

Submission by the Republic of Azerbaijan to the UN Secretary-General's High Level Panel on Internal Displacement

1. The key issues, problems or imperative which, as you see it, should be prioritized by the Panel in its analysis of the crisis of internal displacement today and how prevention, response at large and solutions can be effectively advanced.

Azerbaijan as a country suffering from internal displacement for almost 3 decades, attaches great importance to international humanitarian cooperation aimed at protection of and global assistance to IDPs. It is our conviction that international organizations and institutions should play a catalyst role in attracting the international attention to the issues related to IDP communities. In that sense, the High-Level Panel on Internal Displacement established by the UN Secretary-General represents a rare opportunity for international community to address problems faced by IDPs, especially those in protracted displacement situations frustrated with the lack of settlement of conflicts and other root causes of their displacement throughout the globe. In this context, the Government of Azerbaijan encourages the Panel to mainly focus on advocating secure, voluntary and dignified return of IDPs to their homes, as well as to support return and temporary resettlement projects implemented by the governments.

Internal forced displacement in Azerbaijan became one of the consequences of the military aggression and occupation of the Nagorno-Karabakh and seven surrounding regions of Azerbaijan by Armenia and ethnic cleansing conducted in these territories in 1992-1993. The overall number of IDPs in Azerbaijan as a result of the Armenia-Azerbaijan Nagorno-Karabakh conflict is 651,458 persons. Additionally, there are more than 300,000 Azerbaijani refugees who fled Armenia and were subsequently granted citizenship of Azerbaijan. After the outbreak of the conflict, the IDPs and refugees in Azerbaijan were temporarily settled in 62 cities and districts across the country in more than 1,600 heavily populated settlements.

2. Across the objectives of prevention, response and solutions, how can national political will, responsibility and capacity be catalyzed and cultivated.

Active governmental involvement in countrywide processes with regard to IDPs together with early planning and prevention policies and international partnership can best serve to catalyze and cultivate national political will, responsibility and capacity, mobilizing efforts for addressing internal displacement.

The situation of displaced persons in Azerbaijan is notable for several reasons. The first is that in a country of a little over 10 million citizens (7 million during the start of the displacement), Azerbaijan hosts one of the largest per capita displaced populations in the world. Secondly, whereas in many cases of internal displacement throughout the world it is the local environment and authorities themselves that contribute to the problem, in Azerbaijan the displaced persons enjoy the same rights with other citizens of this country and do not experience discrimination. Another important distinction is that in the situation of substantial economic growth experienced by Azerbaijan since the beginning of 2000, the Government has assumed full responsibility for improving living and other conditions of IDPs, while encouraging the continued engagement of international organizations and private sector.

Faced with decreasing international humanitarian assistance and Armenia's continuous refusal to liberate the occupied territories of Azerbaijan, the Government took steps with a view to

reduce the dependence of IDPs on humanitarian aid and at the same time to improve their living conditions and livelihoods. The Government attracted donors and developed a system of realistic arrangements to organize new possibilities for destitute families. To this end, the Government also initiated the construction of new, compact and modern residential settlements with necessary infrastructure for the IDPs living in the worst conditions.

3. *The relevance and role of humanitarian, development, peace, climate change and disaster reduction action, and how a more integrated approach in these respects can be fostered. Submissions can in these respects also address the role of the Private Sector, Regional or International Financial Institutions and other development partners and actors.*

Humanitarian action aimed to further transition to development should be encouraged by the Panel, where the displaced population will not only benefit from the relief aid but will also be able to develop its own livelihood in the long run. For developing a more integrated approach the Panel may also call upon stakeholders to close community engagement while taking relevant actions in order to better understand the needs of those living in displaced situation.

