights to which IDPs are entitled—including freedom of movement, freedom from arbitrary arrest, freedom from discrimination, and the right to political participation—not because IDPs’ entitlement to those rights is fundamentally different from the entitlement of non-displaced citizens, but because IDPs, by virtue of their displacement, are more vulnerable than other citizens to the violation of those rights (Cohen and Deng 1998: 75; Kälin 2000: 2). Thus the Guiding Principles act as extra reinforcement, a restatement of the rights due to IDPs just as they are due to all nationals of a state. The purpose of the Russian Law on Forced Migrants is different. It aims to provide displaced Russian citizens with financial help to facilitate their integration into the Russian Federation. It does not acknowledge their vulnerability vis-à-vis the state;²³ in the main it acknowledges only their vulnerability to impersonal threats like disease and economic hardship. The only *protections* the Law guarantees explicitly are the right to choose one’s residence (Article 6.1.1) and the right not to be forcibly returned (Article 8.1). Beyond this, it addresses none of the political and civil rights of displacees which the government is bound to honour.

2.2 Changing interpretations of the Law

The protection which the Law on Forced Migrants offers IDPs is sorely inadequate, in terms of both its neglect of a large category of vulnerable people who have not crossed an administrative border and its focus on economic over civil and political rights. In a sense, however, the wording of the Law is immaterial. The vast majority of ethnic Chechen IDPs, even those who have managed to cross the border into other regions of the Federation, are unable to obtain Forced Migrant status in the first place. This is due not to the wording of the Law but to the discriminatory ways it is currently interpreted and implemented at federal and regional levels.

Between 1994 and 1996, an estimated 450,000 people fled Chechnya. Of these, 162,000 received Forced Migrant status (Global IDP Database 2004: 42, 43). The present conflict, however, has seen much lower conferral rates. The Danish Refugee Council estimates that between September

²² The Danish Refugee Council has been unable to register displaced Chechens inside Chechnya since January 2003. 150,000 is the estimate UNHCR used for programme planning in 2003 (Global IDP Database 2004: 33).

²³ Unless, of course, that state is not Russia but one of the former Soviet republics, like Latvia, Lithuania or Estonia. The Law on Forced Migrants has been the source of much friction between Russia and the Baltic states, as the latter have alleged that the Kremlin uses Forced Migrant status as a means of discrediting the human rights records of their newly independent governments (Messina 1999: 148).

1999 and December 2002, the conflict in Chechnya put 350,000²⁴ people to flight (quoted in UNHCR 2003: 4). In the same period of time only just over 13,000²⁵ obtained Forced Migrant status (*ibid.*: 10). According to Gannushkina, the immediate cause of this discrepancy is a change in migration authorities' interpretation of the Law, centring on the ambiguous mention of 'mass violations of public order' in Article 1.1. During the first conflict, regional migration authorities (taking their cue from federal policy) interpreted this phrase broadly to mean that people fleeing generalized conflict, whatever the cause, were eligible for Forced Migrant status. Since 1999, however, migration authorities have not accepted violations of public order committed by the Russian army as grounds for Forced Migrant status; as a rule they only accept violations of public order committed by Chechen separatist groups. Their logic runs thus: if the Russian army's operation in Chechnya is aimed at *restoring* public order, it cannot be said to *cause violations of* public order (Gannushkina 2002: II; Global IDP Database 2004: 114).

Two major things have changed between the earlier Chechen war and the present one to precipitate this shift in federal migration policy. First, Putin's categorization of the war as an 'anti-terrorism operation' (and not a 'restoration of constitutional order' *a la* Yeltsin) has made national security the ultimate goal, as well as the discursive framework within which Russia's actions are to be understood and the ultimate standard by which they are to be judged. This logic demands that individual rights be subordinated to the security and inviolability of the state (Chimni 1998). Following a now well-worn path, Russia's federal authorities have therefore begun to conflate migrants with threats to national security and stability, and they have tightened their control over Forced Migrant status accordingly (see also Suhrke 2003; Waever 1995).

Secondly, the demographic profiles of people fleeing Chechnya have changed since the 1994-6 war. In 1991 the population of Grozny was still about 50% Slavic Russian, many of whom had come to participate in Grozny's once-lucrative oil refining industry (Tishkov 1997: 197). It was primarily these ethnic Russians, lacking strong cultural or familial ties to Chechnya, who became the first wave of IDPs to leave the republic during the previous war (Lieven 1998: 45). They account for most of the 162,000 positive status determinations recorded between 1994 and 1996. In contrast, the IDP exodus since 1999 has consisted largely of ethnic Chechens, partly because there are now fewer ethnic Russians left to flee (Gannushkina 2002: I).

As Gannushkina notes pointedly, this shift in demographics coincides neatly with the shift in the official federal interpretation of Article 1.1. While passports are regularly denied all residents of Chechnya regardless of ethnic background, as we saw above, it is ethnicity, not place of origin, which is the salient factor in Forced Migrant status determinations today. Of the 13,000 people who have received Forced Migrant status since 1999, most are still ethnic Russians. Migration authorities' records do not specify the ethnicity of successful applicants for Forced Migrant status, but one representative of the MVD admitted to Memorial that "the majority [. . .] did not belong to the title nationality"—meaning they were not ethnic Chechens (Gannushkina 2002: I). UNHCR has similar information:

Those IDPs from Chechnya who were granted [F]orced [M]igrant status as a result of the current conflict are almost all ethnic Russians. Such information is partly corroborated by looking at the regions where forced migrant status was granted. For the most part, these are regions where there is traditionally no Chechen resident community [and thus where Chechens would be unlikely to resettle]. (2003: 11)

According to Gannushkina and UNHCR, the only known cases in which ethnic Chechens successfully obtain Forced Migrant status are those in which the applicants can prove they have been persecuted by Islamic fundamentalists in Chechnya—a claim which, while possibly true, is essentially rewarded with a positive status decision because it dovetails with the Russian authorities'

²⁴ This figure includes people displaced within Chechnya itself, as well as those who fled elsewhere in the Russian Federation and abroad.

²⁵ This figure includes not only people who fled Chechnya during the present war, but also people displaced by the 1994-6 conflict as well; status determination procedures are notoriously slow and there is a considerable backlog.

anti-terror rhetoric, and because it does not implicate the Russian army in human rights violations (UNHCR 2002: 21; Gannushkina 2002: I).

It is not clear to what extent this shift in policy has originated from the centre, and to what extent it has occurred spontaneously at regional migration authorities' own initiatives. Gannushkina suggests that direct instructions not to grant status to ethnic Chechens were issued from the federal migration agency itself. When interviewed by Memorial, migration officials in the city of Voronezh referred to Letter No. 08-3757 sent out by the federal MVD in May 2001, stipulating that “the counter-terrorist operation cannot be regarded as a mass violation of public order because it is aimed at restoring public order”—meaning, implicitly, that only Slavic Russians claiming that they had been persecuted by Islamic groups in Chechnya were eligible for status (Gannushkina 2002: I). The applications of ethnic Chechens claiming they were put to flight by the Russian military were to be rejected out of hand. Considering the volumes of official letters in circulation every year, and the tendency of regional officials to be ignorant of or indifferent to their existence, it is perhaps doubtful that Letter 08-3757 by itself is responsible for the federation-wide drop in Forced Migrant conferral rates. More likely, growing public resentment towards Chechen ‘migrants’, especially in economically depressed areas of Slavic Russia, meant that regional authorities were already disinclined to do anything to facilitate the settlement of Chechen IDPs in their regions and risk alienating their constituents. Meanwhile, the increasingly hard-line rhetoric from the centre, reinforced by the international war on terror, gave them the license they needed to turn ethnic Chechen applicants away.

2.3 The federal migration apparatus

At this point, a note about the structure of the Russian migration apparatus is necessary. In 1991 the Committee on Population Migration was established within the Ministry of Labour. In 1992 this body became the Federal Migration Service (FMS), which was responsible for setting the national migration agenda and coordinating the work of regional migration bureaux. As Pilkington notes, these regional migration organs had a

dual allegiance [. . .] and in most cases actually were much more integrated horizontally (into regional governments) than vertically (into the FMS). [. . .] Regional [migration services] often did not know FMS regulations but acted in accordance with local regional norms. (Pilkington 2004; see also CCA undated-a)

Thus, implementation of migration policy across the Federation was from the beginning idiosyncratic and not easily separable from regional politics. In May 2000, a presidential decree dissolved the FMS and replaced it with the so-called Ministry for Federal Affairs, National and Migration Policy. By October 2001, that body too had been dissolved and the responsibility for setting federal migration policy was transferred to a reconceived Federal Migration Service (FMS), this time under the umbrella of the MVD, where it resides at present (Helton and Voronina 2000: 133; Gannushkina 2002: III; UNHCR 2002: n. 8). All this institutional shuffling has sparked concern at UNHCR, which fears that the legal training it has conducted with federal migration authorities will be lost in the ensuing changes of personnel (2000: 45-6).

More worrisome than personnel changes, however, is the possibility that the MVD is an inappropriate venue for the drafting of federal IDP policy. Duma speaker Gennadii Seleznev, former Ingush president Ruslan Aushev, and various advocacy groups have expressed misgivings about the MVD's ability to ‘adequately address the needs of internal refugees’ as well as the appropriateness of entrusting the management of a ‘humanitarian issue’ to a law-enforcement body (US DOS 2002: 2d). Duma member Dmitrii Rogozhin unwittingly proved these concerns well-founded when he noted with approval that a ‘law enforcement [body] would be more effective in preventing *illegal immigration*’ (US DOS 2002: 2d; my italics). Rogozhin's statement is particularly troubling in light of the fact that migration authorities, police forces and much of the Russian public routinely use the term ‘illegal migrants’ or even ‘illegal immigrants’ to describe Chechen IDPs, despite the fact that as citizens they are entirely within their constitutional rights to move and settle wherever they like inside the Federation (Brookings 2002: 13).

Transferring control over federal IDP and Forced Migrant policy to the MVD, then, may indeed signal the ‘increasing securitization of migration’ (Flynn 2004) and an attempt to consolidate central control, potentially much to the detriment of IDPs’ rights. It is worth noting that as of September 2003, the MVD has also assumed responsibility for directing the ‘final phase’ of the antiterrorist operation in Chechnya (Ministry of External Affairs 2004: 75). The fact that the agency in charge of bringing the operation in Chechnya to a swift and successful conclusion is *also* the agency with the authority to decide when it is ‘safe’ for IDPs in Ingushetia to return home raises serious concerns for human rights. Indeed, the MVD’s insistence on the ‘timely’ return of IDPs suggests that it sees IDPs not as human beings and holders of rights, but as variables in an equation to be moved where political and military expediency dictate—as the premature closure of tent camps in Ingushetia has made clear (see Section 3).

2.4 The usefulness of Forced Migrant status

Given the inauspicious state of the Forced Migrant status determination process—the defects in the letter of the Law and the problems of its implementation at both federal and regional levels—the pool of people who apply for Forced Migrant status in the first place is highly self-selecting. Like residence registration, the Forced Migrant application process is time-consuming and costly, especially considering not just the processing fees but the bribes and court fees which may be necessary before a positive decision is reached, and this can be prohibitive for IDPs without local financial resources. Moreover, many Chechens reportedly do not consider the chance of a positive status determination great enough to warrant the risk they feel they are taking by presenting themselves to Russian authorities (Gannushkina 2002: II).

Without Forced Migrant status, then, what are ethnic Chechen IDPs missing? Surely, having a piece of paper with the migration authority’s ‘Forced Migrant’ stamp on it offers only the most minimal protection—the right not to be forcibly returned—and this would be of little use when the federal government and law-enforcement organs themselves are more concerned with political expediency than with the rights and safety of civilians. Yet while Forced Migrant status might not give Chechen IDPs in Ingushetia’s tent camps and temporary settlements adequate legal protection from official pressure to leave those camps, it *would* entitle them to a basic economic safety net and, thus, a viable alternative to returning to the conflict zone when the camps are ultimately closed. Forced Migrant status enables IDPs to start ‘looking ahead’ and planning a future, argues Gannushkina, and this is the critical distinction between those with status and those without (Gannushkina 2002: II).

Admittedly, whether and when those who do get a positive status determination are able to claim these economic benefits is no sure thing. The Law on Forced Migrants promises accommodation in temporary accommodation centres (TACs), but in practice this is sometimes conditioned on having local residence registration—if indeed the TACs exist at all. Fact-finding missions by Human Rights Watch, the Commission on Human Rights to the President of the Russian Federation, Vesta and the Council of Europe have revealed that of the TACs the Chechen and Russian administrations have claimed are ready for habitation in Grozny, many are in fact unsafe, only partially constructed, or simply non-existent (HRW 2003a: 3, 8-10; CHRPRF 2004; Gannushkina 2002: III; Gil-Robles 2003: III.8). Furthermore, the practical details of disbursing compensation for lost property remain problematic (UNHCR 2003: 12).

If nothing else, however, Forced Migrant status is a public acknowledgement on the part of the state of its obligations towards its displaced citizens. As news coverage of the camp closures in Ingushetia over the past two years would suggest, the Russian government seems to view the people there not as bearers of rights, but as variables in a political equation to whom it owes nothing. Regional governments, too, view people from Chechnya not as citizens with a legitimate claim to entry but as quasi-aliens to be kept from ‘immigrating’ and integrating into the community. Forced Migrant status would not solve these fundamental problems, but it would at least give IDPs a legal document to hold up against the government—concrete, stamped-and-sealed proof of their entitlement to aid and protection.

