

COUNTRY OPERATIONS PLAN

Country: Azerbaijan

Planning Year: 2002

Part I: Executive Committee Summary

(a) Context and Beneficiary Population

Context

The dispute between Azerbaijan and Armenia over the enclave of Nagorno-Karabakh had led to an open warfare in 1993. Hostilities caused numerous casualties and hundreds of thousands of Azeri citizens to flee their homes. Over eight years since then, these people have been scattered throughout the country and accommodated in different kinds of buildings and sub-standard shelter such as: public buildings, camps, railway carriages, former schools, and dugouts. In 1994, the belligerents agreed to halt active military hostilities. Since then the cease-fire is maintained despite occasional skirmishes along the front line.

Both Azerbaijan and Armenia have repeatedly expressed their willingness to settle their dispute over the Nagorno-Karabagh conflict through peaceful means under the auspices of the OSCE Minsk Group. Seventeen meetings (including *tête-à-tête* meetings at the presidential level) have taken over the past two years to outline the main principles of an agreement for lasting peace. The most recent meeting was held in Key West (Florida, USA) in April 2001. However, these efforts have not led to acceptable compromises to both sides and peaceful resolution as yet.

Azerbaijan has embarked upon political, social and economic reforms, since the collapse of the Soviet Union. Despite these initiatives, orientation to market-based economy and exploration of oil deposits, no meaningful changes in the living standards of the majority of the internally displaced population (IDPs) have been observed. In January 2001, Azerbaijan was granted membership to the Council of Europe. It is expected that the accession will promote further political, social and legal reforms.

Protection Issues

In the absence of a political settlement, more than half a million persons remain displaced from their homes as return to their former places of residence in Nagorno-Karabakh and the surrounding areas of the enclave is not feasible, due to political deadlock, military presence, scattered landmines and large-scale of property destruction. It is anticipated that a peaceful settlement to the conflict could result in a mass voluntary repatriation. Currently, possible return areas in Fizuli, Aghdam and Terter are relatively safe, despite regular reports of mine explosions. In 1999, the Azerbaijan National Agency on Mines (ANAMA) was created to deal with the issue of mines in the areas affected by the conflict.

In addition to the IDPs (Azeri-ethnic), there is a smaller number of asylum-seekers and refugees originating from the Russian Federation (Chechnya) and Afghanistan, Iran and Iraq and fewer from some countries in the Middle East and Northern Africa. The number of new arrivals has sharply increased since the beginning of 2000. Over 1600 cases have been registered between January 2000 and March 2001. The war in Chechnya, and the worsening of the situation in Afghanistan are the main reasons for it.

The national law on citizenship and the right to acquire citizenship (adopted in 1998) extends to Meskhetians (Article 5) and (long-stayers) Afghans/ other nationals (Article 14). It has been observed that a large number of them could not yet benefit from the legislation, due to some practical aspects of implementing the Law. In particular, the procedures for acquiring Republic of Azerbaijan's (RoA) citizenship requires from Meskhetians who had previously resided in Uzbekistan to first cancel their registration in Uzbekistan. This poses difficulties to many and necessitates the co-operation of both governments.