In this regard, the strategy of the Government of Azerbaijan aims at transition from humanitarian assistance to development programs. This strategy was officially sanctioned in 1998 and supported by the international organizations in the Memorandum of Understanding signed by the Government of Azerbaijan and UNDP, UNHCR and the World Bank in 1999. Subsequently, the Government has issued a number of executive orders for the implementation of the new strategy. Since the start of the conflict, many executive decrees and orders were issued by the Government and 34 national Laws were passed by the Parliament aimed at solution of social problems of refugees and IDPs.

To achieve this goal, the Government of Azerbaijan established the Social Fund for the Development of IDPs (SFDI) in 1999 to support the day-to-day activities of the State Committee for Affairs of Refugees and IDPs of the Republic of Azerbaijan.

Despite the large scale of displacement, Azerbaijan has made significant progress in improving living conditions of IDPs. More than 300,000 IDPs have been provided by the Government with new houses in the newly established residential settlements, where they moved from 12 tent camps and villages consisting of luggage vans on railways in 2007, and 16 temporary residential settlements in 2016.

Overall, in the last 25 years, 7.1 billion Azerbaijani Manats (AZM) (more than 6 billion USD) were spent for the improvement of social problems of IDPs (3.4 billion AZM from the state budget, 2.3 billion AZM from the State Oil Fund of Azerbaijan, and 1.4 billion AZM from the resources of international financial and humanitarian organizations).

In total, more than 100 modern residential settlements and living complexes for IDPs provided with necessary social infrastructure were established in 30 cities and regions of Azerbaijan. In 2018-2019 alone, almost 12,000 IDP families were provided with new houses.

In recent years, the Government of Azerbaijan has succeeded in attracting private sector to the process of solving housing problems of IDPs. “Gobu-1”, “Gobu-2” and “Gobu-3” residential complexes have been constructed since 2017 through the total financial support of private sector.

4. *New or creative financing solutions which can be built up or better utilized in enabling more effective responses to displacement and the achievement of durable solutions.*

IDPs receive monthly allowances from state budget and they are free from communal payments. Education fees of the IDP youth admitted to state universities on a paid basis are covered by the state budget. In 2019, the total amount of monthly allowance to IDPs from the state budget was estimated to be 304 million AZM. In 2019, the number of resources allocated by the Government to IDPs for construction of new houses, monthly allowances and education fees amounted to 522 million AZM (307 million USD). The number of IDPs provided with permanent work estimated to be 200,000, of which more than 160,000 IDPs were also provided with temporary jobs in budgetary institutions and other fields. They are also given concessional loans for the development of entrepreneurship. As a result of these measures, the poverty rate among IDPs has decreased from 75% to 12% during the last 15 years.

5. *Critical issues or questions as you see them in respect to data and evidence in the response to internal displacement including gaps, shortcomings and challenges in approaches or implementation and how these can be addressed.*

In recent years, the Government of Azerbaijan has improved the registration process of IDPs. Starting from 2018, IDPs are registered according to their PINs, instead of temporary places of residence. A single electronic database of IDPs according to PIN registration established in the country has provided the Government with precise data on displacement. One of the concerns of the Government of Azerbaijan is the methods used by a number of international organizations in respect to IDP data and statistics. Deducing the number of IDPs provided with temporary houses from the total number of IDPs in the country, is not an acceptable approach to the problem, since temporary provision of houses does not deprive these people from their legal status and they continue to enjoy other IDP privileges as provided by the Government, such as monthly allowances, preferentiality in education, etc. It should be taken into account that despite being provided with houses by the Government, these IDPs are still being denied their basic right to safe, dignified and voluntary return to their native lands.

