

## **AZERBAIJAN:**

# **IDP living conditions improve, but peace deal remains elusive**

A profile of the internal displacement situation

5 March, 2007

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Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations.

At the request of the United Nations, the Geneva-based Centre runs an online database providing comprehensive information and analysis on internal displacement in some 50 countries.

Based on its monitoring and data collection activities, the Centre advocates for durable solutions to the plight of the internally displaced in line with international standards.

The Internal Displacement Monitoring Centre also carries out training activities to enhance the capacity of local actors to respond to the needs of internally displaced people. In its work, the Centre cooperates with and provides support to local and national civil society initiatives.

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## OVERVIEW

### Azerbaijan: IDP living conditions improve, but peace deal remains elusive

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*Almost 13 years after the signing of a ceasefire agreement, there are still some 690,000 people internally displaced in Azerbaijan from Nagorno-Karabakh, a self-proclaimed independent state within the territory of Azerbaijan, and its adjacent districts. There are also an estimated 30,000 mainly Armenian displaced persons in Nagorno-Karabakh who arrived from other regions of Azerbaijan. People fled their homes as a result of a territorial dispute between Armenia and Azerbaijan over Nagorno-Karabakh in 1988, which quickly escalated into an armed conflict with an ethnic basis. After the two parties agreed to a ceasefire in 1994, negotiations between Azerbaijan and Armenia on resolving the conflict over Nagorno-Karabakh have been continuing, and although the two parties have come closer to an agreement on some issues, a number of impasses remain.*

*The Azeri government has demonstrated significantly more political will in allocating financial and human resources to address the needs of displaced persons in recent years. IDPs living in the harshest conditions have been resettled to over 10,000 new houses in 45 settlements since 2001. While this initiative has improved the living conditions for some IDPs, the sustainability of their resettlement is questionable since some houses are within close proximity of ongoing hostilities, there are few income-generating activities in the settlement areas, IDPs do not own the houses they are given, which are sometimes of poor quality, the land is not always suitable for agriculture and essential medical and sanitation services are often absent.*

*Many of those IDPs who have not been resettled continue to live in deplorable conditions in public buildings, hostels and mud houses and face obstacles to local integration such as compulsory double registration requirements and segregated education. Although the government resettlement programme has improved housing conditions of some IDPs, many challenges remain.*

#### **Background and main causes of displacement**

A territorial dispute between Armenia and Azerbaijan over Nagorno-Karabakh in 1988 quickly escalated into an armed conflict with an ethnic basis, causing massive displacement. The origins of the conflict go back centuries, though it can be partially attributed to the demarcation of borders when the South Caucasus became part of the Soviet Union in the early 20th century. Armenians never accepted the incorporation of the largely Armenian-inhabited Nagorno-Karabakh region into Azerbaijan. After several unsuccessful calls for its transfer to Armenia under Soviet rule, many Armenians in the territory began to agitate for secession from Azerbaijan as the Kremlin's control slipped during the late 1980s. It formally declared independence in 1992 after the Soviet Union had collapsed and Armenia and Azerbaijan had both become independent states (ICG, 11 October 2005, p.4). By that time, ethnic tensions between Azeris and Armenians had escalated and the situation had degenerated into an armed conflict between Azerbaijan and the self-proclaimed Republic of Nagorno-Karabakh, supported by Armenia.

The biggest wave of displacement occurred in 1993 when Karabakh Armenian forces made significant military gains beyond Nagorno-Karabakh, displacing an estimated 450,000 to 500,000 ethnic Azeris (UN Commission on Human Rights, 25 January 1999). At the time of the 1994 ceasefire agreement, Azerbaijan had lost part of its territory to Armenian and Karabakh forces,



including Nagorno-Karabakh in the west of the country, and large portions of neighbouring districts. Today, most of this territory remains under Armenian occupation, and in the absence of a resolution to the conflict, Nagorno-Karabakh remains a de facto independent state.

According to the latest information available from the Government of Azerbaijan, there are a total of around 690,000 IDPs in Azerbaijan: 560,000 from seven regions adjacent to Nagorno-Karabakh and 130,000 from regions near the border with Armenia (Government of Azerbaijan, 21 November 2006). There are also some 30,000 displaced persons in Nagorno-Karabakh itself, mainly ethnic Armenians who fled Shahumian, Getashen, Mardakert and Martuni (ICG, 14 September 2005, p.5). Approximately half of the IDPs in Azerbaijan reside in urban areas, including Baku and Sumgayit, while the remainder live in rural and semi-rural settlements around the towns of Fizuli, Bilasuvar, Aghjabedi and Barda (ICG, 14 September 2005, p.5). At the end of 2005, the majority of displaced persons were living with relatives (17 per cent), in hostels (15 per cent), in public buildings (15 per cent), in houses built according to presidential decrees (12 per cent) and in mud houses (9 per cent) (Government of Azerbaijan, 2005).

