



COUNTRY OPERATIONS PLAN

Executive Committee Summary

Country: Azerbaijan

Planning Year: 2005

2005 COP Azerbaijan

PART I: EXECUTIVE COMMITTEE SUMMARY

Context of the Beneficiary Populations

(a) Context and Beneficiary Populations

Azerbaijan, which since the early 1990s has had to grapple with the problem of a massive internally displaced population resulting from the still unresolved conflict with Armenia over Nagorno-Karabakh, has in recent years also become a refugee destination and transit country. Working in a complicated political environment, UNHCR is playing a crucial role in helping the national authorities to establish an asylum system, protect and assist over 10,000 asylum seekers and refugees, reduce statelessness, improve conditions for vulnerable urban IDPs, and, along with others (IOM, OSCE, the Council of Europe, the EU) combat trafficking and help build a humane migration management system.

After more than a decade-long involvement in Azerbaijan, UNHCR is faced with the challenge of remaining relevant and influential as it completes its shift of focus from IDPs - that is uprooted ethnic Azeris, who remain the Government's priority - to asylum seekers and refugees from outside the country. Since 1999 there has been an inflow of thousands of asylum seekers, mainly Chechens from the Russian Federation, and some Afghans, Iraqis and Iranians. By the end of August 2004, 10,840 asylum seekers had registered with UNHCR Baku, about 78% of them being Chechens. Most of the asylum seekers in Azerbaijan are located in and around the capital, Baku.

The volume of the inflow of asylum seekers has progressively diminished since its peak in mid-2001. Nevertheless, during the first half of 2004 the flow of Chechen asylum seekers arriving in Azerbaijan and registering with UNHCR was still continuing at a steady rate of over 60 individuals a month, with around a dozen non-Chechens also arriving every month during the same period from other countries (including Iran, Afghanistan). There did not appear to be any immediate prospect of conditions improving sufficiently in and around Chechnya in the Russian Federation to attract the Chechen asylum seekers in Azerbaijan to return home voluntarily. Likewise, the security situation in Afghanistan and Iraq, though slowly improving in some regions, still left a lot to be desired before voluntary repatriation could be promoted as a solution for the respective caseloads from these countries.

The fledgling national asylum system developed with UNHCR's assistance started functioning in early 2004 and by September the first 14 persons had been recognised as refugees. Chechen asylum seekers – the bulk of UNHCR's caseload in Azerbaijan – are still excluded from the national RSD procedure. Although the authorities have publicly committed themselves to assuming full responsibility in 2005 for running the national asylum system, local integration for recognized external refugees is still to be really accepted by the Government of Azerbaijan as an option, and larger-scale resettlement in third countries remains difficult to effect in practice. UNHCR Baku therefore has a difficult task on its hands. It will need to continue providing protection

and assistance to a large urban and mainly ethnic Chechen asylum-seeker caseload many of whom find themselves in a protracted situation of not having any durable solution in sight while at the same time urging the Government to implement its obligations under the 1951 Refugee Convention and the relevant domestic legislation which is already in place. For the excluded Chechen asylum seeker caseload UNHCR Baku will continue to advocate that the Government of Azerbaijan extend a subsidiary form of protection to them in the form of a humanitarian status.

Protection Issues in the Asylum System Building Sphere

Although Azerbaijan acceded to the 1951 UN Refugee Convention in 1993, it is only now beginning to establish a national asylum system and to address the broader challenges of humane migration management. In 2001, a Governmental unit responsible for Refugee Status Determination (RSD) was established under the State Committee for Refugees, IDPs and Migration (SCR). Having subsequently been fully supported in its development by UNHCR, this body started formally functioning in early 2004 but real progress remains problematic. By the summer of 2004 only a handful of asylum seekers had been recognized by the Government as refugees and none of them were yet receiving any kind of social assistance from it.

The situation is further complicated by the fact that the Government of Azerbaijan remains reluctant to consider Chechens fleeing from the Russian Federation as asylum seekers and to admit them to the fledgling national RSD procedure. As a result of UNHCR's interventions, which were backed by support from the diplomatic corps, the Government has instead operated a de facto temporary protection regime for Chechen asylum seekers in the sense that it does not deport them and tolerates their remaining in the country, but without a legal status and without access to any social assistance.

Thus, while UNHCR strives to hand-over responsibility for the RSD procedure to the Government, the overwhelming majority of its current caseload remains excluded. Asylum-seekers therefore depend on UNHCR Baku's protection activities and limited but vital individual assistance program. The problem is further complicated because asylum seekers are not legally allowed to work in the country thus further reducing the possibility of self-reliance. In 2003 a breakthrough was achieved when the Government agreed to allow asylum seeker children into the state schools. Though UNHCR Baku has tried to initiate discussions with the Government on the need to open access for asylum seekers to medical assistance, no real progress has yet been made. Therefore, UNHCR Baku sees the need to continue providing basic medical care through an NGO partner.