UNHCR's Role

- The Republic of Azerbaijan acceded to the 1951 Geneva Convention and the 1967 Protocol in 1993. In May 1999 a new Law on Refugees and IDPs, drafted in close consultation with UNHCR, was adopted by the Parliament. During the year 2000 UNHCR, in the framework of its legal activities and assistance to the Government, has advocated for the development and adoption of instruments for application of the legislation in line with the international legal norms and standards to safeguard the rights and protection of asylum-seekers and refugees. In November 2000, the Refugee Status Determination Procedure was adopted through a presidential decree. Adequate structures for the implementation of the new procedure will have to be put in place.
- UNHCR's primary role therefore is to continue providing support to relevant national institutions (governmental and NGOs) with its legal expertise and relief activities designed to address the social and protection needs of asylum-seekers, refugees and the internally displaced population.
- In year 2002, while UNHCR conducts and manages the Refugee Status Determination (RSD) procedure, the Office would be working actively to support relevant national institutions on the creation of fair and efficient structure responsible for implementation of the RSD procedure. In the first stage, a national team will be jointly selected and trained by UNHCR and the Government of Azerbaijan (RoA). It is also planned to adapt the standard registration database RICS and translate it into Azeri language. During the transitional period, decisions on asylum applications will be taken jointly by UNHCR and the Government.
- UNHCR will also work on effective resettlement solutions. A Steering Group consisting of representatives of the RoA, UNHCR, and potential resettlement countries will be established. UNHCR will assume an initiator/facilitator role in creating the Steering Group, designing the mandate of the Group and developing criteria for resettlement of refugees in need as the best durable solution. It is anticipated that this forum would also promote discussions among Government of Azerbaijan, and potential resettlement countries on supporting local integration efforts as an alternative to resettlement in a third country.
- It is anticipated that the results of a survey on the status of Meskhetians (expected to be conducted in 2001) would show the number of those who had acquired RoA citizenship and difficulties faced by those who could not. Solutions would be designed in collaboration with the Government of Azerbaijan, Council of Europe and NGOs. To facilitate the implementation of the 1998 Citizenship Law, UNHCR would, should need be, advocate for the parties concerned to conclude an agreement between the Governments of Azerbaijan, Uzbekistan, UNHCR and other organisation on a simplified procedure for naturalisation of Meskhetians, Afghans and other persons who might qualify under the Citizenship Law.

- UNHCR has been working towards a gradual hand over of its activities related to assistance for IDPs to the development agencies. However, during 2002 UNHCR will have to remain active in certain sectors such as integrated/targeted community development (income generation, community mobilisation and shelter construction).
- UNHCR will network and co-ordinate with relevant agencies, such as USAID, UNDP, World Bank and the Government in order to support implementation of the Law on Socio-economic Rights of IDPs. The issuance of the Law will also provide a clear government-defined strategy for improving the living standards of its citizens and to reach vulnerable segments of the population. It will also consolidate efforts of the international community to achieve the maximum impact of humanitarian assistance. Furthermore, in 2001 UNHCR will facilitate the establishment of a steering group that includes the above-mentioned stakeholders, for monitoring trends of implementation of the Law, networking and maintaining timely, information-flow among the members.
- UNHCR will closely co-ordinate with other agencies for delivering its assistance programmes, particularly with the Self-reliance Fund for Development of IDPs (SFDI) and the Social Investment Initiative (SII) to maximise the impact. In view of the gradually reducing UNHCR budget, such co-ordination will further prepare ground for UNHCR's phasing-down and handing over certain assistance activities (e.g. micro-credit schemes) to specialised agencies.
- In anticipation of a peaceful resolution to the Nagorno-Karabakh conflict, UNHCR will maintain its active role in contingency planning and interagency consultations on return of IDPs in safety and dignity.
- UNHCR in collaboration with UNDP and other agencies would maintain inter-agency links to enhance capacities of the national institutions and organisations for assuming a greater role and responsibilities in provision of assistance and protection to refugees, asylum-seekers and IDPs
- In addition to the above-mentioned strategy, UNHCR would sustain its activities on raising public awareness, advocacy and lobbying for a greater understanding and securing the rights of IDPs, refugees and asylum-seekers in Azerbaijan.
- **NGOs, PARinAC and capacity building**

Building of capacity of the national NGOs and development of the civil society has been one of the main directions consistently pursued by UNHCR in Azerbaijan since 1988. The main aim of assisting local partners (NGOs and Government institutions) is to enhance their role and responsibilities for their effective management of matters related to IDPs as well as asylum-refugees. UNHCR in collaboration with UNDP would continue its programme for strengthening national non-governmental organisations (NNGO). A third partner, USAID, is contributing since 2000 to the cost-sharing arrangement so far supported by UNHCR and UNDP for the NGO Resource and Training Centre (NRTC). All three partners see well-developed NNGOs as an important building block for a functioning civil society and as a conflict prevention tool. In addition to on-going activities, the three parties in the coming year will focus on constituency building and management transparency of National NGOs.

- **Inter-agency co-operation**

In 2001, UNHCR and UNICEF will have concluded a local Memorandum of Understanding on strengthening the primary education sector in Azerbaijan. Education materials and technical assistance will be provided to selected primary schools in IDP camps and settlements, through a joint implementation of a three-year project for a total amount of US\$545,000. UNICEF, will primarily execute the project through various implementing partners, including national NGOs, teacher training centres, and educational research institutes.