But as it is, Forced Migrant status is more often put to a different kind of use. The very fact that it exists and can be granted means that it can also be denied. Critics like Gannushkina point out that it is denied selectively, discriminatorily, based on the federal and regional authorities' political agendas. Yet the authorities can counter that they *are doing something*: funds are in theory available to IDPs. Thus the federal administration can exonerate itself from accusations that it is neglecting its displaced citizens as it prosecutes its war, and regional administrations can continue to benefit with impunity from the elasticity of the law and the Kremlin's calculated permissiveness. Used in this way, the Law on Forced Migrants may well do more harm than good to Chechen IDPs. A further problem is this: those whose Forced Migrant applications are turned down have, in effect, been officially deemed undeserving of protection and assistance, and the apparent formality of the process masks its crudely discriminatory nature. In this way, Forced Migrant status has an insidious sort of utility: one that allows the state to assess the level of its own responsibility for and obligation to its displaced citizens, and to deny any responsibility to those whose claims fail to meet the state's own standards, all the while appearing to adhere to legal standards. When the state is the sole decision-maker and the courts are incapable of providing adequate and independent oversight, it may be dangerous for a separate legal status for IDPs to exist at all.

2.5 Summary

Ideally, identity documents should be descriptive, not constitutive, of the holder's status. Although the Law on Forced Migrants states in Article 1.2 that the condition of being a Forced Migrant is not something 'granted' but 'acknowledged' ('признается'), the Law later goes on to stipulate that the guarantees it provides (including, presumably, the guarantee against forcible repatriation) do not inhere in individuals by virtue of their being forcibly displaced, but rather are 'granted' to them 'on the basis of' their possession of Forced Migrant status-affirming certificates (see Appendix 2, Law on Forced Migrants, Articles 3.4 and 5.2). By this logic, without Forced Migrant certificates, IDPs are not *entitled* to (not just unable to access) the protection and assistance these documents provide. Again, this becomes a truly serious problem when such documents are discriminatorily awarded or denied on the basis of the applicant's place of origin or ethnic affiliation—as has been the case in Russia since 1999. The implicit logic behind federal and regional IDP policy is one which conceives of rights not as attributes which reside in the individual, but as privileges which the state can grant or withhold at its discretion, for a variety of political and strategic purposes.

The denial of the rights this paper has considered so far—the right to compensation under the Law on Forced Migrants, the right to seek employment or collect pensions payments under the residence registration scheme, and so forth—are dangerous not only in themselves, but also because cumulatively they constitute a general suspension of IDPs' right to free movement and their ability to resettle anywhere else in the Federation. We will now see how this occurs in detail by considering the experiences of IDPs in Ingushetia and Moscow.

3. The Undocumented in Ingushetia

Since early summer 2002, reports on the closures of IDP tent camps in Ingushetia and the expulsion of their inhabitants have caused many observers to make allegations of forced return.²⁶ In fact, however, this trend did not begin in 2002. The Russian government—increasingly now with the cooperation of the Ingush and Chechen administrations—has been inducing return since the war began in 1999. Camp closures are only the most recent and visible element of a complex campaign for return also involving more bureaucratic restrictions on the disbursement of humanitarian aid and the issuance of identity documents. The result of these combined restrictions is that Chechen IDPs' options for resettlement within Ingushetia and elsewhere are seriously curtailed—making return to Chechnya their only viable option.

²⁶ See for example Médecins Sans Frontières's opinion in Rostrup (2002).

3.1 The context

From the beginning of the conflict in September 1999, federal policy was aimed unequivocally at preventing an exodus of civilians from the republic. Chechnya's administrative borders were sealed, and increased police presence at train stations and airports in nearby regions erected a *cordon sanitaire* around Chechnya, ostensibly to catch terrorists fleeing the republic. Caucasians in transit were subjected to intense scrutiny or even detention, usually purely on the basis of their physical appearance.²⁷ The Kremlin also tried to contain the displacement by creating 'safety zones' within Chechnya. Authorities forbade people living in these zones from registering on aid distribution lists anywhere else, claiming that their places of residence were safe and there was no reason to flee (Memorial/CCA 2000). Periodic shelling by Russian forces, however, proved these safety zones to be cruel misnomers. Civilians fleeing along designated safety corridors out of Grozny were also shelled in 1999 (Zelkina 2004).

These containment tactics could not stop the flow of IDPs, however. While other sections of the border were closed, Ingushetia's border with Chechnya remained open at Ingush president Ruslan Aushev's personal instruction. In the first few months of fighting, Ingushetia, a small republic with a permanent population of 310,000, received over 200,000 IDPs from Chechnya (Gannushkina 2002: IV). Since then the number of IDPs in Ingushetia has fluctuated, as IDPs circulate between Ingushetia and Chechnya when circumstances permit in order to check on relatives or property at home, but at any given time since 1999 Ingushetia has been host to tens—sometimes hundreds—of thousands of IDPs. At latest count, in March 2004, UNHCR knew of 63,578 Chechen IDPs registered to receive aid in Ingushetia (UNHCR 2004-a).

Ingushetia is an obvious destination for Chechens fleeing the war because of its geographic proximity and the cultural and linguistic affinities between the two nationalities. The Chechens and Ingush are ethnically related; both are predominantly Muslim, and their languages are similar enough to bear the joint name 'Vainakh' (Dunlop 1998: 2). Their histories, too, are closely linked. Before being incorporated into the Russian Empire both peoples conceived of themselves as belonging to a greater community of Caucasian mountain peoples (*ibid.*: 21). Then, under Soviet rule, they were jointly administered in the Checheno-Ingush Autonomous Soviet Socialist Republic (ASSR), the boundaries of which were perennially shifting to ensure that discrete Chechen and Ingush national consciousnesses did not emerge, even as they were kept separate from the other Caucasian nations to dilute the strength of a larger 'mountaineer' mentality which could jeopardize their absorption into the USSR (*ibid.*: 46-9). In 1944, fatefully, Stalin accused the Chechens and Ingush of collaborating with the Germans. The Checheno-Ingush ASSR was immediately abolished, the appellations 'Chechen' and 'Ingush' expunged from the Soviet Encyclopaedia, and the entire populations of both nations, approximately 425,000 people, deported *en masse* to Central Asia (Lieven 1998: 319). Those who survived the journey remained in exile until Khrushchev formally rehabilitated them in 1957. Their return to the reconstituted ASSR was for many a mere continuation of years of humiliation, as they found their homes occupied by ethnic Russian or other settlers. Their shared ordeal has been critical in forming the separate but intertwined modern national identities of both groups.

When the Chechens began agitating for independence in 1990, the Ingush quickly distanced themselves from their neighbours and assured the Kremlin of their loyalty. The Ingush administration had seen enough of the style of discipline Moscow reserved for wayward minority nations, and it was anxious to avoid the suffering Chechnya was about to call on itself (Lieven 1998: 70-1). In response to a 2003 suggestion that Ingushetia join Chechnya in an autonomous republic, Murat Zyazikov, who would replace Aushev as Ingush president, pointedly likened the Chechens and Ingush to 'two brothers [. . .] each of whom should have his own house' (CACIAnalyst 2003). Having witnessed the destruction of Grozny and the brutalization of Chechnya's civilian population since 1991, Ingush popular opinion has hovered between sympathy and resentment: sympathy, because Chechens are fellow Caucasians and Muslims; resentment, because the Ingush have no wish to tie their fate to Chechnya's and see their own republic become a theatre for conflict as well.

²⁷ Much the same thing happened in 1994; for details, see Tishkov (1997: 222).

Since 1999 the Ingush administration has grown increasingly worried that, in the eyes of the Kremlin leadership, any humanitarian sympathy for Chechen civilians might be mistaken for political solidarity with the Chechen separatist cause. Ingushetia is a small, poor republic which cannot afford to lose the Kremlin's approval; the past few years have therefore seen increasing harshness in Ingushetia's IDP policy. At the popular level as well, the enormous strain on resources and the frequent spillages of fighting over the Ingush border have helped erode local patience with the IDP population. (Russian military forays into Ingush territory have always been common, but more recently, in June 2004, a group of Chechen rebels launched a large-scale raid into Ingush territory, killing nearly 100 Ingush civilians and fuelling Ingush resentment and anxiety about the nearby war.) Thus, despite Ingushetia's relative tolerance for IDPs at both administrative and popular levels—despite the cultural similarities and parallel histories of the Chechens and Ingush, and despite the fact that a significant number of the IDPs from Chechnya are in fact ethnic Ingush (Redmond 2004)—there were reasons enough even in 1999 for Ingushetia to cooperate with federal authorities in 'encouraging' the return of IDPs to Chechnya. For the first few years of fighting, this encouragement took three forms: force, economic isolation, and the restriction of identity documents.

3.2 The first phase: pressure to return (1999-spring 2002)

3.2.1 Use of military force

Most IDPs arriving in Ingushetia early in the war found accommodation privately with local families; others took shelter in tent camps administered by the Ingush government and serviced by humanitarian aid agencies. These crowded camps and the suffering they made visible soon became proof to the country and the world that the Kremlin's Chechnya campaign would not be the swift, surgical operation Putin had promised. It was not long, therefore, before the Russian government launched its first push-back campaign. As early as November 1999, Deputy Prime Minister Nikolai Koshman pledged that by 25 December, all Chechen IDPs in Ingushetia would be returned. Over the next two months, Chechens seeking safety in Ingushetia were forcibly returned to Chechnya in vans—even, in one case, in the very train cars they were using for shelter (Gannushkina 2003: III.1; Memorial/CCA 2000). International criticism quickly ended such overt forms of forcible repatriation, but the campaign for return continued, using subtler, non-military methods.

3.2.2 Economic isolation

One such method consists of isolating the IDP problem in Ingushetia by curtailing federal aid to the republic. The federal Ministry of Civil Defence, Emergencies and Natural Disasters (EMERCOM) is responsible for distributing federal aid to registered recipients in Chechnya and Ingushetia. The World Food Programme observes that

the general policy of the Government [. . .] is to encourage Chechen IDPs to return to their place of origin. In line with this policy, and as a result of resource constraints, EMERCOM has tended to reduce the level of assistance it provides in Ingushetia and to concentrate resources in Chechnya (WFP 2002: II.17)²⁸

Because Ingushetia lacked sufficient funds of its own to bear the weight of so many needy people, EMERCOM's diversion of federal funding left camp inhabitants largely dependent on aid from international NGOs (Memorial 2001). In a complementary move, the Russian government began restricting the freedom of international NGOs to operate in the area. In order to limit access to the displaced population—and thereby to limit the displaced population's access to necessary aid—federal and regional authorities have enforced byzantine administrative hurdles and even denied international aid workers access permits or visas, usually citing the security situation (see OCHA 2003b: 1). All this feeds a general federal policy of containing the displacement problem within the Northern Caucasus. When Ingush president Aushev was in office, his advocacy, along with international opinion, served as something of a constraint on the Kremlin's actions. Yet while federal authorities could not physically force IDPs back across the border into Chechnya, they could cut off

²⁸ Memorial actually claims that in June 2000 the Russian government cut off IDP funds to Ingushetia altogether (Memorial/CCA 2000). I have been unable to verify this claim, but in any event federal aid to Ingushetia has been extremely curtailed during the course of this war.

aid to Ingushetia, relying on the lack of sufficient food and other necessities to make life there increasingly difficult and thus to compel the IDPs to return.

3.2.3 Restriction of documents

The curtailment of federal aid was so damaging in part because many Chechen IDPs in Ingushetia were (and remain) undocumented, and therefore had no legally enforceable right to employment or to the accommodations assistance or the one-off cash allowances promised by Forced Migrant status. Any of these provisions would have helped them to achieve some sort of financial security themselves despite EMERCOM's aid blockade. As discussed earlier, however, few ethnic Chechens who theoretically qualify as Forced Migrants ever obtain the status. This holds true in Ingushetia for several reasons. First, Gannushkina notes, the Ingush Migration Service is closely watched by the FMS and is reluctant to deviate openly from its instructions (Gannushkina 2002: II). Even if regional Forced Migrant status determinations were not constrained by the federal political agenda, however, the Ingush Migration Service's infrastructure would have been unable to deal with the number of people who arrived in 1999; individual status determinations were simply not feasible. Precisely for this sort of mass influx situation, in March 1997 the FMS created Form 7: a system of *prima facie* IDP registration for the purposes of maintaining the government's statistical records and facilitating aid distribution. Form 7 is not an identity document, and it does not confer Forced Migrant status or the attendant benefits and protections, but it does give IDPs access to emergency food, healthcare and temporary accommodation in government-administered camps (UNHCR 2002: 20).

IDPs' access to this minimal form of assistance, however, has been curtailed in Ingushetia just as Forced Migrant status has been nationwide. In December 1999, not long after the war began, the FMS issued Order No. 110 instructing the migration services of Dagestan, Stavropol', Ingushetia and North Ossetia—all subjects neighbouring Chechnya—to freeze their Form 7 registration lists and encourage new arrivals to return to Chechnya (Global IDP Database 2004: 52). The Ingush Migration Service enforced Order No. 110 only sporadically until April 2001, when the Ingush Minister for Emergency Situations announced a total suspension of registration until a new form had been worked out (Memorial 2001). As of this writing, three and a half years later, no new form has materialized. Thus all newly displaced Chechens who have entered Ingushetia since April 2001 are officially 'invisible', entitled to none of the government assistance Form 7 provides (Global IDP Database 2004: 37). Nor can they attain Forced Migrant status. Furthermore, Médecins Sans Frontières and the Commission on Human Rights to the President of the Russian Federation report that regional authorities frequently refuse to grant Form 7 registration to children born on Ingush territory, even if their mothers *are* registered (*ibid.*; CHRPRF 2004). These restrictions on Form 7 aid signal the erosion of the Ingush administration's tolerance for IDPs (UNHCR 2003: 16) and its growing desire to demonstrate its compliance with federal policy.