Clearly the absence of some form of de jure protection and legalization of the stay on the territory of Azerbaijan of the Chechen and other asylum seekers not being allowed into the national RSD procedure is not satisfactory. UNHCR's resources for providing care and maintenance assistance are also very strained and the asylum seeker population is becoming increasingly destitute and despondent. A compromise formula is needed which will legalize temporary protection on humanitarian grounds of those whom the Government finds politically inexpedient to consider as refugees according to the 1951 Refugee Convention. UNHCR will therefore seek to step up the dialogue on this acute issue at a higher political level in order to find appropriate legal and humanitarian solutions and build support for this from among the international community.

Statelessness

Although Azerbaijan is a signatory of the 1954 and 1961 Conventions relating to Statelessness, it is estimated that there could be up to about 40,000 people in the country who might be affected by de jure or de facto statelessness. They include ethnic Armenians, Iranians and Afghan. This area still requires considerable efforts from UNHCR and its partners (in this case, especially the Council of Europe and the OSCE) to ascertain the scope and complexity of the problem, and in work with the Government and public generally aimed at reducing it.

Involvement with IDPs

In 1992-93, upon the request of the Government of Azerbaijan and the approval of the UN Secretary General, UNHCR launched an emergency relief operation for the hundreds of thousands of Azeris uprooted by the Nagorno-Karabakh conflict, some 200,000 having been forced to flee from Armenia, and more than half a million more subsequently displaced within Azerbaijan itself. Until about 2000 UNHCR was mainly involved in providing assistance and where possible durable solutions to IDPs, but since then, as other actors have increasingly become involved in the post-emergency transition from relief to development activities, it has scaled down its work with IDPs and increasingly concentrated on its core mandate concerns relating to the protection of asylum seekers and refugees.

In the absence of a political settlement of the Nagorno-Karabakh conflict, the Azeri IDP population became hostages of the protracted “no peace, no war” situation and of “donor fatigue” and “forgotten conflicts” syndromes. This forced both the Government and the international humanitarian and development actors to seek more “durable” solutions and remedies for the IDPs involving local integration and improvement of living standards based on post-emergency developmental strategies. Financial institutions, such as the World Bank and International Monetary Fund, have supported a State Programme for Poverty Reduction and Economic Development (SPPRED), which was officially approved in 2003, setting the country on a path toward poverty reduction and achievement of the Millennium Development Goals. UNHCR Baku through its cooperation with other UN agencies in the United Nations Development Assistance Framework (UNDAF) supports this strategy.

Fortunately, Azerbaijan’s new oil revenues have also permitted its Government to begin taking on a greater responsibility for its internally displaced citizens through the construction of new settlements and provision of social aid. Under President Heydar Aliyev a State Oil Fund (SOFAR) was established to protect the country from the difficulties typically faced by oil-dependent economies and resources have been allocated to improve conditions for the country’s most vulnerable IDPs. His successor, President Ilham Aliyev has pledged to continue this approach. In one of his steps, his Decree of 24 November 2003 “on accelerating socio-economic development”, he affirmed his commitment to a poverty reduction and economic growth strategy and he has pledged during 2004 to resettle IDPs still remaining in the so-called tent camps in new settlements built by the Government. In July 2004, the President issued a further decree launching a broader programme for the improvement of the living conditions of IDPs.

Within this context, UNHCR envisages a continued phasing down of its direct assistance to IDPs, now focused on the most vulnerable urban IDPs, while retaining activities in sectors where the organization's experience and expertise are considered an added value (e.g. contingency planning with others for the return of Azeri IDPs to their areas of origin if and when a peace settlement is reached, and in promoting the Guiding Principles on Internal Displacement as well as playing an overall advocacy role in favor of the cause of IDPs within the International Community). In this way, UNHCR will have readjusted its policies from the emergency relief mode to the post-emergency phase in which the Government and developmental actors have assumed the primary responsibility and at the same time maintained a linkage with the overall approach of tackling IDP issues as part of a broader strategy for reducing poverty and improving living standards generally.

Beneficiary populations:

In 2005, the beneficiary groups will remain the same: refugees and asylum-seekers (mainly from Chechnya in the Russian Federation, Afghanistan, Iraq and Iran), stateless persons (Afghan and Iranian residents of Azerbaijan) and Internally Displaced Persons (IDPs) from Nagorno-Karabakh and occupied regions bordering the enclave.