### **Peace negotiations continue**

Negotiations between Azerbaijan and Armenia on resolving the conflict over Nagorno-Karabakh have been ongoing since the two sides signed a ceasefire agreement in 1994. Peace talks have been facilitated by the Minsk Group of the Organisation for Security and Cooperation in Europe (OSCE), as co-chaired by France, Russia and the United States. The Minsk group has put forward several proposals to resolve the conflict, but the two parties have only recently come closer to an agreement on most of the basic principles of the settlement plan proposed by the co-chairs, including the political status of Nagorno-Karabakh (RFE/RL, 15 February 2007; ICG, 11 October 2005, p.2). The return of IDPs to their original homes is expected to be one component of any final agreement, and one indication that such an agreement may be closer is that the government has started drafting a plan for return, with the support of international organisations (Government of Azerbaijan, 21 November 2006; EU, November 2006). Although Nagorno-Karabakh is not formally involved in the peace negotiations, the position of its Armenian population was made clear in a referendum held in December 2006, where an overwhelming 98.58 per cent voted in favour of setting up an independent Nagorno-Karabakh (IWPR, 14 December 2006).

While there may be some optimism where peace negotiations are concerned, there is a real risk of new fighting with regard to the status of Nagorno-Karabakh. The context of the conflict has changed in recent years with Azerbaijan's improved economy from oil revenues. Although these revenues have partially been used to improve the living standards of the general population, the revenues have also been used to increase the Azeri defence budget, which is projected to surpass \$1 billion in 2007, about half of the Armenian state budget (RFE/RL, 1 February 2007). Some sources say that coupled with the fact that Azerbaijan has not ruled out a military resolution to the conflict and that mistrust divides Azeris and Armenians, the defence budget increase has raised fears among Armenians that Baku will try to restore its territorial integrity by force (ICG, 11 October 2005). Already ceasefire violations are occurring regularly and people continue to die near the line of contact (RFE/RL, 19 January 2007; COE Parliamentary Assembly, 13 April 2006; ICG, 14 September 2005). The situation is one of neither war nor peace.

### **Still no return in sight**

The main obstacle to return is the presence of Armenian forces in areas still under occupation, which prevents IDPs from accessing their land and property. Ceasefire violations and the continued presence of landmines and other explosive materials also hinder safe return in the areas along the line of contact. Data on the areas under occupation is limited, though reports that are available indicate that some IDPs would have little to return to since buildings have been

pillaged and/or levelled, and electrical wiring, pipes and other infrastructure have been detached and taken away (OSCE, 2005).

Return to areas “liberated” from Armenian forces is possible in some cases, but difficult. There have been instances of individual families returning to their homes in areas handed back over to Azerbaijan at the time of the ceasefire, for example in Fizuli district. The few IDP families who have returned to their original places of residence in Fizuli district found their houses and property destroyed. As property restitution or compensation mechanisms have not been put in place, these returnees were subsequently confronted with legal problems including recognition of their property rights (NRC, November 2006).

### **Lack of information on situation of displaced persons**

In addition to a lack of information on the conditions in the areas of return there is also a lack of current, reliable and comprehensive information on the present situation of IDPs in their places of current residency. Generally, there is an informational void on the situation of IDPs living in private accommodation, as well as those living in Nakhichevan and Nagorno-Karabakh (UNHCR, December 2006; UN Committee on the Rights of the Child, 17 March 2006). Detailed information on the socio-economic conditions of rural and urban IDPs, beyond simply the rate of poverty, as well as the situation and treatment of specific groups such as displaced ethnic minorities and children is also lacking.

IDPs also live in something of an information void. Often living far from town centres, with no electricity, television or newspapers, IDPs have few outlets to receive information about assistance or administrative procedures particular to their situation other than by word of mouth (NRC, November 2006). IDPs are also not systematically consulted on issues affecting their situation during displacement, rendering the sustainability of decisions affecting them questionable.

### **Specific vulnerability of IDPs under dispute**

Another result of the lack of comprehensive information on the situation of IDPs is that the vulnerability of IDPs as compared to the local population is under dispute. Recent studies have found that when compared to the resident population, the displaced population is disadvantaged in some respects (property and livestock ownership) and on a par in other respects (some aspects of health care, income, poverty) (WFP, April 2006; UNIFEM, July 2006; ICG, 14 September 2005). However, in those situations where IDPs are on par with the general population, it can often be owed to the allowances provided by the state, including free housing. Removing these advantages would perhaps put IDPs in a situation worse than the resident population. These studies have also highlighted the specific circumstances of IDPs, including the loss of their homes, communities and way of life (UNIFEM, July 2006). The specific vulnerability of certain groups of IDPs has also been highlighted, for example urban IDPs who are from predominantly rural areas and generally lack resources that are available to the local population such as houses, garden plots and social support networks (UNHCR, October 2005).

### **IDPs resettled in new housing**

In contrast to past policies that were designed to meet only the short-term needs of IDPs, from 2001 a series of presidential decrees and government programmes have sought to improve the overall living conditions of IDPs in a sustainable manner. Within the framework of these programmes, IDPs are entitled to various exemptions and benefits, such as monthly food subsidies, kerosene and lower income tax payments than the general population. The 2004 programme included expanded subsidies, the construction of new purpose-built settlements with electricity and access to clean water, provision of employment opportunities, and promised

assistance in case return would be possible. From 2001 to 2006, the government constructed 10,585 houses in 45 settlements, as well as numerous community buildings and communal service infrastructure.