Complementing these restrictions on Forced Migrant status and Form 7 registration, the Ingush interior ministry has tightened controls over IDPs' access to residence registration and passport renewal—thus withholding the two identity documents IDPs need to legalize their presence in Ingushetia. The Ingush interior ministry's compliance with the FMS's 1999 ban on issuing identity documents to Chechen IDPs (see above, Section 1.2) has left thousands of IDPs without passports, especially since 2003 when the old Soviet passports automatically expired (Global IDP Database 2004: 111). The lack of a passport may not present immediate problems within the camps, but it does make safe, legal travel outside the camps difficult—whether that be to Ingushetia's private sector or other parts of the Federation in the hopes of resettling there, or to Chechnya to assess independently prospects of returning home. Similarly, while OCHA notes that a lack of local residence registration typically does not hamper IDPs' access to medical aid or education within the camps (quoted in Global IDP Database 2004: 116), it does mean that, outside the camps, IDPs cannot legally access local job markets (UNHCHR 2002: 21; Global IDP Database 2004: 100).

Compounding the problem, Form 7 aid is sometimes tied to residence registration. A federal resolution of 2001 (extended and amended in 2002) stipulates that government assistance in the form of cash allowances, food and rent reimbursements are available to IDPs in Ingushetia only if they have registered with *both* the Ingush Migration Service for Form 7 *and* the local PVS for sojourn

registration (UNHCR 2003: 13; see Appendix 2, Resolutions 163 and 797). Meanwhile, Ingush PVS authorities have reportedly denied sojourn registration to IDPs who cannot first produce proof of Form 7 registration (Global IDP Database 2004: 53). Conditioning humanitarian aid upon possession of Form 7 *and* residence registration—especially when the latter is made a necessary condition for the former—leaves many IDPs in Ingushetia without formal access to aid, let alone the opportunity to earn wages and work towards self-reliance.

3.3 The second phase: administrative changes (spring-autumn 2002)

Most Chechen IDPs sheltering in Ingushetia during the first years of fighting—even those without the identity documents which would make their presence there legal—found that the tent camps offered them basic physical safety and some approximation of a settled life (HRW 2003-*c*: 4; Rostrup 2002). No large-scale military push-backs had occurred since the train-car incident of December of 1999 (see Section 3.2.1). Thus, although isolated, cut off from aid and unable to start a new life in Ingushetia or elsewhere, IDPs were at least not physically compelled to return to the conflict zone. But the protection Aushev’s personal sympathies had provided for Chechen IDPs evaporated in April 2002 when Murat Zyazikov, professed Kremlin loyalist and former FSB general, succeeded Aushev as Ingush president. Zyazikov’s entrance into office inaugurated an era of closer cooperation between Ingush and federal authorities, both of whom now began advocating the swift closure of the tent camps and the expulsion of their inhabitants. Engaged in the war on terror, the international community voiced little protest.

Within two months of the election, Zyazikov of Ingushetia and Kadyrov of Chechnya²⁹ signed an aggressive Action Plan which foresaw the return of all IDPs by the end of October (Memorial 2003: III.1). Their return was to be voluntary, but the subsequent intensification of pressure on camp inhabitants calls this into doubt. Federal troops increased their presence in Ingushetia and began checking identity documents more frequently. Ingush Migration Service authorities stepped up their bureaucratic assault and began actively removing people from Form 7 aid distribution lists, taking unannounced head-counts in tent camps and de-registering anyone not found at home. In July 2002 Memorial reported:

If previously it was done once in a month, now representatives of the [Ingush interior ministry] can appear at any day and even several times a week. If during their visits some member of the family is absent, then he is automatically [de-registered and] deprived of allowance. (Memorial 2002)

By February 2003, UNHCR estimated that this policy of culling supposed duplicate, absentee or fraudulent names from Form 7 lists, combined with the ongoing suspension of Form 7 registration for new arrivals and births, left some 42,000 displaced people in Ingushetia without formal access to aid (UNHCR 2003: 17-8). Not only camp inhabitants feel the effects of this policy; even IDPs who have found shelter in private accommodations or privately-owned temporary settlements are now increasingly vulnerable to eviction, because their Ingush hosts only receive government reimbursements for their utility costs if their IDP tenants possess Form 7 (Global IDP Database 2004: 82). Thus, Ingush and federal authorities have made it harder for Chechen IDPs to live anywhere in Ingushetia. Because IDPs typically lack the financial ability to arrange for other housing themselves, and because simultaneously Russian authorities began actively obstructing the efforts of UNHCR and other agencies to construct alternative shelters in Ingushetia, many of the deregistered people found themselves with nowhere to go (HRW 2003-*c*: 5).

Meanwhile, representatives of the Ingush Migration Service and the Federal Security Service (FSB), sometimes accompanied by armed Russian soldiers (HRW 2003-*a*: 6), began using a mixture of persuasion and threats to compel people in tent camps to sign forms attesting to their desire to return. Claiming that the situation in Chechnya was stabilizing, they offered incentives such as compensation for lost housing or rooms in newly-constructed TACs in Grozny to those who agreed to return; simultaneously they warned that the tent camps in Ingushetia would soon be closed whether or not their inhabitants agreed to leave—and that those who did not leave voluntarily would receive no benefits back in Chechnya. What exactly these promises of compensation are based on is unclear.

²⁹ On Kadyrov, see below, Section 3.4.

Not until the passage of Resolution 404 in July 2003 did any official document outlining a compensation scheme for post-1999 displaced persons exist. Moreover, Resolution 404's scope is limited: it only offers compensation to people whose houses have been 'completely' destroyed (Gannushkina 2003: I and III; CHRPRF 2004). Few IDPs can afford paid lawyers, and advocacy groups like Memorial and the Committee on Civic Assistance cannot reach everyone in need of legal advice. Moreover, because the vast majority of Chechen IDPs do not have Forced Migrant status, they cannot refer to the Law on Forced Migrants to see what sorts of compensation and temporary housing they have a right to expect from the Russian government. Compensation is offered to them not as a *right*, but as a *gift* from the Russian government, which can be revoked at any time.

This paternalistic logic and the general lack of information were meant to put Chechen IDPs in a position of total dependency. Vague threats from Russian officials and sporadic electricity and gas cut-offs emphasized to IDPs the tenuousness of their situation in Ingush camps. Afraid of losing a chance at state assistance, many IDPs began to wonder if return was the better of two bad options. The rate of return in 2001, however, fell far short of Russian and Ingush expectations. IDPs remained generally reluctant to leave because, although the virtual ban on identity documents made it harder for them to travel to Chechnya and assess the situation there, they had enough information from those who made the journey, and from the newly displaced Chechens arriving all the time, to know that Chechnya remained a conflict zone (HRW 2003-*a*: 12; Rostrup 2002).

3.4 The third phase: 'Chechenization' (autumn 2002-summer 2004)

By the autumn of 2002, the Russian public, which initially had backed the war strongly, was disillusioned and fatigued. Russian military casualties had been high. The populace was alarmed by the bloodshed and demoralized by the state's apparent inability to secure the integrity of its borders against a small and poorly-armed minority. Neutralizing the 'terrorist threat' in Chechnya had been Putin's only real campaign platform in the 2000 elections, and his administration had by now obviously failed to deliver on its promise. In a nation-wide survey, Shevtsova notes,

only 17% of those polled [. . .] supported a military variant for Chechnya. More than two thirds supported a peaceful solution. For the president who had entered the Kremlin on the wave of the 'antiterrorist operation' in the Northern Caucasus, this was [. . .] a fiasco. [. . .] Now, the Kremlin had to think not only about what to do with Chechnya but also about how to preserve the legitimacy of the team that had come to power endorsing antiterrorist operations. (Shevtsova 2003: 252)

The 23rd October 2002 was a turning point. A group of Chechen separatists seized Moscow's Dubrovka Theatre, holding 800 people hostage inside. The Kremlin refused to negotiate. The resulting standoff ended in a horribly botched rescue operation: the gas which the FSB used to incapacitate the hostage-takers left over 100 hostages dead. Yet rather than protest the recklessness of the FSB or the obscurantism of the administration (which for days refused to make public the names of the deceased or to reveal what kind of gas was used), the Russian public threw its support behind Putin and began calling, once again, for a 'strong hand' in Chechnya. The hostage crisis ruled out any possibility of talks with Chechen president and separatist leader Aslan Maskhadov, whose disavowal of the hostage-takers was not emphatic enough, in the opinion of the Kremlin and the general public, to salvage his credibility as a potential negotiating partner. Hawkish rhetoric began buzzing in the Kremlin, and despite the Kremlin's earlier plans to reduce the number of Russian troops in Chechnya, November saw an intensification of military operations (Feifer 2002; UNHCR 2003: 3).

At the same time, however, Putin launched a new rhetorical offensive. In December 2002 he signed a decree calling for a constitutional referendum and presidential and parliamentary elections in Chechnya. Thus Putin inaugurated the so-called policy of 'Chechenization', by which the Kremlin would disassociate itself from the conflict, ceding (at least nominally) responsibility for the continuing struggle with the separatists to a local Chechen administration—staffed with carefully selected politicians whose ethnic affiliation was Chechen, but whose political loyalties lay with the Kremlin. In return, the Kremlin's endorsement would secure for these newly-implemented leaders official recognition and the authority to rule. Thus the war in Chechnya would become an internal conflict, a civil war confined within the borders of a small republic on the southern periphery of the

Russian Federation. After the Russian army's phased withdrawal it would be Chechen police and militias, not Russian troops, fighting against the separatists; responsibility for the way they waged that fight would lie with the Chechen administration, not with the Kremlin (De Waal 2003; Shevtsova 2003: 257; Mite 2004).

In truth, Chechenization was nothing radically new (see Goble 2000; Feifer 2002; RFE/RL 2003). The logic behind it is fully consonant with the various internalizing policies the Russian government has employed in the Northern Caucasus since the beginning of this campaign: the push-backs, the nativization of economic responsibility for humanitarian aid, and the bureaucratic impediments to IDPs' freedom of movement discussed above. Chechenization, put crudely, is a way of pushing the conflict and its human witnesses back to the periphery. This solution seemed to appeal to a not insignificant proportion of the beleaguered Russian public. In a 2002 public opinion poll, the third most popular potential course of action on Chechnya was to jettison any possibility of negotiations, 'withdraw the troops and seal the border'.³⁰ This suggests that at least part of the Russian population had resorted to extreme, wilful denial: with no end to the conflict in sight, things were best cordoned off and kept out of mind.

And so the government's long-standing policy of internalizing the conflict now had a name, as well as a clear plan for its execution. A pro-Kremlin administration with the Islamic-cleric-cum-Kremlin-loyalist Akhmad Kadyrov at its head had already been installed in Chechnya in June 2000 (RFE/RL 2000). It had been miming the appearance of a functioning government in the city of Gudermes since then, despite the fact that Maskhadov's claim on the presidency had not yet expired (he had been elected to a five-year term in 1997). Now, the Kremlin resolved to give Kadyrov's administration a veneer of democratic legitimacy—to make Kadyrov, not Maskhadov, the sole representative of the Chechen republic and its population. Presidential elections were planned for 5 October 2003.

The tent camps in Ingushetia, meanwhile, stood as embarrassing evidence that the conflict continued to smoulder, and this threatened to discredit the new Kadyrov administration and its claims of stabilization. Furthermore, a vote in Chechnya would hold no water, domestically or internationally, if a substantial portion of the population was actually living elsewhere. Displaced Chechens in Ingushetia had been allowed to vote in the constitutional referendum in March at remote polling stations near their tent camps, but no such provisions were made for the presidential election (Gil-Robles 2003: II.17.1). It was politically imperative not only that a large number of Chechens vote, but also that they return to the republic and legitimize the new government. At a meeting with Putin on 4th July 2003, Kadyrov audaciously promised that not 'a single tent' would remain in Ingushetia by September (Suleimanova 2003).

Accordingly, all forms of pressure on IDPs—bureaucratic, economic and increasingly now military—intensified as election preparations began in late 2002. Identity documents became even more difficult to obtain. A new federal law explicitly predicated government assistance upon return to Chechnya by allotting stipends for food and rent only to IDPs who returned to their places of permanent residence (See Appendix 2, RF Resolution 797). Meanwhile, federal troops assumed permanent positions near the major tent camps, their heavily-armed presence clearly intended to intimidate camp inhabitants. Federal and Ingush law-enforcement officials also became more intrusive; according to Human Rights Watch, they routinely threatened IDPs with hints about upcoming sweep operations (*zachistki*)³¹ to root out terrorists hiding in the camps, and mass arrests of anyone suspected of possessing drugs or weapons (HRW 2003-c: 2). The increasing securitization of camps, ironically, meant only insecurity for their inhabitants; Human Rights Watch notes that 'people see the deteriorating security situation in Ingushetia as a clear demonstration of Russia's resolute plan to force them back to Chechnya by making Ingushetia an equally unsafe place' (*ibid.*: 6). IDPs'

³⁰ This is out of 8 options total. The above-mentioned option received 11% of the vote; the next most popular response at 19% was 'no opinion' (!), and the most popular overall, at 39%, was to 'intensify military action to annihilate the Chechen fighters' (Gerber and Mendelson 2002-a: 2).

³¹ Military operations in which Russian troops cordon off a neighbourhood or settlement and search the houses for terrorists. *Zachistki* are notorious for their high incidence of arbitrary arrest, murder, disappearances and looting. For more, see HRW (2000).

physical vulnerability became clear in December 2002 when, in sub-zero temperatures, authorities summarily closed camp Imam near the town of Aki-Yurt. The government made no provision for alternative shelter in Ingushetia for Imam's 1,500 inhabitants, and even forbade aid agencies to provide accommodations in Ingushetia for those unwilling to return to Chechnya (UNHCR 2003: 17, 19; CHRPRF 2004; HRW 2003-c: 5).