6. *Focusing on solutions, your perspectives on what has led to many situations of internal displacement remaining stalled for many years and how effective solutions can be catalyzed, driven forward and supported.*

Over the years, international organizations have repeatedly noted that there is an effective humanitarian response to internal displacement in Azerbaijan. In his report on the follow-up mission to Azerbaijan in 2014, UN Special Rapporteur on human rights of IDPs Mr. Chaloka Beyani commended the Government of Azerbaijan for its dedication to the issue of internal displacement and for continuing to assume the primary responsibility for the protection and assistance of persons internally displaced by the armed conflict in and around the Nagorno-Karabakh region of Azerbaijan, and indicated that one of the main obstacles in the search for durable solutions for IDPs in Azerbaijan remains the absence of a political settlement to the unresolved conflict in and around the Nagorno-Karabakh region of the Republic of Azerbaijan. He notably called on the international community and all parties concerned to work towards reaching a peaceful settlement to the conflict, with the aim of full restoration of human rights of IDPs in Azerbaijan, in particular their right to a voluntary return to their native lands in safety and dignity.

Despite all abovementioned steps and actions taken by the Government of Azerbaijan together with its international partners, as well as local stakeholders, the experience of protracted displacement in conflict zones clearly proves that it is impossible to find a durable solution to forceful displacement in these situations only by addressing humanitarian consequences of the problem.

It should be noted that the UN Security Council Resolutions 822, 853, 874 and 884 adopted in 1993 clearly indicated and condemned the occupation of the Azerbaijani lands and expressed grave concern at the displacement of large numbers of civilians in the Republic of Azerbaijan. These documents called for immediate withdrawal of all occupying forces from the occupied territories of Azerbaijan and requested the UN Secretary-General and relevant international agencies to assist displaced persons to return to their homes in security and dignity.

The European Court of Human Rights in its judgment *Chiragov and others v. Armenia* stressed that the ongoing negotiations within the OSCE Minsk Group (i.e. the resolution process) do not provide a legal justification for the interference with the rights of Azerbaijani IDPs, and recalled Armenia's obligations towards Azerbaijanis who had to flee during the conflict. The Court indicates the continued presence of Armenian and Armenian-backed troops in the occupied territories of Azerbaijan as a factor preventing return of Azerbaijani IDPs to their lands.

Despite the demands of international community, the return of IDPs to their homes is still impossible in Azerbaijan. However, since the beginning of the conflict there was also an example of a successful return to and rehabilitation in the liberated Jojug Marjanly village. This village in Jabrail region of the Republic of Azerbaijan had been occupied by Armenian armed forces in October 1993, and was liberated four months later. However, its proximity to a height still under military occupation made it impossible for displaced civilian population to return to their village until 2016, when following a counter-attack the control over a height was regained by Azerbaijan and conditions for people to return voluntarily in safety and dignity were established. The Government of Azerbaijan initiated the comprehensive rehabilitation process of Jojug Marjanly village to ensure the return of IDPs to their native village. 150 houses were built in the village. This has become a unique return, rehabilitation and resettlement project implemented for the first time in the whole South Caucasus area, when the enabling environment was created for IDPs to return to their places of habitual residence after 23 years of displacement. The inhabitants of the newly reconstructed village began a new life in their own land with access to safe, affordable and adequate housing and services, with a high-standard infrastructure and income opportunities.

7. What steps could be taken to strengthen the effectiveness of response management, coordination and accountability at all levels in contexts of internal displacement?

One of the main reasons of protracted displacement situations in the world is the lack of respect to the norms and principles of the international law, as well as to the resolutions and decisions of relevant international bodies. Adherence to internationally binding documents, especially to relevant provisions of the IVth Geneva Convention of 1949 prohibiting forcible transfers and deportations of civilians should be provided to avoid the displacement of people during armed conflicts.

The international community, especially the international organizations with relevant mandates should not evade addressing political and legal aspects of the problem without which a decrease of forceful displacement in the world seems unrealistic. Timely demonstrated political will and determination to prevent and solve conflicts is the most desired approach that will not only

diminish the magnitude of the problem, but also reduce the burden for humanitarian organizations.

Therefore, together with humanitarian actions aimed at creating temporary solutions for internally displaced people and their livelihoods today, the prioritization should be given to addressing root causes of displacement across the globe, emphasizing return of displaced population to their homelands with a view to achieving durable solutions for them.