Although this relocation programme has the potential to improve the living conditions of IDPs, several factors stand in the way of this improvement. Some settlements, such as those in Agdam district, are located only a few kilometres from the firing line where hostilities occur, and as such IDPs have only loose guarantees of physical security. IDPs are not given full property rights to the dwellings in which they are resettled and the houses they are living in must be restored to their original state and returned to the government once IDPs return home (IWPR, 14 September 2006). The voluntary nature of this programme has also been repeatedly questioned by international agencies, as IDPs are not consulted on the settlement location, nor are they adequately informed on living conditions in the settlement area. Allegations that the construction of homes for IDPs has been accomplished in a corrupt manner signal that IDPs may not be enjoying their full just entitlement (ICG, 21 November 2005, p.8).

The necessary infrastructure and services in the settlements are often inadequate, for example water supply, health care, education, communication and transport for settlements in Fizuli district (IWPR, 14 September 2006; NRC, November 2006). Employment prospects are also generally bleak and, as a result, this resettlement is prompting further migration. Displaced men and women are leaving the settlements to work elsewhere where they face significant obstacles to registration, which determines their access to communal services and benefits such as monthly allowances (UNHCR, December 2006; UNHCR October 2005; NRC 2006).

### **Continued obstacles to local integration**

Integration in the areas of displacement, both rural and urban, has been particularly challenging for many IDPs. Most villages displaced from areas under the control of Armenian forces moved together as a group to compact settlements near their place of original residence, along with their own institutions such as the local administration. The government supposes that the administrations can be transplanted back into their former communities once return becomes a reality (ICG, 11 October 2005). The result of such compact settlements is that in some places IDPs access separate schools and health facilities from the resident population, and they have little interaction with the host community (UNHCR, December 2006).

Other obstacles to integration in the place of resettlement include the climate and landscape, lack of land and property ownership, little interaction between local and IDP communities, the fact that many IDPs are preoccupied with the idea of return (even those who have never been to their family's former residence), and the lack of income-generating activities (UNIFEM, July 2006; NRC, 6 August 2005). In order to access formal employment opportunities, IDPs must be registered with the authorities at their current place of residence. In fact, IDPs face a double registration requirement: they must be registered where they were originally displaced to and where they currently reside. IDPs not registered at their current place of residence have difficulty not only in accessing communal services, but they are also deprived of the opportunity to pursue any legal claims over their current dwellings (NRC, 2006).

### **Living conditions of most IDPs still inadequate**

Despite the fact that many IDPs have been receiving financial and other benefits from the government for many years, the living conditions of the majority of IDPs remain inadequate. Many IDPs continue to live in mud houses, hostels and public buildings, often in absolute poverty and in highly overcrowded conditions that lack privacy and security (UNHCR, October 2005). In some cases houses in new settlements have been poorly constructed, even though generally their housing conditions appear much improved in these settlements (IWPR, 14 September 2006;

UNHCR, December 2006). The allocation of land to the displaced has been insufficient to relieve them of food aid dependency, either because of the long distance between where they are staying and the land plots, saline soil conditions and/or the lack of agricultural inputs (Government of Azerbaijan, 21 November 2006; WFP, April 2006; Balikci, June 2004). IDPs are highly dependent on assistance to meet their basic needs. Their diet lacks fruit and vegetables and is mainly based on bread, potatoes and products of animal origin (WFP, April 2006). However, an earlier study showed that poor food consumption (high intake of carbohydrates and fats with little diversification) was more common among the resident population (27%) than the displaced population (6%) (WFP, February 2005).

Only 18 per cent of IDP and refugee households in rural areas have direct access to water (Government of Azerbaijan, 2004). Water shortages create tensions in the community and the poor quality of drinking water and lack of sanitation facilities contribute to health problems confronted by IDPs (UNIFEM, July 2006). Many IDPs report that their health has deteriorated since displacement (UNHCR, December 2006; UNIFEM, July 2006), but the health of those who have been re-housed has improved since their move (UNHCR, December 2006). While the Ministry of Health has allocated significant resources in terms of health facilities and health care providers to IDPs, services are nonetheless severely lacking, as are medical centres, personnel and supplies (UNHCR, December 2006). Furthermore, in some cases IDPs are expected to make informal payments in exchange for their treatment, even though health care is supposed to be free of charge. The informal payment sums are often higher than IDPs can afford and so they avoid going to the doctor (UNIFEM, July 2006). The result is a high level of self-treatment or absence of treatment (UNHCR, December 2006). Educational resources are also scarce in IDP settlements, regardless of the measures taken by the government of Azerbaijan to maintain schools in IDP communities.

### **IDP livelihoods in limbo**

Despite Azerbaijan's rich natural resources, poverty and unemployment are some of the most pressing problems for IDPs, especially the youth, in both rural and urban areas – as they are for the rest of the population. State benefits are the main source of income for rural IDPs, whereas the main source of income for urban IDPs is employment, often in low-paying jobs in the informal economy (WFP, April 2006; UNHCR, October 2005). Some IDP communities have been proactive in addressing their situation by setting up maintenance funds and seeking outside sources of support, while others are doing less to improve their economic situation (NRC, 6 August 2005). IDPs cope with their dismal financial state by taking loans from local shop owners, neighbours or relatives (UNIFEM, July 2006). In contrast, IDP civil servants have been able to benefit from stable employment and salary as their jobs have continued in their area of displacement (UNHCR, October 2005). The government has pledged to promote employment opportunities for IDPs in state-funded construction, as well as through of small business support and other income-generating activities.