International outrage at Imam's closure gave IDPs in Ingushetia a few months' reprieve, but by the summer of 2003 Chechen, Ingush and Russian authorities had unveiled a systematic program of camp closures, transferring the inhabitants who refused to leave Ingushetia to other camps, only to move them again when those camps, too, were closed. Some IDPs undoubtedly disappeared into Ingushetia's private sector, but increasingly large numbers have agreed to return to Chechnya. The net rate of return to Chechnya since 2002 has far surpassed the rate of new displacement into Ingushetia (for figures, see Global IDP Database 2004: 32). Senior UNHCR protection officer Jean-Paul Cavalieri suggests that the prospect of compensation in Chechnya was a major reason for this pattern (OCHA 2003-a: 4). Gannushkina agrees that promises of compensation, however vague and in reality unimplementable, were a central factor in IDPs' decisions to return:

The administration of Bella camp [claimed] that about 75% of people submitted applications for return to Chechnya. It is quite probable that [this is true], because people are tired of living in tents [. . .]. Promised compensation is [. . .] serving as bait for many. It is very ephemeral, as [. . .] there [are] no documents, which [. . .] define the amount and terms of compensation payments. But people hope. (Gannushkina 2003: III.3)

This 'hope' was doubtless also partly due to the fact that Chechen IDPs in Ingushetia had increasingly little to lose. Cavalieri acknowledged that 'violence and detentions of IDPs in Ingushetia [have] been increasing and this could also be affecting IDPs' decision to return' (quoted in OCHA 2003-a: 4).

Yet, dangerous as the camps were, IDPs knew that Chechnya was no more secure; a 2003 survey by the Danish Refugee Council found that 85% of IDPs in Ingushetia still regarded Chechnya as an unsafe place (quoted in Global IDP Database 2004: 125). Why, then, have so many signed agreements to return? It is because the repatriation campaign has consisted not just of cajoling, threatening or physically compelling IDPs to return to Chechnya, but also of a complementary strategy: making life anywhere else a non-option. Tent camp closures would be ineffective in inducing return if the inhabitants had other resettlement possibilities open to them. But IDPs' excision from government aid lists, the difficulties of obtaining registration and passports in Ingushetia, and the virtual impossibility of acquiring Forced Migrant status have all deprived IDPs in Ingushetia of viable alternatives to return. Without registration IDPs cannot legally stay or work in Ingushetia; as tent camps closed, the inhabitants, often undocumented and impoverished, had nowhere to go but back to Chechnya, to an uncertain future built tenuously upon the government's promises of financial rewards. In this way the Russian, Chechen and Ingush administrations have managed to push the Chechen IDP population back to the fringes of the Russian Federation—and to the fringes of the Russian public's attention.

3.5 The present situation

After Kadyrov's election, camp closures continued, albeit somewhat less hurriedly. UNHCR monitored the situation to ensure that IDPs were not pressured to sign return agreements, and that returns proceeded with full information, 'in safety and with dignity' (OCHA 2004: 5; UNHCR 2003: 14-5). Ingush and Chechen authorities, meanwhile, repeatedly professed their commitment to the principle of voluntary return, but their penchant for setting deadlines for camp closures gave this commitment the lie. In early June the last official tent camp, Satsita, was closed (UNHCR 2004-d). It had been home to 14,000 IDPs at last count in May (UNHCR 2004-c); now these families have left for Chechnya, or for temporary settlements in Ingushetia, or for other destinations in the private sector.

3.6 Summary

The campaign of coerced repatriation since 2003 displays the Russian, Chechen and Ingush authorities' fundamental disregard for the principle of free movement and the prohibition on forced return, articulated not only in the UN Guiding Principles but also in Russia's own Constitution and

Law on Forced Migrants. For Ingush authorities the return of IDPs is desirable both to quell popular Ingush fears about the spread of the war and to assure the Kremlin of their loyalty and worthiness of aid. For the new pro-Moscow administration in Chechnya, the return of IDPs is desirable to create the appearance, if not the reality, of a functioning society with a legitimate and capable government. It is also desirable to the Kremlin as a necessary step on the road to the stabilization, or at least internalization, of a disastrous war from which it cannot seem to extricate itself.

It would be naïve, then, to suggest that ‘if only’ IDPs in Ingushetia had access to documents witnessing their right to remain there (i.e. local residence registration) or their right not to be forcibly moved (i.e. Forced Migrant status), the authorities would be compelled to recognize these rights. But while greater access to documents might not halt the closure of Ingush tent camps and temporary settlements, it would have immediate practical benefits. Residence registration in Ingushetia would give IDPs the opportunity to find work locally and free themselves from dependency on *ex gratia* emergency aid; Forced Migrant status (if implemented properly) would give IDPs the legal basis for claiming property compensation which is not conditional on their return to Chechnya. Either one would enable Chechen IDPs in Ingushetia to act as free agents and to start new lives for themselves where they choose. Without these documents and the rights and legal standing they confer, however, many of the 7,800 IDPs remaining in temporary settlements as of July 2004 may soon have no real choice but to return to Chechnya (Redmond 2004). Migration authorities have now begun to evacuate and dismantle the temporary settlements just as they evacuated and dismantled the tent camps—shutting off electricity, coaxing and threatening the inhabitants—and now UNHCR staff, unable to obtain guarantees from the Russian government about their safety, are no longer present in the region to monitor their closure (UNHCR 2004-d).

4. The Undocumented in Moscow

The policy of Chechenization—internalizing the conflict and its human consequences—is not peculiar to Ingushetia and the North Caucasus. Even in areas farther from the war zone, while IDPs may not be vulnerable to overt forms of pressure such as military checkpoints and forcible camp closures, they are nevertheless subject to similar bureaucratic controls on their freedom of movement—again, through the passport, residence registration and Forced Migrant regimes. The city of Moscow employs particularly restrictive identity document regulations which limit IDPs’ ability to realize their rights locally, thus denying them the opportunity to settle in the city. Unfortunately, the situation in Moscow may be extreme, but it is not an aberration; similar policies are in effect in other cities in Slavic Russia as well. In Moscow, however, thanks to the assiduous work of local advocacy networks like Memorial and the Committee on Civic Assistance, the situation of IDPs is far better documented than it is in other areas of the Russian Federation. Moscow is also home to far more ethnic Chechens than anywhere else in northern Russia, and so its policies affect the lives of a great many displaced people. Moscow thus provides a detailed and instructive look at securitization at work. The context and the stakes are very different from those which obtain in Ingushetia, but, significantly, the effects are not dissimilar: in both regions, Chechens are systematically marginalized and unable to resettle.

4.1 The context

In Chechnya itself, restrictions on free movement are easily justified as necessary for maintaining some modicum of security—if ever the authorities feel the need to justify it to anyone. In the neighbouring republic of Ingushetia as well, restrictions on movement and local integration meet some popular support partly because of concerns over job protection, resource allocation and—of increasing importance now—physical security. These may be legitimate concerns, as Ingushetia is a poor republic whose infrastructure has been nearly overwhelmed by large numbers of IDPs since 1999, and the conflict that displaced these IDPs has frequently spilled over the border. Moscow, in contrast, is a distant, populous, economically vibrant and politically powerful region, and its IDP-to-total-population ratio is reportedly lower than the national average (Pilkington 1998: 91).

Protectionist sentiment, however, is perhaps more virulent here than in Ingushetia—in part because the rhetoric of ethnic difference is readily available to underwrite it.

As we know, Ingushetia's population, like Chechnya's, is predominantly Muslim and Caucasian. Thus IDPs from Chechnya differ very little culturally, linguistically and religiously from their Ingush hosts. Indeed, many of the IDPs still in Ingushetia today are actually ethnic Ingush who had been living in Chechnya before the fighting displaced them (Redmond 2004). This is not so in Moscow. To the average Slavic Russian Muscovite, ethnic Chechens are easily identifiable 'others': they look, speak and worship differently. Aside from these external markers of cultural difference, the fact that Chechen IDPs are emissaries from the conflict zone where Russian conscripts are dying daily charges interethnic relations with added significance. Since this latest military campaign began, some Slavic Russians have begun to view Chechens not as co-nationals but as people

from an enemy camp, whose relatives and friends 'somewhere down south there' are killing 'our boys', and wishing for the disintegration of Russia. In short, a part of the Russian public has begun to view Caucasians not just as irritating strangers, but as an external enemy'. (Malashenko and Trenin 2002: 59; my translation)

This phenomenon coincides with what Malashenko and Trenin call the 'dual nature' of this war (*ibid.*: 56). Since 1999 the Kremlin has maintained its insistence that the situation in Chechnya is an 'internal matter'; this is necessary not only to legitimize its claim on the contested territory, but also to keep international scrutiny at bay. Kremlin officials publicly affirm that Chechens are Russian citizens, and that Chechnya is a natural, integral part of the Russian Federation. Yet the Kremlin displays a simultaneous tendency to emphasize the *foreign* elements among the separatist forces. Since 1999, and increasingly since the World Trade Centre attacks in 2001, Russian officials have stressed the numbers of foreign mercenaries and Arab-born jihadists supposedly fighting amongst the separatists in Chechnya. Whether or not these allegations are exaggerated, it is significant that they play a central role in the public relations war the Kremlin must wage in order to maintain domestic support for the military's continued engagement in the republic. The media regularly speculate about the volunteer fighters and the strains of radical Islam which have allegedly found their way into Chechnya from the Middle East; this alarmist discourse about the porosity of Russia's southern border exploits the Russian public's feelings of profound insecurity, helping cultivate in the popular imagination a vague dread of an undifferentiated threat from the south. Part of the Russian public now considers itself engaged in a war with an enemy which is decidedly not 'self' but which is also not far enough away to be comfortably 'other', which is in fact living 'in our midst'. In this atmosphere of ethnophobic paranoia, the line between 'Chechen' and 'Wahhabi',³² or between 'Chechen' and 'Arab', becomes dangerously blurred.

This is not a case of latent racism springing up spontaneously among the Slavic Russian population. As Tishkov points out, the Russian population exhibited a striking *lack* of anti-Chechen sentiment during the 1994-6 war (Tishkov 1997: 221-2; see also Mendelson 2004). Racism, in this conflict as in so many others, is a policy tool. As discussed above (Section 1.5), it is largely the Kremlin that controls the television media in Russia, and much of the blame for the sensationalization and ethnic polarization of the war can be attributed there. Regional authorities, for their part, take advantage of the ethnophobia which the media propagates; they lose nothing by demonizing Chechens in a bid to justify their increasingly tight hold on power and to deflect the blame for all manner of social ills which they themselves have failed to cure. The Russian public, immobilized by feelings of insecurity, are primed to respond positively to such manoeuvres.

The public's mood of ethnically-charged distrust and defensiveness—inflamed by the populist harangues of opportunistic city politicians angling for re-election—has enabled the development of a strict and ethnically discriminatory identity document regime for people arriving in Moscow from the southern republics, especially Chechnya. Mayor Yuri Luzhkov, who has governed Moscow since 1992, regularly exploits the link between Chechens, migrants and security threats, passing bombastic and morally outrageous mayoral decrees which restrict Chechens' access to the city in order to shore up his own popularity (see below, 4.4). Such regulations play on a growing

³² The Russian media uses the term 'Wahhabism' quite impressionistically to denote any form of imported radical Islam.

popular desire to seal up society against the intrusion of a radicalized ‘other’—to keep ethnic Chechens from integrating in any meaningful sense into Moscow in particular, and into ‘Russia’ in general. Thus ethnic Chechen IDPs find themselves marginalized in Moscow. They are denied the citizens’ rights which would enable them to live as part of an imagined community³³ (like voting) as well the rights which would enable them to live at all (like employment and healthcare). They are also denied Forced Migrant status, which would affirm the state’s obligations to them and secure some minimum of economic assistance.

4.2 Moscow’s migration policy

Technically, as we saw in Section 2.3, the Federation’s 89 regional migration services are subsidiary arms of the FMS. Because of the paucity of central funding, they have traditionally been ‘*de facto* dependent on the regional governments’ (Sakwa 2004). As such, their policies have usually reflected local concerns, which in Moscow centre around protecting the job market and ensuring security. The Moscow Migration Service (MMS) espouses openly anti-immigration views; in fact, one of its stated goals is to lower the city’s population.

The MMS’s agenda for 2002-2004 begins by invoking the ‘threat’ of migration:

The volume of *illegal migration* has not diminished, carrying with it a serious threat to economic and social security, as witnessed by the following:

- the number of people detained for violation of passport and registration rules is 2.1 million people, of which 998,600 are citizens of the CIS; [. . .]
- the overall number of people staying temporarily in Moscow without registration totals 600,000-800,000, of whom 100,000-150,000 are from the far abroad (mainly from Afghanistan, Africa and Southeast Asia). (Resolution 707-PP; my translation and italics)

This characterization makes migrants appear menacing chiefly because of their great numbers and their radical foreignness. When the MMS uses the term ‘illegal migrant’, however, it has in mind a strange amalgam of people: those from the ‘far abroad’, those from the ‘near abroad’,³⁴ and even Russian citizens whose permanent residence is in another city. Thus the MMS elides the distinction between *actual* non-nationals (who may indeed have entered Russian territory unlawfully) and the *foreigners within*: Chechens. Both become ‘illegal migrants’—a shady group of people whose arrival in the city, the agenda warns, ‘brings with it a range of real threats in the spheres of economic, social and health/sanitary wellbeing’ (*ibid.*, my translation). Sweepingly imprecise, alarmist rhetoric like this aims to justify the lengths to which Moscow authorities go to keep IDPs and especially Chechens out of the city. Attempting to block the immigration of undesirables, Moscow employs several strategies, from the defiantly public (like mass deportations) to the bureaucratic (like discriminatory laws, resolutions and mayoral decrees). Here as elsewhere in the Federation, written and unwritten rules make residence registration and Forced Migrant status nearly impossible to obtain for ethnic Chechens seeking resettlement. These restrictive policies are made more effective by the pervasiveness of intimidation, corruption and ignorance of the law at the level of individual enforcement.