In October 1999, the World Bank gave a US\$10 million loan to Azerbaijan for the establishment of the Social Fund for the Development of Internally Displaced Persons (SFDI). The main objective of the Fund is to raise the living standards of the IDP communities by funding the rehabilitation of small-scale social infrastructure; providing assistance in employment creation and in income-generating activities. Establishment of SFDI is an important factor in the Government's new approach to IDPs. UNHCR Representative is a member of the Board of Directors of the SFDI, together with the UNDP and USAID Representative/Country Director and six other members from the relevant ministries, an NGO and the private sector. SFDI will implement the first pilot projects in the course of 2001.

USAID Social Investment Initiative (SII, US\$5 million) will support project initiatives similar to those of SFDI. UNHCR will continue to co-operate with SFDI and SII in 2001 and 2002 in order to co-ordinate efforts and synergies towards achieving objectives.

Given the resumption of negotiations over Nagorno-Karabakh, expectations of a break-through leading and final peace accord in 2002 might be fulfilled. In such a situation, it would be required from UNHCR to play a leading role in coordinating the activities of other UN agencies and NGOs involved in the return of IDP's to their areas of origin.

Overview of beneficiary populations

a) Asylum-seekers and Refugees

As of April 2001, there are 287 recognised refugees and some 3,500 asylum-seekers. They are mainly from the Russian Federation (Chechnya), Iran, Iraq, Afghanistan, some Middle East countries and a few from Africa. In the planning year, the trend and the size of refugee/asylum-seekers population is not expected to change drastically, unless significant developments happen in their countries of origin.

Name of beneficiary population:						
REFUGEES						
Age Group	Male (in absolute numbers)	(in %)	Female (in absolute numbers)	(in %)	Total (in absolute numbers)	(in %)
0-4	11	3,8	8	2,8	19	6,6
5-17	42	14,6	35	12,2	77	26,8
18-59	146	50,9	44	15,3	190	66,2
60 and >	1	0,4	-	0	1	0,4
Total:	200	69,7%	87	30,3%	287	100%
Major locations: Baku						

Name of beneficiary population:						
REFUGEES AND ASYLUM SEEKERS						
*	Male (in absolute numbers)	(in %)	Female (in absolute numbers)	(in %)	Total (in absolute numbers)	(in %)
Total	2223	63%	1305	37%	3528	100%
Major locations: Baku						

* Breakdown by age of the asylum seekers population is not available.

b) Internally Displaced Persons

According to official statistical data there are some 572,000 IDPs of ethnic Azeri that are scattered throughout the country who cannot currently return to their former places of residence. Some 54.6% of them reside in urban areas and 45.5% in rural setting. The main occupational background is agriculture (32.6%), teaching (6.8%), health services (3.4%), building (5.4%), other professions(17.2%) and no formal profession (34.5%). Employment level is low accounting 20.6% of male and 13.5% female of the work force. Should there be no peace-deal, a mass return is not expected. It is anticipated that the IDP at large would benefit from UNHCR's support for legal reforms and some 50,000 IDPs will benefit directly/indirectly from UNHCR's assistance programme.

Name of beneficiary population: Internally Displaced Persons						
Age Group	Male (in absolute numbers)	(in %)	Female (in absolute numbers)	(in %)	Total (in absolute numbers)	(in %)
0-5	35,678	47.5	39,307	52.5	74,985	13.1
6-15	59,278	48.1	63,836	51.9	123,114	21.6
16-59	135,862	46.3	157,703	53.7	293,565	51.4
60 and >	35,264	44.4	44,171	55.6	79,435	13.9
Total:	266,082	46.6	305,017	53.4	571,099	100
Major locations: Aghjabedi, Barda, Beylagan, Bilasuvar, Imishli, Saatli, Sabirabad, Terter, Mingechevir, Sumgayit, Ganja, Baku.						

Source: the Ministry for Refugees, Government of Azerbaijan

All above- mentioned data are as of April 2001

c) Meskhetians

There are more than 45,000 Meskhetians who are eligible for citizenship under the 1998 Law on Citizenship. Although, there are no reliable data to ascertain the exact numbers, it is believed that more than 33,000 persons of this group have not yet been able to acquire RoA citizenship.