### **Shifting national response**

The overarching goal of the government is the return of all displaced persons to their original homes. In recent years the government has given greater priority to assisting IDPs with local integration (Government of Azerbaijan, November 2006). This has been done within the framework of the 2004 *State Programme on the Improvement of Living Conditions and Employment of Refugees and Displaced Persons*. Such an approach is a shift from the previous policy of not improving IDPs' living conditions, where it was believed this would signal the government was abandoning the goal of regaining control of areas from where IDPs originate and allowing their return home.

## **Diminishing international response**

Several international humanitarian organisations and financial institutions have been working for many years to address the needs of IDPs in Azerbaijan. However, donor support has been waning in recent years due to the growth of oil revenues, increased government support of IDPs and failure to resolve the conflict. As a result, IDPs have witnessed decreasing support from international actors. In 2005, the government received \$30 million in assistance from international and domestic humanitarian organisations for refugees and IDPs (US DOS, 8 March 2006, Sec. 2d). Most of the organisations that remained in the country have gradually shifted from emergency to development-oriented programmes including microfinance, skills training and other income-oriented activities. Accordingly, international assistance has shifted from direct assistance to technical support. UNHCR has announced that its expanded role in responding to internal displacement will become more evident in the Caucasus and that it will support the government in developing a framework for the possible return of IDPs, when the situation permits (UNHCR, November 2006, p.249).

International institutions have called on the government of Azerbaijan to live up to its international commitments regarding the internal displacement situation. The Parliamentary Assembly of the Council of Europe issued a resolution in 2006 on refugees and displaced communities in Azerbaijan, Armenia and Georgia, which recommended that the governments reach a peaceful settlement of the conflicts, pursue local integration of IDPs and refrain from using IDPs for political aims. The Council's Committee on Equal Opportunities for Women and Men also issued a report on the situation of women in the South Caucasus, in which displaced women are identified as especially vulnerable. Although not legally binding, these documents have been adopted by all member states, including Azerbaijan, and as such there is an informal obligation to address the recommendations.

(Updated March 2007)

## CAUSES AND BACKGROUND

### Causes of displacement

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**Internal displacement is a direct consequence of the conflict with Armenia over the territory of Nagorno-Karabakh (1988 to 1994)**

- The deteriorating relations between Armenia and Azerbaijan between 1988 and early 1991 led to a forced exchange of populations between the two countries
- With the eruption of the internal armed conflict between the Karabakh Armenian forces and those of the Government of Azerbaijan in 1991, the displacement crisis became predominantly internal in nature
- In 1992 there was wholesale displacement of ethnic Azerbaijanis, Kurdish and Meskhetian Turk populations
- The biggest wave of displacement occurred in 1993 when Karabakh Armenian forces displaced 450,000 to 500,000 persons
- An offensive in April 1994 by Karabakh Armenian forces led to the displacement of another 50,000 persons

**UN Commission on Human Rights, 25 January 2000, paras. 29-30:**

"As internal displacement in Azerbaijan is a direct consequence of the conflict, the patterns of displacement followed developments in the hostilities and, like the conflict itself, occurred along ethnic lines. The first phase of displacement, which was predominantly cross-border in nature, occurred between 1988 and early 1991 when ethnic tensions resulted in what essentially was a wholesale exchange of populations on the basis of ethnicity between Azerbaijan and Armenia, with over 300,000 ethnic Armenians fleeing from Azerbaijan to Armenia and some 185,000 ethnic Azeris fleeing from Armenia to Azerbaijan. In the spring of 1991, and with the aid of Soviet forces, the Government of the then Azerbaijani Soviet Republic conducted an exercise known as "Operation Ring", ostensibly for the purposes of internal passport control, which resulted in the forced displacement of ethnic Armenians from several villages on the periphery of Nagorno-Karabakh into the enclave or to Armenia. / See Human Rights Watch/Helsinki, Seven Years of Conflict, pp. 4 and 59./ Some of this latter group of displaced returned to their home areas in late 1991 and in 1992.

Beginning in the autumn of 1991, as ethnic violence and tensions erupted into internal armed conflict between the Karabakh Armenian forces and those of the Government of Azerbaijan, the displacement crisis also changed character to become predominantly internal in nature. A series of violent attacks, by which Karabakh forces gained control of the cities of Khojaly and Shusha in Nagorno-Karabakh in the spring of 1992 and of a land corridor between Nagorno-Karabakh and Armenia in the area around Lachin in June 1992, resulted in the wholesale displacement of the ethnic Azerbaijani and Kurdish populations, as well as of Meskhetian Turk refugees settled in these areas. Counter-offensives by Azerbaijani forces beginning in late June 1992 displaced some 40,000 ethnic Armenians. The biggest wave of displacement occurred in 1993, when Karabakh Armenian forces not only reversed earlier losses but also made significant military gains beyond Nagorno-Karabakh, including the entire Lachin district connecting the enclave to Armenia and the whole or large parts of the predominantly Azeri-populated provinces surrounding Nagorno-Karabakh, displacing an estimated 450,000 to 500,000 persons. An offensive in April

1994 led to further gains in the northern parts of Nagorno-Karabakh and districts to the north-east, displacing another 50,000 persons."