4.3 Securitizing the issue: deporting IDPs

Since the war of 1994-6 Moscow authorities have been cultivating a link between security concerns and the city’s Chechen population. As we have seen above in Section 4.1, it was not until the current conflict that this alignment truly resonated in the public imagination. For Muscovites, the past five years have seen the intrusion of a once-distant war into their civilian world: the apartment bombings in summer 1999, a pedestrian underpass explosion in August 2000, more apartment building explosions in August 2002, the Dubrovka hostage crisis in October 2002, a suicide attack on a rock concert in 2003, and most recently the metro bombings of February and August 2004. Moscow authorities, not wanting to appear incapable of assuring public order against terrorism, responded to the alarm of their traumatised constituents by simplifying the problem and diverting

³³ I use Anderson’s term here (1983), but I do not mean to invoke the whole of his argument on nationalism. Russian nationalism is atypical and quite underdeveloped; for more, see Tishkov (1997), Lieven (1998) and Malashenko and Trenin (2002).

³⁴ Since the collapse of the USSR, ‘the near abroad’ has come to signify the CIS states, and ‘the far abroad’ everything else.

attention to an easy scapegoat. With increasing insistence, they have drawn the usual equivalencies between ‘migrants’ and security threats. Their strategy has followed a predictable pattern of blame-evasion and self-justification, as Bigo outlines: ‘The securitization of migration is [. . .] a [. . .] political technology, used [. . .] by diverse institutions to play with [popular] unease, or to encourage if it does not yet exist, so as to affirm their role as providers of protection and security and to mask some of their failures’ (2002: 65). The Moscow administrative apparatus had to be seen as doing *something*, and so it targeted displaced ethnic Chechens.

In some of the above terrorist acts, the link to Chechen separatists is clear; in others it remains murky. In each case, however, Moscow authorities have assiduously conjured up the Chechen threat. Luzhkov gives televised speeches about the ‘Chechen trace’ (чеченский след) visible in these terrorist acts and in the city’s crime rate in general, while the police respond with increased document checks of people of Caucasian appearance and even, occasionally, widespread detention and expulsion. After a July 1996 bombing, Luzhkov vowed on national television to evict the entire “‘Chechen diaspora”” from the city (Amnesty 1999: III.ii). In the following weeks police detained 6,000 people of Caucasian appearance (Pilkington 1998: 93; Gannushkina 2002: 46). In May 1997, in preparation for Moscow’s 850th anniversary festivities, Luzhkov authorized the MMS and police to “‘remove refugees and displaced persons”” from the city (HRW 1997: I). And after the September 1999 apartment bombings, police detained over 20,000 ‘minorities’ for registration violations and allegedly expelled thousands of them from the city (USCR 2000: V; Amnesty 1999: III). With each public deportation, Moscow authorities reassert the strategic link between security and Chechen IDPs. When the terms ‘forced migrant’ and ‘displaced person’ are used by the authorities in such a pejorative and criminalizing way, it is no surprise that Chechen IDPs, although in need of assistance, are reluctant to present themselves to the authorities and file claims for Forced Migrant status.

4.4 The withholding of documents

Less dramatically perhaps than mass deportations, Moscow’s protectionist bent is also manifest in discriminatory laws, occasional decrees and departmental policies restricting IDPs’ access to social services and thus discouraging them from settling in the city. The basis of Moscow’s registration regime is the Rules of Registration, first passed in 1995 (Resolution No. 241-PP) and most recently amended in 2004 (Resolution No. 189-PP). Despite their length the Rules are notably vague about individuals’ rights, what they can expect and what they must not be subjected to during the application process; they largely omit to specify any protections for vulnerable people like Forced Migrants or unaccompanied minors. The Rules also involve time limitations and living space requirements which make sojourn registration difficult to acquire. Furthermore, while the Rules allow for sanctions for non-compliance, they fail to specify any upper limit for these fines; Human Rights Watch considers this ‘an open invitation for police abuse’ (1997: I).

This imprecision allows for (and indeed necessitates) additional mayoral decrees stipulating in detail how the Rules are to be implemented, thus opening the way for further discrimination of at-risk groups like IDPs. In September 1999, for example, Luzhkov issued a series of decrees instituting new restrictions on residence registration. The first of these (Order No. 1007-RM), passed on 13 September, required all temporary residents in Moscow who had arrived since 1 January to appear before the PVS authorities within three days for mandatory re-registration. The US Committee for Refugees observes that ‘of the 74,000 temporary residents who attempted to re-register, authorities reportedly denied the applications of an estimated 15,500 persons, many of whom reportedly were [. . .] ethnic Chechens’ (USCR 2000: V). Appealing to the Moscow public’s feelings of insecurity, Order No. 1007 draws the familiar connection between IDPs and security concerns when it declares re-registration to be necessary ‘in connection with the terrorist acts committed in Moscow, which claimed the lives of a great number of victims among the population’ (Order No. 1007; my translation). This was, however, not only a reaction to the apartment bombings of the previous summer; it was also an anticipatory move. Russian ground troops were deployed to Chechnya on 30 September. In passing Order No. 1007 the Moscow authorities were shoring up the city’s defences not against terrorists, but against the conflict-displaced Chechen civilians whom they knew would soon arrive.

According to Amnesty, government authorities claim that, of those denied registration under Order No. 1007, 10,000 people were subsequently expelled from the city (Amnesty 1999: III.ii; see also Appendix 2, Order 875). This figure is round enough to make one suspicious of its accuracy. Yet whether or not the majority of those denied registration actually were expelled, without valid registration their options for living in Moscow were seriously curtailed. The ambiguity and restrictiveness in Moscow's Rules of Registration, combined with the sorts of occasional mayoral decrees described above, ensure that far more people than could ever be deported continue to live in Moscow without valid registration. Unable to legalize their presence in the city, they exist with only minimal access to the rights and services (such as employment, education and welfare) accorded to 'legal' citizens. It is these subtle violations of individual's rights, more than the intermittent mass deportations, which enable Moscow authorities to deny target populations access to the city so effectively.

4.4.1 Residence registration denied

In Moscow as elsewhere in the Russian Federation, a lack of a passport or residence registration means that one is shut out of the local job market. This is particularly disabling to IDPs who have lost property and who, lacking any other form of government assistance, must find ways to support themselves. Article 16 of the federal Labour Code prohibits any limitations on the right to employment which are due to considerations other than the job applicant's professional qualifications. In practice, however, employers in Moscow are subject to fines if they are found employing workers who lack local registration. Undocumented Chechens in Moscow must therefore find work illegally, outside the frame of workers' rights and protections, if they are to work at all. Employers who do risk hiring Chechen employees frequently take advantage of their vulnerability by making them work long hours in poor or dangerous conditions, for low wages and no benefits (Gannushkina 2002: II).

Additionally, undocumented IDPs in Moscow may be denied access to schools. The Constitution's Article 43 guarantees all residents a free state education, but Moscow authorities render education a privilege, not a right, by tying it to registration. The 1999 version of the city's Rules on Registration (Resolution 241-PP) states in Article 5 that only children whose parents have obtained registration in the city will be admitted to Moscow schools. The Moscow Committee on Education affirmed this policy in Order No. 567, entitled 'On Strengthening Safety in Educational Institutions'. Order No. 567's timing leaves little doubt about its intent: it was issued on 21 September 1999, just before the military ground campaign began (Gannushkina 2002: II). This was an attempt to keep not just undocumented people but specifically Chechens out of the educational system.

Article 5 of Resolution No. 241 has since been struck down in court, and it has been omitted from the 2004 version of the Rules. This does not mean, however, that the policy is not *de facto* still in place (see Appendix 2, Order No. 2-13-15/20). Memorial notes that in 2002, police in Moscow's Dmitrovsky district demanded that school directors supply them with information about students whose parents had violated registration rules. Elsewhere in Moscow during autumn 2002, several school directors announced that children whose parents were unable to produce proof of registration would not be allowed to continue their studies. Whether or not school directors were ignorant of the unconstitutionality of such policies, Memorial researchers found, many expressed an unwillingness to take personal responsibility for accepting Chechen children as students lest they invite unwanted attention from the police (Memorial 2003: II).

IDPs in Moscow can also find themselves excluded from the healthcare system, access to which is guaranteed free to all citizens in Article 41 of the Constitution, by restrictions which make access to obligatory public medical insurance dependent on residence registration (Gannushkina 2002: II). Pensions and disability support, too, are tied to registration requirements. Although the federal Law 'On State Pensions' stipulates that the right to social security is not contingent upon registration, in practice it is the local social security structures which dispense pensions allowances, and they often require proof of local residence (*ibid.*). Many Chechen IDPs report being told to return to Chechnya to collect their payments (PACE 2001-*a*: para. 46). Finally, and crucially, undocumented IDPs cannot register to vote, and thus are disenfranchised from the political process.

4.4.2 Forced Migrant status denied

Lacking employment, pensions and other legal means of supporting themselves, undocumented IDPs are in real need of some alternative form of assistance. It is unfortunate, then, that the two documents on which so many rights and privileges hinge—residence registration and Forced Migrant status, both of which independently are difficult for ethnic Chechens to obtain—are sometimes tied to one another. In some cases, Chechen IDPs have been unable to obtain or even apply for Forced Migrant status in Moscow on the grounds that they are not locally registered; in other cases, conversely, Chechen IDPs have been denied registration on the grounds that submitting an application for Forced Migrant status with the MMS is not a ‘valid reason’ for sojourn residence (CoE 2001: II.4.80).

Mayoral decrees in 1996 and 1999 (Nos. 121-RM and 1057-RM) formalized the link between Forced Migrant status and residence registration by stipulating that only individuals with ‘close relatives’ permanently registered in Moscow could apply for Forced Migrant status. These decrees have since been repealed, but two new decrees of 1999 authorize the MMS to consider applications for Forced Migrant status only from applicants already possessing temporary registration in Moscow for a period of ‘no less than’ 6 months (Nos. 1057-RM and 1289-RM). This provision is especially maleficent as Moscow still unofficially adheres to the now-defunct federal rule that sojourn registration should be valid for *no more than* 6 months (see above, Section 1.3).³⁵ Presumably, then, an IDP must go through the registration process at least twice, each time risking refusal, before applying for Forced Migrant status—a process sure to take several more months.

The situation of Forced Migrant status-seekers in Moscow is further complicated by an amendment to the April 2004 version of Moscow’s Rules on Registration. Perhaps reflecting a desire to tighten controls over Chechen immigration after February’s metro bombing, Article 4.1 of the new Rules states that any citizen who manages to obtain sojourn registration while applying for Forced Migrant status with the MMS, and who is subsequently refused Forced Migrant status, will automatically lose his sojourn registration in the city as well (Resolution No. 189, Article 4.1). Policies like this one provide a serious disincentive to apply for Forced Migrant status—not only because of the probable refusal, but also because of the risk of losing one’s registration as well in the process. The perverse linkage of Forced Migrant status to residence registration (and vice versa) ensures that IDPs are ‘locked into a vicious catch-22 in Moscow, where they have no status, no protection, and are, due to their often distinctive looks, constantly targeted by the police for violations of registration rules’ (HRW 1997: V). The simple act of *applying* for Forced Migrant status can mark one as an undesirable—a second-class, disposable citizen—and can stymie one’s attempts to regularize one’s residence status.

4.5 Individual corruption and the wider social context

The Constitutional Court has struck down aspects of Moscow’s registration regulations numerous times. Often, however, the aberrant policies remain in effect—if not officially on the books, then unofficially in the daily interactions between Chechens and the police or PVS authorities. PVS authorities regularly enforce their own idiosyncratic interpretations of the law, often inventing exorbitant fees or insurmountable bureaucratic obstacles when Chechens apply for registration. One PVS bureau may grant an applicant registration for 6 months, another for 10 days, and another not at all; practice varies wildly (Memorial 2003: II). It is difficult to tell how much of this can be attributed to the whims of individual officials (and inadequate or indifferent mechanisms of departmental oversight) and how much to ‘orders from above’ (meaning the federal FMS) or to general informal instructions from the Moscow interior ministry—as many PVS officials claim when speaking on condition of anonymity (Amnesty 1999: III.iii).

Outside PVS offices, the picture is similar. Police routinely run document checks on the street and even in people’s homes, exacting fines from those whose documents are not in order. UNHCR notes that ‘verifying [. . .] registration [is] used by the authorities as a pretext to stop any person who appear[s] to be from the Caucasus and detain them’ (2000: 27). In extreme cases,

³⁵ See Appendix 2, Federal Resolution No. 713. For more on Moscow’s time limit, see UNHCR (2003: 27) and CCA (undated-b).

Chechens report being insulted, beaten or detained for hours or days without charge. Some have reported that police planted drugs on them during questioning and threatened them with arrest (HRW 2003-*b*). Most often, however, document checks end in the police officer demanding a ‘fine’ on the spot, usually equalling the amount of money in the unfortunate person’s wallet. Undoubtedly the police know that, due to the discriminatory nature of the registration regime, Chechens are more likely than other Muscovites to have incomplete documents, and thus are an easy source of cash. Police authorities, perhaps reluctant to remove this source of income from their chronically underpaid employees, do not appear anxious to curb such abuses.

