

**Statement by the delegation of the Republic of Azerbaijan**

**Delivered by Marat Kangarlinski,  
Head of the Humanitarian Issues Department,  
Ministry of Foreign Affairs of the Republic of Azerbaijan  
Warsaw, October 3, 2013**

**Working Session 16:  
Humanitarian issues and other commitments:**

- Roma and Sinti issues, including Implementation of the OSCE Action Plan on Improving the Situation of Roma and Sinti;
- Migrant workers, integration of legal migrants;
- Refugees and displaced citizens of other participating States

**The cause of internal displacement in Azerbaijan**

Armenia-Azerbaijan, Nagorno-Karabakh conflict generated a huge displacement problem which continues to be a challenge to address. At the time of the ceasefire in 1994, Azerbaijan hosted an estimated 250,000 Azeri refugees from Armenia, and 50,000 Mesketian Turks from Central Asia. The number of internally displaced persons (IDPs) from the occupied Nagorno-Karabakh and the seven adjacent districts of Azerbaijan is about 700,000 according to the government. Given its 9 million population, Azerbaijan has the largest per capita IDP burden in the world.

Despite the cease-fire and termination of hostilities achieved in May 1994, the conflict is still not over. A political resolution has not been achieved and the efforts of the international community, especially of the OSCE Minsk Group, have not yet yielded any result.

While there are IDPs living in every district of the country, the majority live in and around the capital Baku and Sumgayit. Other significant numbers live in rural settlements close to the contact line. Displaced persons living in urban areas merge and live side by side with the local population. Those living in rural areas, however, often live in isolated settlements far from local towns. Overall, relations with the local populations have been positive, marked by understanding for their situation and the general absence of discrimination.

**International protection of IDPs**

The main principles of international protection of refugees are contained in the 1951 Convention Relating to the Status of Refugees and its Additional 1967 Protocol. Those people, who have crossed an internationally recognised border, can be shielded by norms set out by the international refugee law. The same principle, however, cannot be accorded to IDPs, whose protection in international law up to recent times has not been sufficiently promulgated and defined. The existing international law, while providing substantial coverage for the internally displaced, has significant areas in which it fails to provide sufficient protection.

There is no single binding document that could be applied to IDPs. In my view, today it might be the right time to consider the drafting of a legally binding document, primarily built upon principles and rules enshrined in the UN Guiding Principles on IDPs.

The above-mentioned, however, should not be understood that international law is impotent to uphold human rights of the internally displaced. On the contrary, there are a lot of international and regional instruments, which could be deployed on behalf of internally displaced. To the extent that their basic human rights have been violated, they are entitled to protection and assistance whether as refugees abroad or IDPs within their own country.

In contrast to humanitarian law, human rights law takes care of economic and social set of human rights, which must remain respected even in times of war. It is noteworthy also that human rights can provide adequate coverage to IDPs at all stages of forcible displacement, namely during displacement, and during return and reintegration, and even contain relevant guarantees protecting persons before forcible displacement takes place, what humanitarian law definitely cannot.

Thus, the primary responsibility for IDPs rests with national governments.

### **National legal framework for the protection of IDPs**

Azerbaijan has ratified most of the major international human rights instruments, e.g. Refugee Convention of 1951 and its Protocol of 1967. Azerbaijan is a party to regional human rights treaties including the European Social Charter, the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols, recognizing the jurisdiction of the European Court of Human Rights. Moreover, according to its Constitution, international treaties constitute an integral part of the Azerbaijani legal system and are to prevail in the event of conflicting provisions in national legislation.

Azerbaijan has developed and now had in place for many years, an important body of national legislation addressing the situation of its internally displaced population which aims to normalise their status as citizens with equal rights, while also affirming their special situation and needs. Central among this body of legislation is the 1999 Law of the Republic of Azerbaijan on the Status of Refugees and Internally Displaced Persons, which provides a definition of an internally displaced person and regulates their rights and obligations. It includes a wide range of rights which both assert their equal rights as citizens, including equal access to the labour market, employment opportunities and the courts, as well as provisions which provide for various forms of special assistance from the State.

With regard to the latter, these rights are detailed in the 1999 Law on the Social Protection of Internally Displaced Persons which provides for their rights to, *inter alia*, free temporary accommodation; public health care; social assistance; pensions; State education from the primary to the University levels; exemption from payment of utilities and taxes; the allocation of land plots; the provision of preferential loans; and assistance in seeking employment. This law provides for special financial and other forms of assistance to IDPs, while also allowing for the possibility of external humanitarian assistance from the international community.

Various other provisions in a number of legislative acts grant particular rights to IDPs, such as the 2004 Presidential Decree prohibiting the forced eviction of IDPs from their current place of residence until their return to their place of origin or resettlement. In 2004, the Government also adopted the State Programme for the Improvement of Living Standards and Generation of Employment for Refugees and IDPS. This programme seeks to improve living conditions for

displaced populations, in particular by: improving public utility services and housing conditions; reducing poverty, including through a number of employment and income-generation initiatives; and ensuring coordination with humanitarian agencies on issues such as durable solutions and mine clearance in liberated areas. This decree was followed by another in 2007, which aimed to improve infrastructure, promote construction projects (e.g. houses and community facilities), and generate employment opportunities for IDPs. There is also the wider programme, namely the State Programme on Alleviation of Poverty and Sustainable Development in Azerbaijan 2008–2015, which also includes the issue of displaced populations.