Policy priorities: women/gender equality, children and adolescents

In all the phases of UNHCR involvement for addressing the concerns of asylum seekers, refugees and, IDPs, a special attention will be paid to individuals and groups with special needs (medical cases, disabled, elderly, women at risk, survivors of torture, unaccompanied minors, etc). During eligibility and need assessment, as well as in implementation stages, the most appropriate solutions to each case will be considered.

b) Selected programme goals and objectives are outlined in the table below:

Name of Beneficiary Population: Refugees and Asylum Seekers	
Main Goals: <ul style="list-style-type: none"> Refugees and asylum seekers have access to procedures and their claims are fairly considered and promptly dealt with Effective and independent asylum procedures by relevant institutions Ensured integration opportunities and durable solutions for refugees 	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> Relevant national institutions manage asylum systems and provide protection in an effective manner and are independent from external support or interferences All asylum seekers who apply to the joint UNHCR-GoA structure receive fair and prompt decisions Effective resettlement solutions sought for those in need Government extends local integration projects for refugees. Basic rights are granted to the refugees (right to identity documents and legal residence in the country of asylum, right to legally access employment) 	<ul style="list-style-type: none"> A joint UNHCR-GoA Team for eligibility determination is established All recognised refugees who are in need for resettlement will be successfully resettled Growing numbers of refugees will benefit from local integration projects All refugees recognised by the joint structure will be provided with ID documents and with residence permits with the right to legally work in Azerbaijan.
Name of Theme: Stateless	
Main Goal: <ul style="list-style-type: none"> Statelessness will decrease in Azerbaijan 	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> Naturalisation of Meskhetians who are eligible for citizenship (Article 5, the 1998 Citizenship Law) Naturalisation of those Afghans or other nationals who are eligible for Azerbaijani (Article 14, the 1998 Citizenship Law) Increase awareness among refugees, the public at large and the authorities about conditions and procedures for naturalisation, and about statelessness problems 	<ul style="list-style-type: none"> An increasing number of Meskhetians acquire Azerbaijani citizenship An increasing number of Afghans or other nationals who are eligible for citizenship are naturalised. The concerned populations, the authorities and the public at large will have a better understanding of access to citizenship and statelessness issues.

Name of Theme: NGOs, PARinAC and Capacity Building	
Main Goals:	
<ul style="list-style-type: none"> • NGO-related legislation is fair and implemented to facilitate NGOs' role in building civil society • NGOs can independently design and carry out programmes for Refugees and IDPs 	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • The 2000 Law on NGOs is implemented in a manner that promotes the pursuit of their goals; • Build capacity of National NGOs (NNGO), including those in legal sector with a view to hand-over activities to local actors 	<ul style="list-style-type: none"> • Through lobbying, Law on NGOs would provide simplified registration; • Supported campaigns for • The image, role and capacity of the NNGOs raised; • Increased NNGOs' participation in UNHCR Programme; • Revised the training programme of NRTC to concentrate on building constituencies, financial management and in accordance to NGO Law; • Co-ordinated capacity building efforts with other stakeholders such as USAID, INGOs. • In collaboration with CoE, comments on the NGO Law is provided to national legislation bodies ; • Increasingly NGOs enjoy freedom of association and pursue their goals • NNGOs provide an effective legal counselling to /representation for IDPs, asylum seekers and refugees
Name of Theme: IDPs' Economic And Social Rights	
Main Goals:	
<ul style="list-style-type: none"> • Legal rights, provision of IDPs for land, technical assistance, education are implemented as per the Law on Economic and Social Rights of IDPs, • In view of the diminishing programme resources sought alternative solutions, such as in-kind assistance to the most vulnerable categories. 	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • IDPs reach similar level of well-being and livelihood as local population; • Legal rights of IDPs secured through partnership with the Government and OSCE/ODHIR • Build strategic partnerships with UN agencies, USAID, WB, etc. on provision of assistance e.g. income-generating, community development, education, etc. 	<ul style="list-style-type: none"> • Support and lobbying for the amendment of legislation for ensuring that legal and social rights are granted to IDPs. • the most vulnerable IDPs are assisted and relocated to settlement areas, benefitting from improved living conditions (through integrated assistance approach), • In-kind donations for supporting IDPs are obtained through contacts with traditional donors/ new sources of contribution • Alternative solutions are found through co-ordinated assistance and joint activities for smooth hand-over/greater involvement of other agencies.