Indeed, the role of PVS and law-enforcement authorities in permitting or encouraging discriminatory behaviour at the individual level is a worthy point of speculation. When Chechens in Moscow experienced increased document checks and arbitrary detentions after the Dubrovka Theatre hostage crisis of 2002, for example, several observers suggested that this turn of events could be traced to ‘orders from above’ (HRW 2003-*b*: IV; see also Gannushkina 2003: II.1; US DOS 2003). Memorial’s investigation found that

at several departments [police officers] responded that there were no additional restrictions. In others—that registration of those arriving from Chechnya was completely stopped. [. . .]. Nobody could name the document [. . .], but the availability of a general instruction to interfere with the registration of residents of Chechnya in Moscow was quite obvious. (Memorial 2003: II)

Likely there is substance to these allegations, but an overemphasis on policymaking at the centre misses the multivalent nature of the motivations at work in sustaining Moscow’s discriminatory policies. ‘Orders from above’, if ‘above’ refers to the FMS, may reflect the Kremlin’s political desire to contain the displacement crisis, and thereby to contain evidence of and information about the war. Alternatively, if ‘above’ means the MMS or the mayor’s office, the orders may reflect regional politics. Either way, however, their actual implementation in Moscow undoubtedly also has much to do with the motivations of individual police officers and PVS officials: for some, personal prejudice or the desire for financial gain; for others, an unfamiliarity with the law and a fear of losing their jobs if they do not adhere to what they believe official expectations might be (HRW 2003-*b*). Endemic corruption and a chronic lack of administrative transparency has led to widespread incomprehension of the law and, thus, to the law’s idiosyncratic execution, as public officials at all levels pre-emptively scramble to evade individual blame (see Gannushkina 2003: II.1).

Similarly, orders from above would have little effect without the Moscow public’s perhaps unwitting compliance. Along with the ethnophobia described above (‘partly supported, partly instigated by authorities and mass media’, writes Gannushkina (2002: II)), the public’s ignorance of the law and its wariness of attracting the attention of the police have made civilians in various positions—landlords, school directors, potential employers—reluctant to have anything to do with Chechen IDPs (*ibid.*; see also HRW 2003-*b*). Thus Chechen IDPs, victimized by the authorities, find few advocates among the Slavic Muscovite public, and their marginalization continues virtually uncontested.

4.6 Summary

As we have seen, the securitization of migration and the denial of identity documents to Chechen IDPs benefits several parties in Moscow: Luzhkov’s administration, which uses Chechen visitors as an easy scapegoat on which to blame each new terrorist attack (without actually addressing the holes in Moscow’s security networks); the MMS, which wants to ensure that it continues to be viewed as essential and worthy of city funding; and individual law-enforcement officers and petty bureaucrats, who seek either to avoid personal culpability or to supplement their income with bribes and fines. This constellation of diverse agendas and the means employed to achieve them are by no means unique to Moscow. Indeed, most cities in Slavic Russia enjoy lower economic growth than Moscow, and that fact, coupled with their greater ethnic and religious homogeneity, makes them fertile ground for anti-immigration sentiment in general and anti-Chechen sentiment in particular. Chechens tend to avoid such areas, however. As we have seen, most ethnic Chechens who have fled the republic during the two recent wars have gone to Ingushetia. For the rest, Moscow is an obvious choice, appearing to offer levels of anonymity and economic opportunity which smaller, more

ethnically homogeneous cities in Slavic Russia would not. How many ethnic Chechens are currently living in Moscow is unknown; estimates range from 80,000 (Jackson 2002) to a broad-brush ‘several hundred thousand’ (UNHCR 2003: 22, quoting a Russian government source). How many of these are IDPs, and further, how many of these are living without documents, is impossible to tell.

The military cordon drawn around the Chechen republic may not be enough to keep the displacement crisis contained, but regional governments like Moscow’s all over the Russian Federation ensure that those IDPs who do make it out will have few chances of settling anywhere else. Denied the rights without which they cannot hope to build new lives for themselves, Chechen IDPs would be dependent on Forced Migrant aid if they could get it; but most often they cannot, and so they are relegated to the fringes of society, exiles from the rights of citizens and ‘the sphere ruled by laws’ (Gannushkina 2002: I).

Conclusion

Since the present war began in 1999, federal and regional policies centring on three particular identity documents—the passport, residence registration, and Forced Migrant status—have become highly useful policy tools for a variety of interested political and bureaucratic actors. In theory, identity documents only *witness*, and do not *constitute*, the bearer’s rights. In practice, however, Chechen IDPs find that their enjoyment of their most basic rights as humans, as citizens and as displaced Russian nationals is largely contingent upon their ability to produce the correct documents—documents that are disproportionately difficult for them to obtain. We have seen how this trend has affected the ability of IDPs from Chechnya, especially those of Chechen ethnicity, to resettle outside of their home republic. Lacking the effective protection of international humanitarian and human rights law, the Russian Constitution and the Law on Forced Migrants, undocumented Chechens outside Chechnya are often destitute, legally invisible, and vulnerable to the diverse agendas of the Kremlin, the Federation’s regional governments, local administrative and law-enforcement officials and the general public.

The motivations driving the bureaucratic marginalization of Chechens are complex and multivalent, and so are the conditions which make it possible. As the very different cases of Ingushetia and Moscow demonstrate, the Russian administrative apparatus is not yet—and may never be—a well-oiled persecutory machine driven by a single, purposeful actor toward a single, clearly-defined end. To view the marginalization of ethnic Chechen IDPs *only* as a scheme devised by the Kremlin to aid in the prosecution of its war is to overlook the role which other actors play in perpetuating such policies for their own reasons. Sadly, protectionist and anti-immigration measures play well with traumatised and war-weary electorates, and they serve not only to bolster the popularity of regional politicians whose records might otherwise be lacklustre, but also to ensure a constant stream of support and revenue to regional migration authorities, interior ministries, law enforcement agencies and individual officers. This is not to imply that the actions of Russian authorities are any less deplorable, or their effects on ethnic Chechens any less severe, simply because these actions are not necessarily part of a unified conspiracy in which all the actors are working towards the same end for the same reasons. On the contrary: because this problem has many roots, it will be all the more difficult to solve.

Similarly, however, to suggest that the marginalization of Chechens is the accidental product of a spontaneous, bottom-up surge of protectionist or racist sentiment in the regions is to overlook the fact that, to the extent that the Russian public is receptive or at least unbothered by anti-Chechen government policies, this reaction has been deliberately manufactured by the Kremlin and the state-controlled televised media. The Kremlin has assiduously promoted security as the primary framework within which migration and displacement are to be discussed, and regional authorities find this framework convenient and useful in addressing the concerns of their constituents. In a manner of speaking, the Kremlin has established the rules of the game; regional politicians and their electorates are merely going through the motions which have been laid out for them already. To be sure, there is

also considerable anecdotal evidence of more direct federal pressure on the regions to tighten restrictions on IDPs. Vague and often unverifiable ‘orders from above’ seem to be a major motivation for individual police officers and bureaucrats who welcome the opportunity for additional bribes or personal advancement, or for those who seek to evade personal culpability in an unpredictable legal system which they do not understand.

The flow of causality, then, is not unidirectional. The marginalization of displaced ethnic Chechens is the result of a mixture of proactive design and reactive opportunism at all levels of lawmaking and enforcement. Yet for all this diversity of cause, the effect is in fact quite uniform all over the Russian Federation:³⁶ a general bureaucratic suspension of the freedoms and rights of ethnic Chechen IDPs, meaning that Chechen IDPs have few viable opportunities to settle, integrate and rebuild their lives anywhere except Chechnya—which continues to be an active zone of conflict by any definition.

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Since the roots of this bureaucratic quarantine are many and deep, how can the problem be mitigated? First, undeniably, legal reform is needed. As the UN Committee on Human Rights, the World Bank, the Council of Europe and various other human rights groups and intergovernmental bodies have recommended, the residence registration regime should be abolished, or at least amended to bring it into line with the Russian Constitution and relevant international treaties (see UNHCR 1995; HRW 1997: *n.* 36-7; PACE 2001-*b*). Practically speaking, of course, proof of local residence may be necessary to allow for the distribution of social goods, but as the Council of Europe notes, for this purpose documents need not display their holders’ exact addresses or other sensitive information. Furthermore, police checks on registration should be stopped, minimum living space requirements decisively outlawed, and time limits on sojourn registration removed (CoE 2001: vii.d).

The Law on Forced Migrants has not been subjected to the same kind of international scrutiny as residence registration has, but it too warrants a serious reconsideration. Participants at a 1996 regional conference on forced migration in the CIS states, as well as participants at the Brookings-sponsored conference on internal displacement in 2002, strongly suggested amending the Law on Forced Migrants to bring it into closer accord with international norms and the UN Guiding Principles (UNGA 2000: 3; Brookings 2002: 21-2). Most importantly, a revised Law could extend state protection to all those displaced citizens who are currently ineligible for status simply because they have not crossed an administrative border. Also, a revised Law could include more guarantees for IDPs’ civil and political rights, rectifying the current overemphasis on purely economic and impersonalized roots of hardship.

Nonetheless, as Messina (1999: 149), UNHCR and IOM (2000: 11) and Brookings (2002: 16) acknowledge, any legal amendments will prove ineffective without the legal capacity and political will necessary to ensure their fair and consistent implementation. As we have seen, the problems with the Law on Forced Migrants lie not only in its wording (imperfect as it is) but also in its idiosyncratic interpretation. Since 1999 Forced Migrant status has become almost exclusively a policy tool, used to reward some victims of conflict and to disown others. This is a much harder problem to resolve. One could even make a compelling case for abolishing Forced Migrant status altogether, arguing that the very existence of a special category which legally distinguishes the displaced from the rest of the citizenry is in theory unnecessary, and in practice an invitation for abuse. Forced Migrant status has the potential to offer needed assistance to IDPs, but under current conditions—where the government is the sole decision-maker and there is no effective mechanism for legal oversight—its very existence may do more harm than good, disguising discriminatory and idiosyncratic policies as a legitimate legal process.

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³⁶ For detailed information on the situation in other parts of the Federation, see UNHCR (2003: 18-24).

Realistically speaking, it is doubtful that federal laws on identity documents and Forced Migrant status will be rewritten in the near future. Therefore, it is all the more imperative in the short term that their implementation be made transparent and brought into line with federal legal standards. Identity documents must be available to all, regardless of place of origin or ethnic affiliation, in order that their absence not be used as a pretext for the discrimination or abuse of targeted populations. Acknowledging the importance of unfettered access to identity documents, UNHCR has made the issuance and renewal of passports one of its priorities in the North Caucasus region. In June 2000 it organized a scheme to issue temporary passports to undocumented IDPs in Ingushetia, and by the end of the year between four and five thousand passports had been distributed (UNHCR 2003: paras. 66-70). OCHA notes that this ‘greatly enhanced the freedom of movement of the concerned IDPs’ (quoted in UNHCR 2000: 48; see also OCHA 2001). It is similarly imperative that the Russian government ensure that residence registration and Forced Migrant application procedures be ethnicity-blind.

In addition to making identity documents more widely available, however, it is essential to cultivate a new understanding of what those documents are—that they only acknowledge, and do not constitute, the rights and legal standing of the holder. The unspoken attitude among some policymakers and law-enforcement officials that documents are constitutive rather than descriptive has enabled widespread abuses of power since 1999. This is a deep-seated problem of Russia’s legal and administrative culture, and one which will not be fixed easily.

With the help of the international community, however, Russian NGOs like Memorial, the Committee on Civic Assistance and Vesta are making steps in this direction. Memorial and the Committee on Civic Assistance work to educate the Russian public about their rights before the law, and they have brought IDPs’ grievances to court with some success. UNHCR and Vesta have also found local courts useful in securing remedies for rights violations, such as arbitrary Form 7 deregistration, on a case-by-case basis (Global IDP Database 2004: 45; UNHCR 2000: 25, 44-5). A favourable ruling in court does not necessarily ensure that ruling’s implementation, as UNHCR notes (*ibid.*); but increasingly now NGOs are finding the independent print media, and especially the internet, to be powerful tools for holding regional administrations accountable to the law and pressuring them to comply with court opinions (see Memorial 2003: II.1). Memorial and the Committee on Civic Assistance have also adopted the UN Guiding Principles on Internal Displacement as their operational guidelines. Rather than defining their group of interest as Forced Migrants, as per the Russian legislation, they have begun using the more inclusive and less politically-charged term ‘перемещенных внутри страны лиц’, or ВПЛ, a straight translation from the Guiding Principles’ term ‘IDP’ (Gannushkina undated). They have thus been able to extend their services even to those people in need whom the government has not chosen to validate with a legal status.

Working with the Open Society Institute in 1999, Arthur Helton observed: ‘Building the capacity of local NGOs in the former Soviet Union may present the best hope for easing human hardship in the region. A vibrant third sector can provide crucial momentum to civil society development’ (Forced Migration Projects 1999; quoted in Holland 2004: 334). The war in Chechnya is now in its sixth year, and no political or military settlement is in sight. Both sides—rebel factions and the Russian military alike—fight seemingly without hope of winning, and without regard for the human lives lost along the way. Russia’s third sector may now be not only the *best* hope, but indeed the *only* hope, for mitigating this war’s devastating effects on civil rights in the immediate future.

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The marginalization of Chechen IDPs in Russia today reveals a tremendous failure of the law. Legislative reform will be slow in coming, if it comes at all. Either way, it would by itself be insufficient to remedy the situation. The necessary precondition for legislative reform is the strengthening of civil society, the growth of domestic legal capacity and a fundamental shift in the public’s understanding of and attitude towards the law. It is also necessary that Russia’s third sector challenge the dominant discourse of securitization and that it offer alternative, rights-based frameworks within which the issues of migration and conflict displacement in the Russian Federation

may be discussed. The view of Chechens as a security threat, while pervasive, is not inevitable. The discussion on IDPs can, and indeed must, be removed from the discursive field of national security and recast in the vocabulary of human and citizens' rights.