In order to ensure efficiency and to centralise the government's initiatives on resolving social problems faced by the refugees and internally displaced persons in the country, the State Committee on Affairs of Refugees and Internally Displaced Persons was established in 1998.

### **The early situation of IDPs**

Since 1988, the people displaced by the war over Nagorno-Karabakh have been struggling for economic stability. Most of them were living in refugee tents, railroad carriages, and chaotically established settlements. Access to clean water and sanitary services in these situations was poor, and energy supplies were often severely limited. The worst affected were children and women belonging to families that faced unemployment, physical insecurity, stress and, above all, enormous loss of dignity and self-respect. A large majority of them were deprived of many rights and were without access to minimal social protection.

During early years of displacement, large majority of the internally displaced persons lived in extreme conditions in 12 tent camps, 16 "Finnish" style settlements constructed with prefabricated apartments, farms, dugouts and in shelters by highways, cargo carriages on railways, public buildings, dormitories, education facilities and kindergartens, sanatoriums, boarding houses, tourist facilities, half-finished construction sites, many of which lacked basic conditions and sanitary requirements. These people have been provided with temporary shelters in more than 1600 settlements in 62 cities of the country.

The displaced population had a diverse socio-economic profile, although most had a basic primary and secondary education and come from agricultural backgrounds. The conflict and subsequent displacement had also a disruptive effect on the education of those displaced and particularly the youth, making it impossible for many to continue their studies. The protracted nature of the displacement also had a negative effect on their psychological and social condition, particularly in the case of women, children and the elderly. This has been exacerbated in many cases by the isolation and marginalisation and by difficulties they faced in integrating fully into the economic life of the country and becoming self-reliant.

### **The later situation of IDPs**

The Government of Azerbaijan has assumed all the challenges and problems faced by the displaced population. Over the years, it has provided significant resources towards the improvement of overall living conditions for its displaced population. This has resulted, first of all, in better housing conditions and a significant decline in the poverty rate among the IDPs. The general incidence of poverty is no longer as substantially different from the rest of the population. In 2007 the Government of Azerbaijan succeeded to eliminate the last IDP camp in the country (12 camps in total) at the expense of resources of the State Oil Fund.

## **The current situation of IDPs**

The Government of Azerbaijan makes significant achievements every year for the solution of housing problems of IDPs. 77 modern living settlements consisting 31 thousands houses were constructed in 2001-2012. In those residential areas, 134 schools, 5 music schools, 48 kindergartens, 51 medical stations, 43 cultural centres, 2 Olympic Sports Complexes, 781 km water line, 1333 km overhead power line, 288 km gas line were supplied, 13 km heating lines were provided. All these settlements include schools, kindergartens, medical, sports and cultural facilities. Until now 140 thousand IDPs (31 thousand families) have been provided with new houses. According to the adopted state programs it is planned to provide 115 817 IDPs with new houses in 2012-2014.

In general 4,3 billion AZN (Azeri manats) have been spent for the solution of social problems of IDPs in the country during 1993-2012: 2 billion AZN from state budget, 1,5 billion AZN from State Oil Fund and 0,8 billion AZN by international organisations.

167 798 IDPs were provided with jobs in 2001-2012. As a result of the taken social measures poverty level among IDPs decreased from 74 percent to 12 percent during last years.

Despite the enormous efforts made by the Government the total solution of IDP problems is still not possible. About 400 000 IDPs still live in difficult conditions in old houses unsuitable for living. Due to the large scale of the IDP problem in the country the government of Azerbaijan is in need of assistance of international organisations and donors.

## **International responses**

Over the years, international and national agencies in Azerbaijan have gradually reduced and reoriented their activities from large-scale emergency programmes to smaller scale development programmes. This is largely in response to the protracted nature of the displacement situation, the fact that the most urgent humanitarian needs have been addressed and the growth of the State economy. While assuming its full responsibilities with regard to its internally displaced population, and related costs, the Government of Azerbaijan continues to express its interest in continued engagement with the international community.

The current support from the international community includes a number of programmes, including initiatives to improve livelihoods, such as a soft loan scheme by the World Bank; small-scale livelihood projects through micro-credit schemes; a multi-crop greenhouse project; and skills training for youths. Other types of support to the displaced population are also provided in the form of relief items, community-based projects in selected settlements and advocacy activities promoting a rights-based protection approach to displacement problems.

## **Future prospects for IDPs**

Despite the above-mentioned developments, both old and new problems are affecting the IDPs. Stronger efforts are necessary to provide them with livelihood opportunities and decrease dependency on government transfers.

First of all, it falls on the Azeri government to make the lives of IDPs more secure by investing directly in their education and health services, and by expanding job opportunities. At the same time, international humanitarian support remains vital for Azerbaijan. It is essential to have more target-oriented development programmes

IDPs continue to face problems, some of which are increasingly related to the protracted nature of their displacement. The full restoration of the human rights of IDPs requires first and foremost, a resolution to the outstanding peace negotiations on the Nagorno-Karabakh conflict. Azerbaijan's position in this issue is crystal clear – upon liberation of all Azerbaijani territories from the Armenian occupation, return of IDPs to their places of origin and restoration of normal life between the Armenian and Azerbaijani communities, the issue of the status of Nagorno-Karabakh within the territorial integrity of Azerbaijan can be discussed.

I hope that in due course, the return of IDPs will begin, along with permanent rehabilitation. However, before that, as peaceful political options are being explored, it will be important to continue to resolve certain humanitarian issues, irrespective of political considerations.

Thank you!