## **Background**

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### **The ethnic conflict in Nagorno-Karabakh (1988-1994)**

- Nationalist aspirations of ethnic Armenians in Nagorno-Karabakh, in western Azerbaijan, created ethnic tensions
- Ethnic Armenians in Nagorno-Karabakh proclaim independence in 1992, leading to civil war between Karabakh Armenian forces and Azerbaijan
- At the time of the cease-fire in 1994, "Armenian forces" controlled most of the territory of Nagorno-Karabakh, including between 17 to 20 percent of Azerbaijani territory

### **UN Commission for Human Rights 25 January 1999, paras. 20-24:**

"Internal displacement in Azerbaijan is a direct consequence of the conflict over the territory of Nagorno-Karabakh, a mountainous and fertile region (the literal translation of its name being "Mountainous Black Garden") covering some 1,700 square miles in western Azerbaijan. The territory is close to - in some parts by only a few kilometres - but not contiguous with Armenia. Ethnic Armenians constituted the majority of its pre-war population of 180,000, although there also was a significant presence of some 40,000 ethnic Azeris.

Nagorno-Karabakh is a region to which both Azerbaijan and Armenia claim historical ties stretching back centuries. However, the roots of the present conflict can be traced to the early twentieth century. After the Russian revolution, Azerbaijan and Armenia fought as newly independent States over Nagorno-Karabakh. The Paris Peace Conference of 1919 recognized Azerbaijan's claim to the territory. After Azerbaijan and Armenia were incorporated in the Soviet Union, this territorial arrangement for Nagorno-Karabakh was retained, while Armenia was awarded the district of Zangezur which had connected Azerbaijan to its westernmost region of Nakhichevan. Thus, on the resulting map of the region, Nagorno-Karabakh and Nakhichevan were enclaves whose inhabitants were separated from their ethnic kin in the titular republics of Armenia and Azerbaijan respectively. The Soviet handling of the nationalities issue, as reflected in the manner in which borders were drawn, formed part of a wider strategy aimed at safeguarding the centralization of power in Moscow by keeping nationalities in the peripheral regions divided and interdependent so that none would be able to break away from the Union. [...] However, rather than resolving nationalist disputes, this strategy had the reverse effect of reinforcing them, by raising grievances about the treatment of ethnic minorities outside of their titular republics.

Towards the end of the Soviet era, nationalist aspirations in Nagorno-Karabakh resurfaced with renewed force. Beginning in 1988, ethnic tensions intensified and began to take a violent form targeting Azeris in Nagorno-Karabakh and Armenia and ethnic Armenians in Azerbaijan, with particularly violent attacks occurring against the latter in the city of Sumgait in February 1988 and in the capital, Baku, in January 1990. Following the collapse of the Soviet Union in autumn 1991, both Armenia and Azerbaijan became independent States. On 6 January 1992, the ethnic Armenian leadership of Nagorno-Karabakh proclaimed the "Republic of Nagorno-Karabakh" - a claim which neither Azerbaijan nor the international community recognizes - and the dispute entered a new phase of civil war.

While the conflict concerns and is concentrated on territory falling within the internationally-recognized borders of Azerbaijan, it also has an unmistakable external dimension which has the effect of 'internationalizing' it. It is generally accepted that the Karabakh Armenian cause has received considerable economic and military support from Armenia and the ethnic Armenian diaspora. [...] For this reason, analyses of the conflict tend to describe the conflict as one between the Government of Azerbaijan and "Armenian forces", the latter, deliberately ambiguous, term referring to the Karabakh Armenian forces and their wider membership, which may include citizens of Armenia, mercenaries and members of the armed forces of Armenia. [...] The United Nations Security Council resolutions on the conflict reflect its international dimension in explicitly referring to the deterioration of relations between Armenia and Azerbaijan and the resulting tensions between them, urging the Government of Armenia "to continue to exert its influence" over the Nagorno-Karabakh Armenians, and urging 'States to refrain from the supply of any weapons and munitions which might lead to an intensification of the conflict or the continued occupation of territory'. /Security Council resolutions 822 (1993) of 30 April 1993, 853 (1993) of 29 July 1993, 874 (1993) of 14 October 1993 and 884 (1993) of 12 November 1993./

Another manifestation of the international dimension of the conflict is found in the economic blockade imposed against Armenia by Azerbaijan. In this connection, the Security Council has expressed, by means of a statement by its President, 'deep concern at the devastating effect of interruptions in the supply of goods and materials, in particular energy supplies, to Armenia and to the Nakhichevan region of Azerbaijan' and called on Governments in the region 'to allow humanitarian supplies to flow freely, in particular fuel'. / Statement by the President of the Security Council on 29 January 1993 (S/25199), in connection with interruptions in supply of goods and materials, in particular energy supplies, to Armenia and to the Nakhichevan region of Azerbaijan./ The continued imposition of this blockade is a reflection of the fact that while the ceasefire has put an end to active hostilities, serious tensions remain.

At the time that the Russian-brokered ceasefire came into force on 12 May 1994, 'Armenian forces' controlled all but the north-eastern-most section of Nagorno-Karabakh, all of the surrounding districts to the west and south of the enclave and portions of the districts of Fizuli, Terter and Agdam to the east, collectively covering some 17 to 20 per cent of the territory of Azerbaijan. The war thus affected a much larger area and population than that of the territory of Nagorno-Karabakh centrally at issue, uprooting approximately 1 million people from and within Azerbaijan and from Armenia, resulting in the deaths of an estimated 20,000 to 25,000 persons, injuring countless more and leaving an unknown but not insignificant number missing or taken hostage. [...] The war also exacted severe material damage, because hostilities often took on a pattern of looting and systematic burning of captured areas."