The table below provides age and gender breakdown of the beneficiary population as of 1 January 2004 based on UNHCR Baku's active caseload (9,131). NB The total number of asylum seekers who had registered with UNHCR Baku since 1999 was 10,840.

Name of beneficiary population	Age group	Male	Female	Total	Comments
Asylum Seekers and Refugees with UNHCR Azerbaijan					
Chechens from the Russian Federation	0-4	376	394	7685	
	5-17	1392	971		
	18-59	2402	1971		
	60 and >	50	129		
Afghanistan	0-4	27	11	1096	
	5-17	175	58		
	18-59	612	201		
	60 and >	7	5		
Iran	0-4	4	1	224	
	5-17	17	13		
	18-59	125	58		
	60 and >	5	1		
Iraq	0-4	4	1	78	
	5-17	11	6		
	18-59	42	14		
	60 and >				
Other	0-4	4	1		

	5-17 18-59 60 and >	6 25	5 7	48	
Stateless Persons	0-4 5-17 18-59 60 and >			40,000*	* Estimated
IDPs from Nagorno-Karabakh and occupied areas	0-4 5-17 18-59 60 and >	Total: 271,354	Total: 299,918	571,272*	*GoA Statistics Dec. 2003

(a) Selected Programme Goals and Objectives

Name of Beneficiary Population / Theme 1: Strengthening Asylum	
Main Goal: The Government of Azerbaijan implements the 1951 Refugee Convention and relevant domestic legislation with UNHCR playing a supporting and monitoring role.	
Principal Objectives	Related Output
<ul style="list-style-type: none"> Asylum seekers have access to the governmental RSD procedure in which their claims are heard fairly and promptly. 	<ul style="list-style-type: none"> Eligibility decisions are taken within a timeframe determined by the legislation and in transparent way, with a possibility to appeal. The RSD Unit of the SCR shares information on case processing as per Article 14 of the national RSD procedure and article 35 of the Convention.
<ul style="list-style-type: none"> The GoA assumes greater financial responsibility for providing RSD. 	<ul style="list-style-type: none"> The Government of Azerbaijan provides premises for RSD Unit. The GoA pays salaries of the RSD Unit with supplements from UNHCR

Name of Beneficiary Population / Theme 2: Statelessness	
Main Goal: Statelessness in Azerbaijan is reduced	
Principal Objectives	Related Output
<ul style="list-style-type: none"> Potential statelessness is avoided 	<ul style="list-style-type: none"> De jure or de facto stateless persons in Azerbaijan have access to legal counseling and acquire citizenship
<ul style="list-style-type: none"> Promote practical implementation of the 1954 and 1961 Conventions 	<ul style="list-style-type: none"> Intensive lobbying campaign and PA activities among legislators, legal and executive branches of the state conducted jointly with CoE, OSCE and OHCHR

Name of Beneficiary Population / Theme 3: Chechnya Situation	
Main Goal: The protection and humanitarian needs of Russian citizens of Chechen ethnicity are recognized and addressed by the GoA.	

Principal Objectives	Related Output
<ul style="list-style-type: none"> While preserving the de facto temporary protection regime for Chechen asylum seekers, advocate that the GoA recognizes <u>de jure</u> their protection needs by legalizing humanitarian status for them. 	<ul style="list-style-type: none"> Intensive lobbying campaign among the policy makers with involvement of other international organizations and representations through organizing high-level experts meetings
<ul style="list-style-type: none"> Develop coping capacities through sustainable forms of assistance such as income generation initiatives, community development and education. 	<ul style="list-style-type: none"> Assistance for lodging, food, health and education is provided to those vulnerable cases that require it. UNHCR continues to support the Women's Centre to address isolation problems of, as well as empower women and conduct skill training for them to become self-sufficient and to prepare for voluntary repatriation.

Name of Beneficiary Population / Theme 4: Economic And Social Rights of IDPs and GoA Recognized Refugees

Main Goal: Assist the Government in meeting the basic needs of the most vulnerable local population (IDPs) and Government recognized refugees in a way that links up with the Poverty Reduction Strategy Programme (PRSP) of the Government.

Principal Objectives	Related Output
<ul style="list-style-type: none"> Similarities in problems faced by the vulnerable local urban IDP and the asylum seeker / refugee populations is recognized by the Government 	<ul style="list-style-type: none"> UNHCR approaches in IDP situations, such as improved housing for vulnerable IDPs in urban areas, are adopted/approved by the Government and include both IDPs and refugees/asylum seekers.
<ul style="list-style-type: none"> While improving living conditions for vulnerable urban IDPs, provide GoA recognized refugees with adequate and humane living conditions 	<ul style="list-style-type: none"> Five to ten apartments in each of the targeted public building inhabited by IDPs are allocated to accommodate GoA recognized refugee families.