Judging from recent events, this initiative will not come from the Kremlin. Putin's plans to restructure the government as announced in September 2004 will only strengthen the arbitrary rule of the executive, not the rule of law. Apparently it is left to Russian civil society and the citizens themselves to reclaim the law as a tool at their own disposal, which they may use to advance and protect their interests against the government's, and to insist upon an effectual and independent judiciary to arbitrate their claims. In the long term, only when this sea change in Russian legal culture is achieved will conflict-displaced Chechens be truly able to enjoy the rights which inhere in them as humans, as citizens, and as IDPs—regardless of their possession or lack of passports, residence registration and Forced Migrant status. But in the short term, until these deeper changes are effected, Chechen IDPs would benefit enormously from freer, non-discriminatory access to these identity documents. Without them, they will remain outside the protection of the law: denied viable opportunities for resettlement, and thus denied refuge even within the country of their citizenship.

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APPENDIX 1: Human Rights Treaties to Which the Russian Federation Is a Party³⁷

Organization	Convention	Date of ratification or accession (a)
United Nations	Convention Relating to the Status of Refugees (CSR) (1951)	2 February 1993 (a)
	Protocol to the CSR (1967)	2 February 1993 (a)
	Convention on the Prevention and Punishment of the Crime of Genocide (1948)	3 May 1954
	International Convention on the Elimination of All Forms of Racial Discrimination (CERD) (1965)	4 February 1969
	International Covenant on Civil and Political Rights (ICCPR) (1966)	16 October 1973
	Optional Protocol of the ICCPR (1966)	1 October 1991 (a)
	International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966)	16 October 1973
	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979)	23 January 1981
	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)	3 March 1987
Convention on the Rights of the Child (CRC) (1989)	16 August 1990	
Council of Europe	European Convention on Human Rights and Fundamental Freedoms (ECHR) (1950)	5 May 1998
	Protocol No. 4 to the ECHR	5 May 1998
	Protocol No. 5 to the ECHR	5 May 1998
	Protocol No. 7 to the ECHR	5 May 1998
	Protocol No. 11 to the ECHR	5 May 1998
	European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (1987)	5 May 1998
	Protocol No. 1 to the CPT	5 May 1998
	Protocol No. 2 to the CPT	5 May 1998
	Framework Convention on National Minorities (1995)	21 August 1998

³⁷ Reprinted from UNHCR (2000: 13).

APPENDIX 2: Russian Legislation

Memorial maintains an excellent searchable, hyperlinked database of federal and regional normative acts as well as court rulings (<http://refugees.memo.ru/site/LAW.nsf>). Additionally, federal acts and laws are available at the Russian government website (http://www.government.gov.ru/normdocs/index.html?he_id=511) and Moscow city acts and laws are available at the Moscow city government website (http://www.mos.ru/cgi-bin/pbl_web?vid=1&osn_id=0&subr_unom=2004&datedoc=0). The Ingush regional government maintains a very limited archive of presidential decrees (<http://www.ingushetia.ru/mt-docs/archivefull.html>).

All the above sources are in Russian only. For overviews of court rulings in English, please see the Council of Europe's report on residence registration (2001, section II) or Rubins (1998).

Below is a partial overview of the normative acts passed by the federal and Moscow city governments to which this paper refers, or which are particularly relevant to Chechen IDPs in Russia. For the sake of brevity, only the provisions which are most directly pertinent to the subject at hand are listed.

Legal Acts of the Russian Federation

Constitution of the Russian Federation. 12 December 1993.

- Full text available in Russian at: <http://www.hro.org/docs/rlex/constit/index.htm>.
- English translation available at: <http://www.constitution.ru/en/10003000-01.htm>.

Law No. 5242-1. 25 June 1993.

- Full title: 'On the Right of Citizens to Free Movement and Choice of Place of Residence within the Territory of the Russian Federation'.
- Original title: 'Закон Российской Федерации о праве граждан Российской Федерации на свободу передвижения и выбор места пребывания и жительства в пределах Российской Федерации'.
- Key provisions:
 - Reiterates the Constitutional right to freedom of movement within the Federation and specifies the situations in which this right can be limited.
 - Article 3 allows for residence registration, but cautions that:

Registration or its absence cannot serve as the basis for limiting or the condition for realizing the rights and freedoms of citizens foreseen in the Constitution of the Russian Federation, the laws of the Russian Federation, and the constitutions and laws of the constituent republics of the Russian Federation.

* * * *

(Регистрация или отсутствие таковой не могут служить основанием ограничения или условием реализации прав и свобод граждан, предусмотренных Конституцией Российской Федерации, законами Российской Федерации, Конституциями и законами республик в составе Российской Федерации.)
- Full text available in Russian at: <http://refugees.memo.ru/site/LAW.nsf>.

Law on Forced Migrants. 28 December 1995.

- ('Закон Российской Федерации о вынужденных переселенцах'.)
- Key provisions:

- Article 1 sets out the following definition of a Forced Migrant:

1. A forced migrant is a citizen of the Russian Federation who was forced to leave his place of [permanent] residence due to violence committed against him or members of his family or persecution in other forms, or due to a real danger of being subjected to persecution for reasons of race, nationality, religion, language or membership of some particular social group or political opinion, which grounds have served as reasons for hostile campaigns with regard to individual persons or groups of persons, [or] mass violations of public order.

2. According to the conditions foreseen in point 1, the following individuals shall be recognised as forced migrants:

1) a citizen of the Russian Federation who was forced to leave the place of his permanent residence on the territory of a foreign state and came to the Russian Federation;

2) a citizen of the Russian Federation who was forced to leave the place of his permanent residence on the territory of a subject of the Russian Federation and came to the territory of another subject of the Russian Federation.

3. A foreign citizen or a stateless person who is permanently residing on lawful grounds on the territory of the Russian Federation and has left his place of residence within the Russian Federation for the reasons foreseen in point 1 shall also be recognised as a forced migrant.

4. A former citizen of the USSR permanently residing in the territory of a republic which was formerly a constituent of the USSR, who has received refugee status in the Russian Federation and subsequently lost that status upon acquisition of citizenship in the Russian Federation, and who encountered obstacles to his settling in the Russian Federation before refugee status expired, shall also be recognised as a forced migrant.

* * * *

(1. Вынужденный переселенец - гражданин Российской Федерации, покинувший место жительства вследствие совершенного в отношении его или членов его семьи насилия или преследования в иных формах либо вследствие реальной опасности подвергнуться преследованию по признаку расовой или национальной принадлежности, вероисповедания, языка, а также по признаку принадлежности к определенной социальной группе или политических убеждений, ставших поводами для проведения враждебных кампаний в отношении конкретного лица или группы лиц, массовых нарушений общественного порядка.

2. По обстоятельствам, предусмотренным пунктом 1 настоящей статьи, вынужденным переселенцем признается:

1) гражданин Российской Федерации, вынужденный покинуть место жительства на территории иностранного государства и прибывший на территорию Российской Федерации;

2) гражданин Российской Федерации, вынужденный покинуть место жительства на территории одного субъекта Российской Федерации и прибывший на территорию другого субъекта Российской Федерации.

3. Вынужденным переселенцем также признается иностранный гражданин или лицо без гражданства, постоянно проживающие на законных основаниях на территории Российской Федерации и изменившие место жительства в пределах территории Российской Федерации по обстоятельствам, предусмотренным пунктом 1 настоящей статьи.

4. Вынужденным переселенцем признается также гражданин бывшего СССР, постоянно проживавший на территории республики, входившей в состав СССР, получивший статус беженца в Российской Федерации и утративший этот статус в связи с приобретением гражданства Российской Федерации, при наличии обстоятельств, препятствовавших данному лицу в

период действия статуса беженца в обустройстве на территории Российской Федерации.)

o Article 3.4 states:

Upon a positive status determination, each individual applying for recognition as a forced migrant shall receive a certificate of the registration [i.e., acceptance and positive status determination] of his application. [. . .] The form of this certificate and the procedure for its issuance shall be established by the Government of the Russian Federation. This certificate shall be the basis for the granting of rights and the imposition of obligations foreseen in the present Law.

* * * *

(При положительном решении вопроса о регистрации ходатайства каждому лицу, претендующему на признание вынужденным переселенцем, выдается или направляется свидетельство о регистрации его ходатайства. [. . .] Форма свидетельства и порядок его выдачи определяются Правительством Российской Федерации. Свидетельство является основанием для предоставления лицу прав и возложения на него обязанностей, предусмотренных настоящим Законом.)

o Similarly, Article 5.2 states:

[. . .] The decision to recognize an individual as a forced migrant shall be the basis for granting him the guarantees set forth in the present Law, federal law and other normative acts of the Russian Federation, as well as in the laws and normative acts of subjects of the Russian Federation.

* * * *

[. . .] Решение о признании лица вынужденным переселенцем является основанием для предоставления ему гарантий, установленных настоящим Законом, федеральными законами и иными нормативными правовыми актами Российской Федерации, а также законами и иными нормативными правовыми актами субъектов Российской Федерации.

o Article 6.1.1 codifies a right to choose one's residence:

A forced migrant has the right [. . .] freely to choose his own place of residence on the territory of the Russian Federation, including in one of the places of settlement offered to him by the territorial [regional] migration service. A forced migrant may, in accordance with the set procedure, reside with relatives or with other people, on the condition of their agreement to reside together, regardless of the size of the living space of those relatives or other people.

* * * *

(Вынужденный переселенец имеет право самостоятельно выбрать место жительства на территории Российской Федерации, в том числе в одном из населенных пунктов, предлагаемых ему территориальным органом миграционной службы. Вынужденный переселенец может в соответствии с установленным порядком проживать у родственников или у иных лиц при условии их согласия на совместное проживание независимо от размера занимаемой родственниками или иными лицами жилой площади.)

o Article 8.1 codifies a protection against forcible return:

A forced migrant can not be returned against his will to the territory (the settlement) which he left on the grounds foreseen in Point 1, Article 1 of the present Law. A forced migrant can not be resettled without his consent to another place.

* * * *

(Вынужденный переселенец не может быть возвращен против его воли на территорию (в населенный пункт), которую он покинул по обстоятельствам, предусмотренным пунктом 1 статьи 1 настоящего Закона. Вынужденный переселенец не может быть переселен без его согласия в другой населенный пункт.)

- Full text available in Russian at: <http://www.hro.org/docs/rlex/migrants/article1.htm>.

- Unofficial English translation available at:
[http://www.db.idpproject.org/Sites/idpSurvey.nsf/AllDocWeb/19679F2692B7EF0CC12568C5005C7FB0/\\$file/LawForcedMigrants.pdf](http://www.db.idpproject.org/Sites/idpSurvey.nsf/AllDocWeb/19679F2692B7EF0CC12568C5005C7FB0/$file/LawForcedMigrants.pdf).

Resolution No. 713. 17 July 1995.

- Full title: ‘Confirming the Rules of registration and de-registration of citizens of the Russian Federation in places of sojourn or residence within the territory of the Russian Federation, and an enumeration of the public officials responsible for registration’.
- Original title: Постановление Правительства РФ N 713 ‘Об утверждении Правил регистрации и снятия граждан Российской Федерации с регистрационного учета по месту пребывания и по месту жительства в пределах Российской Федерации и перечня должностных лиц, ответственных за регистрацию’.
- Key provisions:
 - Sets out general guidelines for registration policy.
 - Article I.1 explains that ‘registration is maintained in order to ensure the necessary conditions for citizens’ realization of their rights and freedoms, as well as their fulfillment of their obligations towards other citizens, the government and society’ (‘регистрационный учет устанавливается в целях обеспечения необходимых условий для реализации гражданами своих прав и свобод, а также исполнения ими обязанностей перед другими гражданами, государством и обществом’). It recognizes that registration should not interfere with Russian citizens’ freedom of movement, as enshrined in Law 5242-1.
 - Article II.10 initially included a stipulation that sojourn registration was valid for no more than 6 months. This was struck down by the Constitutional Court ruling of 1998 No 4-П. Point 6 of this ruling states:

According to Point 10 of the Rules, sojourn registration is valid for a period of no more than six months, and only in exceptional circumstances can it be extended by the organs of the registration service. This period is determined not by the will of the applicant, but at the discretion of the registration organs (the organs of the interior ministry or the local administration). This [clause’s] introduction cannot be justified [. . .].

The establishment of a period of time, the expiration of which obliges the citizen to leave his place of sojourn, constitutes an interference of the [government] into citizens’, residence and other rights [. . .] and violates the constitutional right of citizens to free choice of a place of residence and sojourn.

The period of time a citizen spends in one or another place should be established by the citizen himself. Its establishment by the government is inadmissible inasmuch as it entails a limitation on the citizen’s realizing his free choice of a place of sojourn.

* * * *

(В соответствии с пунктом 10 Правил регистрация граждан по месту пребывания осуществляется на срок не более шести месяцев, и лишь в исключительных случаях этот срок может быть продлен органом регистрационного учета. Тем самым срок временного пребывания поставлен в зависимость не от волеизъявления гражданина, а от усмотрения органов регистрационного учета (органов внутренних дел или местной администрации). Его введение не может быть оправдано [. . .].

Установление срока, по истечении которого гражданин обязан покинуть место пребывания, является вмешательством органов исполнительной власти и других органов регистрационного учета в гражданские, жилищные и иные правоотношения, складывающиеся на основе согласия сторон, и ограничивает конституционное право граждан на свободу выбора места пребывания и жительства.

Срок нахождения в том или ином месте временного пребывания должен определяться самим гражданином. Его установление государством недопустимо, поскольку означает ограничение свободы волеизъявления при выборе места пребывания).