### **Conflict with Armenia has origins in history, politics and law (2005)**

- Demarcation of borders during Soviet rule left Armenians discontent
- Azerbaijan and Armenia both maintain their people are indigenous to Nagorno-Karabakh
- The majority of Nagorno-Karabakh residents desire self-determination, while Azerbaijan demands territorial integrity

#### **ICG, 11 October 2005, p.3:**

"Armenians consider Nagorno-Karabakh vital to their national existence; Azerbaijanis see it as essential to their modern statehood. They have mutually exclusive views of the region's pre-Soviet and Soviet-era history...The root causes of the 1988-1994 war have not been addressed..."



Competing historical narratives shape perceptions of the origins of the conflict. Both sides depict themselves as victims of violence and generous hosts who have been savagely betrayed. Both sustain the notion of ethnic continuity in Nagorno-Karabakh to justify their right to sovereignty today, while describing the other as “non-indigenous” and denigrating their historical presence.

The dispute began when the Soviet–era borders of Armenia and Azerbaijan were being defined. On 5 July 1921 the Caucasus Bureau of the Communist Party declared Nagorno-Karabakh part of Soviet Azerbaijan, and in 1923 the Nagorno-Karabakh Autonomous Oblast (NKAO) was established, providing the region with broad autonomy inside Azerbaijan. However, on several occasions Armenians petitioned Moscow for the oblast’s transfer. In January 1988 a petition signed by 80,00 Armenians from Nagorno-Karabakh and Armenia was delivered. On 20 February 1988 the Nagorno-Karabakh Soviet passed a resolution asking for a transfer to the Armenian SSR. Azerbaijan formally rejected this on 13 June but two days later Armenia consented to Nagorno-Karabakh’s incorporation

...On 2 September 1991 the regional council in Stepanakert declared the Nagorno Karabakh Republic independent. Azerbaijan declared its own independence on 30 August and on 26 November revoked Nagorno-Karabakh’s autonomous status. But Nagorno-Karabakh Armenians continued with their efforts to split, organising a referendum on 10 December in which some 108,615 people voted for independence....On 6 January 1992, Stepanakert formally declared independence based on the referendum, but no state, not even Armenia, has recognised Nagorno-Karabakh’s statehood.”

#### **Conciliation Resources, 2005:**

“All conflicts have a pre-history. Few have as clear a beginning as the Nagorny Karabakh conflict. The basic positions – the Karabakh Armenians’ determination to secede from Azerbaijan with the support of Armenia and Azerbaijanis’ resolve to stop that happening – were adopted in February 1988 and that month saw turmoil erupt as if out of the blue in the form of demonstrations, strikes, political quarrels, flights of refugees and pogroms. That full-scale Armenian-Azerbaijani fighting only broke out at the end of 1991 is more a matter of weaponry than of intention.

The events of February 1988 were dramatic, sudden, and almost universally unanticipated in a Europe that had all but forgotten the power of nationalism as a political force. In that sense, by being the first serious nationalist quarrel of the late Communist era, the Karabakh conflict can be called both the most unexpected and the most predetermined of all these disputes. More than any others in Yugoslavia or the Soviet Union, the conflict was all but inevitable because its causes lay in the ‘deep structure’ of the relationship between its two parties in late Communist times. Four elements – divergent national narratives, a disputed territorial boundary, an unstable security arrangement and lack of dialogue between the two parties – had made fissures that would break Armenia and Azerbaijan apart, as soon as trouble began. Yet because the problem was both so new and so profound, no mechanism was found – or has yet been found – to repair the damage.”

#### **Peace talks: parties reportedly closer to an agreement (2006)**

- The OSCE has facilitated negotiations between the governments of Azerbaijan and Armenia on the conflict over Nagorno-Karabakh under the aegis of the Minsk Group since 1992
- Azerbaijan and Armenia came closer to an agreement in 2006, though remain divided on several issues

- Displaced persons, broader civil society and Nagorno-Karabakh not involved in peace negotiations

### ***Progression of negotiations***

#### **RFE/RL, 15 February 2007:**

"The U.S., French, and Russian mediators acting under the aegis of the OSCE Minsk Group hope that their prolonged efforts will at last yield fruit in the second half of 2007. They regard the months following the May 12 parliamentary elections in Armenia as another unique "window of opportunity" to end the 19-year-old conflict.

The Minsk Group's U.S. co-chair, Deputy Assistant Secretary of State Matthew Bryza, sounded optimistic about the prospects for a Karabakh peace when he spoke to RFE/RL's Armenian Service on February 7. The conflicting parties, Bryza said, agree on most of the basic principles of the settlement plan proposed by the co-chairs. Those basic principles amount to holding a referendum on self-determination in the unrecognized Nagorno-Karabakh Republic years after the liberation of at least six of the seven Azerbaijani districts surrounding the disputed enclave that are currently occupied by Armenian forces. "They don't agree 100 percent on the basic principles, but they are close, very close," Bryza said, adding that Armenia and Azerbaijan disagree only on a number of unspecified "technical issues."

International hopes for a Karabakh peace accord were similarly high when Presidents Robert Kocharian of Armenia and Ilham Aliyev of Azerbaijan met near Paris one year ago. But those two-day negotiations and a follow-up Armenian-Azerbaijani summit in Bucharest in June 2006 did not produce an agreement, however.

Following the June summit, Armenian Foreign Minister Vartan Oskanian said the two presidents failed during both rounds of talks to overcome one key sticking point that he declined to identify. But statements by Aliyev after another face-to-face meeting with Kocharian (in Minsk last November) gave ground for new optimism. Aliyev told Azerbaijan National Television on November 29 that since the so-called "Prague process" talks between the Armenian and Azerbaijani foreign ministers on approaches to resolving the Nagorno-Karabakh conflict began in 2004, the negotiating process has gone through several stages, and "we are approaching the final stage."

Aliyev said the Minsk talks "were held in a constructive way," and that "we managed to find a solution to a number of problems we could not agree on before." He added, however, that "divergences remain on crucial points," and that further progress "depends on us ourselves," presumably meaning the conflict sides, as opposed to the Minsk Group.

For observers accustomed to successive setbacks in the Karabakh peace process, these encouraging signs may appear too good to be true, especially considering the diametrically opposed positions taken by Armenian and Azerbaijani leaders in public. Aliyev in particular continues to insist that Baku will never recognize Karabakh's 1988 unilateral declaration of secession from the then Azerbaijan SSR, and can only grant the Armenian-controlled territory "the highest degree of autonomy." The Minsk Group plan would clearly enable the NKR's overwhelmingly Armenian population to legitimize that secession in the proposed referendum.

The date and practical modalities of such a vote are believed to be one of the most intractable remaining sticking points, with the Armenian side saying that it should be held as early as possible, and the Azerbaijanis reportedly demanding a 15- to 20-year delay. Armenian sources privy to the peace talks say the final version of the putative peace accord may not set any date for

the referendum, and instead keep Karabakh under Armenian control for an indefinite interim period. Azerbaijan would presumably be able not to formally relinquish its claim to Karabakh in the foreseeable future.

Those same Armenian sources also say a peace settlement was also prevented in 2006 by another issue: the time frame for Armenian withdrawal from Kelbajar, one of the two Azerbaijani districts sandwiched between Karabakh and Armenia proper. At least until now, Armenia has said it will only relinquish control of Kelbajar after the holding of the referendum, a condition that Azerbaijani officials have publicly rejected.

The Trend news agency quoted Azerbaijan's Deputy Foreign Minister Araz Azimov as saying on February 12 the parties are also divided on the return of Azerbaijani refugees to Karabakh and the status of the strategic Lachin corridor linking the enclave to Armenia. Yerevan and Karabakh's ethnic Armenian leadership insist that Lachin remain under full Armenian control. According to Azimov, during talks on January 23 in Moscow with his Azerbaijani counterpart Elmar Mammadyarov, Armenian Foreign Minister Oskanian rejected a proposal to use the Lachin corridor jointly with Azerbaijan. But while Azimov (playing bad cop to his boss's good cop?) accused Oskanian of adopting an "extremely tough" position on a number of points, Mammadyarov said on February 12 simply that he "expected more" from the Moscow talks. And while Azimov declared there is no point in continuing talks unless the Armenian side softens its stance, Mammadyarov held out the possibility that in the event of further progress, it will be possible to discuss a further meeting between the two presidents, day.az reported.

Still, the two leaders have at least one strong incentive to forge ahead with a compromise settlement this year. The proposed peace deal envisages a gradual resolution of the Karabakh dispute that would require a policy continuity in Baku and Yerevan, suggesting that the West would prefer to avoid regime change in either country. Aliyev will be up for reelection in late 2008, while observers believe Kocharian plans to hand over power in 2008 to his likely successor, Defense Minister Serzh Sarkisian, and remain in government in another capacity."

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**EurasiaNet, 5 September 2006:**

"“Since the summit meeting in France [in June 2006], Azerbaijan has appeared to be the party most dissatisfied with the proposed peace framework. The first Kocharian-Aliyev summit talks appeared to stumble over differences on a proposed referendum that would determine Karabakh’s political status. Aliyev and other Azerbaijani officials have since repeatedly stated that they will never to agree to Karabakh’s secession from Azerbaijan. Prior to first summit of 2006, Armenia made what officials in Yerevan considered to be a major concession, abandoning their insistence on a so-called "package" settlement, in which Karabakh’s status would have been determined in tandem with a decision to return to Azerbaijan territory occupied by Armenian forces. Armenian leaders are now willing to go along with a "step-by-step" settlement, in which the return of occupied lands, along with the return of Azerbaijani internally displaced persons, is followed by settlement of Karabakh’s status.”

[www.eurasianet.org](http://www.eurasianet.org)

**EurasiaNet, 29 November 2006:**

"Azerbaijani President Ilham Aliyev has announced a negotiating breakthrough in long-stalled talks to settle the Nagorno-Karabakh conflict. In comments broadcast November 29 by state television, Aliyev said “we are approaching the final stage of negotiations...”

“On some of the issues on which we have previously disagreed, we now have agreement,” Aliyev said, without elaborating ... In talking about the breakthrough, Aliyev said that Azerbaijan had not

altered its negotiating stance. "Azerbaijan's position has not changed," he said, adding that the country's "territorial integrity should be restored, and within that [arrangement], the people who live in Nagorno-Karabakh should be given the maximum degree of self-rule."