- Has been amended on 23 April 1996, 14 February 1997, 16 March 2000, and 14 August 2002.
- Full text in Russian available at: <http://npa-gov.garweb.ru:8080/public/default.asp?no=10003761>.

Resolution No. 828. 8 July 1997.

- Full title: ‘Confirming the provisions of the passport of the citizen of the Russian Federation, a sample form and a description of the passport of the citizen of the Russian Federation’.
- Original title: Постановление Правительства РФ N 713 ‘Об утверждении положения о паспорте гражданина Российской Федерации, образца бланка и описания паспорта гражданина Российской Федерации’.
- Key provisions:
 - Article II.10 states that citizens without a place of permanent residence may have passports issued or renewed by the local PVS bodies at their current place of sojourn.
- (Постановление Правительства РФ N 713 ‘Об утверждении положения о паспорте гражданина Российской Федерации, образца бланка и описания паспорта гражданина Российской Федерации’.)
- Full text in Russian available at: <http://refugees.memo.ru/site/LAW.nsf>.

Resolution No. 163. 3 March 2001.

- Full title: ‘On the financing expenditures for the maintenance and feeding of citizens who have temporarily left their places of permanent residence on the territory of the Chechen Republic and who are now located in points of temporary accommodation on the territory of the Russian Federation, and also on the payment for transportation and conveyance of baggage of appointed citizens to their places of permanent residence on the territory of the Chechen Republic in the year 2001’.
- Original title: Постановление Правительства РФ N 163 ‘О финансировании расходов на содержание и питание граждан, временно покинувших места постоянного проживания на территории Чеченской Республики и находящихся в местах временного размещения на территории Российской Федерации, а также на оплату проезда и провоза багажа указанных граждан к местам их проживания на территории Чеченской Республики в 2001 году’.
- Key provisions:
 - Dedicates federal funds to pay for a range of financial assistance for people who have left Chechnya since 1 October 1999: reimbursements for rent in temporary accommodation centres, provision of bread and other food products, and reimbursement for the shipment of personal belongings back to people’s permanent places of residence in Chechnya.
 - Critically, this assistance only applies to citizens who are *both* ‘registered with the regional migration organs’ *and* ‘registered with the organs of the [regional] interior ministry’ (‘зарегистрированных территориальными органами по вопросам миграции и прошедших регистрационный учет в органах внутренних дел’).
- Amended in November 2002: see Resolution 797 below.
- Full text available in Russian at: <http://refugees.memo.ru/site/LAW.nsf>.

Resolution No. 797. 2 November 2002.

- Full title: ‘On the extension of Resolution No. 163 for the year 2003’.
- Original title: Постановление Правительства РФ N 797 ‘О продлении на 2003 год срока действия постановления Правительства Российской Федерации от 3 марта 2001 г. N 163’.
- Key provisions:
 - Extends the provision of aid as set out in Resolution 163 for the following year, with some amendments. The most significant change is the allotment of up to 14 rubles a day for individuals who left the Ingush tent camps after 1 November 2002 in order to resume permanent residence in the private sector in Chechnya, to be used to defray the cost of rent. UNHCR is of the opinion that ‘This latter provision (cash allowances) represents a substantial help in enhancing the possibility for IDPs to rent private accommodation and/or to indemnify host families. However, it may also be seen as an inducement for IDPs to return to

Chechnya, since such cash allowances are not foreseen for IDPs staying with host families in Ingushetia [. . .] or elsewhere' (2003: 12-3).

- Full text available in Russian at: <http://refugees.memo.ru/site/LAW.nsf>.

Resolution No. 404. 4 July 2003.

- Full title: 'On the order of the implementation of compensatory payments for the loss of housing and property as a result of the solution to the crisis in the Republic of Chechnya, suffered by citizens permanently residing on the territory of that Republic'.
- Original title: Постановление Правительства РФ от 4 июля 2003 г. N 404 'О порядке осуществления компенсационных выплат за утраченное жилье и имущество пострадавшим в результате разрешения кризиса в Чеченской Республике гражданам, постоянно проживающим на ее территории'.
- Key provisions:
 - Sets out the details of compensation for destroyed housing and property, including who is entitled to compensation, how much, and for what kinds of property.
- Amended 3 September 2003 and 9 February 2004.
- Full text in Russian available at: <http://npa-gov.garweb.ru:8080/public/default.asp?no=2206995>.

Legal Acts of the Moscow City Government

Resolution No. 241-PP. 30 March 1999.

- Full title: 'Confirming the Rules of registration and deregistration of citizens of the Russian Federation in places of sojourn or residence in Moscow and Moscow *oblast*'. (An earlier version of Moscow's Rules on Registration.)
- Original title: Постановление N 241-ПП 'Об утверждении Правил регистрации и снятия граждан Российской Федерации с регистрационного учета по месту пребывания и по месту жительства в Москве и Московской области'.
- Key provisions:
 - Article 5 states that only children whose parents have obtained registration in the city will be admitted to Moscow schools. Later stricken down by decisions of the Supreme Court and Moscow City Court.
- Full text available in Russian at: http://www.mos.ru/cgi-bin/pbl_web?vid=2&osn_id=0&id_rub=2046&news_unom=6830.

Order No. 1007-RM. 13 September 1999.

- Full title: 'On the urgent measures for ensuring the procedure for registration of citizens, temporarily sojourning in Moscow city'.
- Original title: N 1007-PM 'О неотложных мерах по обеспечению порядка регистрации граждан, временно пребывающих в г.Москве'.
- Key provisions:
 - Article 1.1 requires all temporary residents in Moscow who had arrived since 1 January to go to the PVS authorities within three days for mandatory re-registration, and authorizes the Moscow Interior Ministry (GUV D) to 'take such measures against violators of the Rules as are foreseen by the legislature, up to ejection to the violator's place of permanent residence' ('принимать к нарушителям Правил предусмотренные законодательством меры ответственности, вплоть до выдворения к месту постоянного проживания').
 - Article 1.3 calls on the GUV D to
Within a week carry out checks on citizens' observance of the Rules of registration in the private sector, in dormitories, hotels, organizations and other places of sojourn, taking fully all the foreseen measures against violators,

including the public officials and owners of residential and non-residential premises.

* * * *

(В недельный срок провести проверки соблюдения Правил регистрационного учета граждан в жилом секторе, общежитиях, гостиницах, организациях и других местах пребывания граждан с принятием всей полноты предусмотренных мер к их нарушителям, в том числе к должностным лицам и собственникам жилых и нежилых помещений.)

- Articles 2 and 3 call for a tightening of security of all forms of transport into the city: cargo lorries, passenger cars, airplanes, trains.
- Full text in Russian available at: <http://refugees.memo.ru/site/LAW.nsf>.
- Unofficial English translation available at: http://www.amnestyusa.org/countries/russian_federation/document.do?id=63F63639FCAF524E8025690000692D5E (Appendix 1).

Order No. 875. 21 September 1999.

- Full title: ‘Confirming the Temporary Procedure for removing persons persistently in violation of the rules of registration beyond the boundaries of Moscow city to the place of their permanent residence’.
- Original title: N 875-ПП ‘Об утверждении Временного порядка перемещения лиц, злостно нарушающих правила регистрационного учета, за пределы города Москвы к месту их постоянного проживания’.
- Key provisions:
 - Article 1 proposes: ‘to strengthen the Temporary Procedure for removing persons persistently in violation of the rules of registration beyond the boundaries of Moscow city to their places of permanent residence’ (‘утвердить Временный порядок перемещения лиц, злостно нарушающих правила регистрационного учета, за пределы города Москвы к месту их постоянного проживания’.)
 - The appendix specifying the details of this Temporary Procedure authorize detention before expulsion, and state that expulsion is to occur at the individual’s expense.
- Full text in Russian available at: <http://refugees.memo.ru/site/LAW.nsf>.
- Unofficial English translation available at: http://www.amnestyusa.org/countries/russian_federation/document.do?id=63F63639FCAF524E8025690000692D5E (Appendix 1).

Order No. 1057-RM. 28 September 1999.

- Full title: ‘On the temporary measures for the orderly processing of refugees and forced migrants sojourning in Moscow, as well as persons applying for recognition of such status’.
- Original title: Распоряжение N 1057-РМ ‘О временных мерах по упорядочению работы с прибывающими в г.Москву беженцами и вынужденными переселенцами, а также с лицами, ходатайствующими о предоставлении такого статуса’.
- Key provisions:
 - Article 1.1 declares that those who already have obtained Forced Migrant status in another subject of the Federation may not be registered on the MMS beneficiary list unless they also have local residence registration. Article 1.2 declares that those who come to Moscow in order to apply for Forced Migrant status with the MMS must prove that they are registered to live with ‘close relatives’ for at least six months before their Forced Migrant application will be reviewed. (This revived the ‘close relatives’ requirement of No. 121.)
 - Justifies itself ‘in connection with the sharp worsening of the situation in the city of Moscow, prompted by the series of terrorist acts which claimed the lives of a great number of victims among the population’ (‘в связи с резким обострением обстановки в городе Москве, вызванной серией террористических актов, повлекшей многочисленные жертвы среди населения’.)

- Full text available in Russian at: http://www.mos.ru/cgi-bin/pbl_web?vid=2&osn_id=0&id_rub=2044&news_unom=8783.
- Unofficial English translation available at: http://www.amnestyusa.org/countries/russian_federation/document.do?id=63F63639FCAF524E8025690000692D5E (Appendix 1).

Order No. 1289-RM. 15 November 1999.

- Full title: ‘On the changes and additions to the Order of the Mayor of Moscow of 28 September 1999 No. 1057-RM, “On the temporary measures for the regulation of processing of refugees and forced migrants sojourning in Moscow, as well as persons applying for recognition of such status”’.
- Original title: Распоряжение N 1289-PM ‘О внесении изменений и дополнений в распоряжение Мэра Москвы от 28.09.99 N 1057-PM “О временных мерах по упорядочению работы с прибывающими в г.Москву беженцами и вынужденными переселенцами, а также с лицами, ходатайствующими о предоставлении такого статуса”’.
- Key provisions:
 - Article 2 amends Article 1.2 of 1057 by removing the requirement of ‘close relatives’, but the applicant for Forced Migrant or refugee status still must have sojourn registration in Moscow for no less than 6 months.
- Full text in Russian available at: http://www.mos.ru/cgi-bin/pbl_web?vid=2&osn_id=0&id_rub=2044&news_unom=9148.

Resolution No. 707-PP. 31 July 2001.

- Full title: ‘On Moscow city’s programme for the regulation of migration for 2002-2004’.
- Original title: Постановление N 707-ПП ‘О Московской городской программе регулирования миграции на 2002-2004 годы’.
- Key provisions:
 - Sets out the MMS’s agenda for the years of 2002-2004.
- Full text in Russian available at: http://www.mos.ru/cgi-bin/pbl_web?vid=2&osn_id=0&id_rub=2044&news_unom=15458.

Order No. 2-13-15/20. 12 October 2001.

- Full title: Order of the Moscow Committee on Education ‘On the procedure for admitting children to educational institutions’.
- Original title: ‘О порядке приема детей в образовательные учреждения’.
- Key provisions:
 - In accordance with the 2000 rulings of the Moscow City Court and the Supreme Court (striking down point 5 of the 1999 Rules of Registration stipulating that children whose parents are unregistered cannot be accepted to Moscow schools) this order acknowledges the illegality of conditioning access to education on residence registration.
 - It goes on to state, however:

At the same time, taking into account the fact that underage citizens, or non-citizens sojourning on the territory of the Russian Federation on a legal basis, in accordance with Article 3 of the Law of the Russian Federation of 25 June 1993 No. 5242-1 “On the right of citizens of the Russian Federation to free movement, choice of place of sojourn and residence within the territory of the Russian Federation”, are obligated to register in their place of sojourn or residence, we ask that upon admitting underage citizens to school whose parents have no registration, [school authorities] should inform the organs of the interior ministry of the fact.

* * * *

(В то же время, учитывая, что представители несовершеннолетних, будучи гражданами Российской Федерации или лицами, не имеющими

гражданства, но пребывающими на территории РФ на законных основаниях, в соответствии со ст.3 Закона Российской Федерации от 25.06.1993 № 5242-1 «О праве граждан Российской Федерации на свободу перемещения, выбор места проживания и жительства в пределах Российской Федерации» обязаны регистрироваться по месту пребывания и по месту жительства, просим при приёме детей в школу информировать органы внутренних дел о фактах отсутствия регистрации у родителей несовершеннолетних граждан.)

- Full text available in Russian at: <http://refugees.memo.ru/site/LAW.nsf>.

Resolution No. 189-PP. 6 April 2004.

(The most recent version of Moscow's Rules on Registration.)

- Full title: 'Confirming the Rules of registration and de-registration of citizens of the Russian Federation in places of residence or sojourn in the city of Moscow'.
- Original title: Постановление N 189-ПП 'Об утверждении Правил регистрации и снятия граждан Российской Федерации с регистрационного учета по месту пребывания и по месту жительства в городе Москве'.
- Key provisions
 - Article 4.1 stipulates:

The revocation of sojourn registration of any citizen, to whom the Department of Migration Affairs of the GUVД of Moscow city has subsequently refused Forced Migrant status, shall be carried out upon the notification of refusal of the registration organs.

* * * *

(Снятие с регистрационного учета по месту пребывания граждан, которым Управлением по делам миграции ГУВД г.Москвы отказано в признании вынужденными переселенцами, осуществляется на основании уведомления об отказе органов регистрационного учета.)
- Full text in Russian available at:
http://refugee.memo.ru/For_All/LAW.nsf/cbb4e944ca1e0c48c3256a3c005f3460/7b68630026634872c3256e75006bea95!OpenDocument.