[www.eurasianet.org](http://www.eurasianet.org)

**OSCE, 5 December 2006:**

"We are encouraged that negotiations in 2006, facilitated by the Co-Chairs of the OSCE Minsk Group and supported by the OSCE Chairman-in-Office, have brought the sides closer to agreement on the basic principles for the resolution of the Nagorno-Karabakh conflict...We regret that incidents along the front lines continue occasionally to result in loss of life and call on both sides to adhere strictly to the ceasefire."

***Elite-driven peace process***

**IWPR, 1 February 2007:**

"Now an unrecognised territory with an overwhelmingly Armenian population, Karabakh has been de facto separate from Azerbaijan for a decade and a half. A ceasefire has maintained the uneasy peace between the two parties since 1994...The Karabakh Armenians do not have a place at the table in the Minsk Group negotiations, held between Armenia and Azerbaijan. Elements of a peace deal under discussion include the return of the six territories under Armenian control outside Karabakh and a referendum on the future status of the entity."

**Broers, Laurence, 1 February 2006:**

"The first key lesson that has emerged from the previous decade of peace making in the Karabakh conflict is the limitations of an elite-focussed process. It is only the highest levels of Armenian and Azerbaijani political establishments (presidents, their aides and foreign ministers) which have been engaged in the peace process. Experience from other peace processes suggests that peace agreements between leaders without significant support from wider society are likely to fail. This experience is confirmed by experiences of 1998 and 2001 in the Karabakh peace process, when resistance from societies and wider political elites caused peace proposals on which presidents had reached a high margin of agreement to fail.

There can be no peace without popular support, and no popular support without participation. The monopolization of the peace process by a narrow elite has not only restricted any sense of public ownership over the peace process, but has restricted civil society development and marginalized the two constituencies with the most to gain or lose from a settlement - the Karabakh Armenians and the displaced Azeri population ... It is crucial to reach out to marginalized communities, especially displaced Azerbaijani populations, and to broach taboo themes ... In its current structure, the peace process has 'frozen' a framework of state-to-state relationships preserving the asymmetries that are a source of conflict. This structure has both shielded Azerbaijan from necessary engagement with the de facto state in Nagorny Karabakh and advanced the latter's integration with Armenia. Preferences for state-to-state relationships have likewise offered no point of entry into the peace process for displaced Azerbaijani populations. This context lends new meaning to the well-worn phrase, 'frozen conflict'. While the conflict demonstrates constantly evolving and shifting dynamics, it is the peace process that has remained frozen ... The prospects for peace need to be measured in terms of medium and longer-term processes, rather than the political gains to be made by short-term prognoses and tactics ... [P]ositive assessments of current trends in the negotiations have yet to be matched by strategic initiatives to create a political and social terrain receptive to peace. Much hard work will be needed for any framework agreement to fall on fertile ground. Only a shift away from short-term visions can engender a sustainable and genuine peacebuilding process in the Nagorny Karabakh conflict."

**See also:**

**"Statement of the Co-Chairs of the OSCE Minsk Group," OSCE, 29 January 2007**

*"Armenian, Azerbaijani Foreign Ministers Meet on Karabakh," RFE/RL, 23 January 2007*  
*"Azerbaijani President says Karabakh talks nearing 'final stage'," RFE/RL, 29 November 2006*  
*"OSCE Karabakh troubleshooter under fire," Transitions Online, 1 September 2006*  
*"Gloom over Karabakh peace process," IWPR, 3 August 2006*  
*"Azerbaijan: slim chance for peace?" EurasiaNet, 16 March 2006*  
*"Armenia/Azerbaijan: tensions rise over Nagorno-Karabakh," EurasiaNet, 4 March 2006*  
*Country Strategy and Program Update, ADB, January 2006*

### **Views of citizenry in Nagorno-Karabakh on peace process (2006)**

- Mixed views of citizenry on peace process

#### **EurasiaNet, 14 December 2006:**

"If Armenia frees those territories, without a doubt, then, Azerbaijan should take reciprocal steps and recognize our independence or, in the worst case, recognize our right to a free choice," commented Vahram Atanesian, chairman of the Nagorno-Karabakh parliament's foreign affairs committee...

While war verveans, refugees from Azerbaijan and long-term residents interviewed by EurasiaNet all spoke out strongly against any resumption of armed hostilities with Azerbaijan, feelings were mixed about the return of Azerbaijani refugees to this predominantly ethnic Armenian land. The government of Azerbaijan has insisted on such a right of return as one of the conditions for a lasting peace resolution with Armenia.

"There's no chance we can live together now," said octogenarian Areg Oganisian, an Azeri-speaking ethnic Armenian refugee from the Azerbaijani town of Sumgait who returned to his family village outside of the Karabakh town of Shushi after the 1988 pogrom against Armenians in Sumgait. "But I also cannot say that all Azerbaijanis are bad. They are civilized, too...If it hadn't been for Sumgait, we could have worked things out, but Sumgait was a detonator."

[www.eurasianet.org](http://www.eurasianet.org)

### **Several factors threaten peace process (2006)**

- Azerbaijan has been increasing its defense budget
- The ceasefire line between Azerbaijan and Armenia is not permanently monitored by a peacekeeping force
- Hostilities occur frequently on ceasefire line
- Fires near the ceasefire line have increased mistrust between Azerbaijan and Armenia

#### ***Increase in Azerbaijan's defense budget***

#### **RFE/RL, 1 February 2007:**

"...despite a pronounced and dramatic spike in the defense budget, which is projected to surpass \$1 billion this year, the Azerbaijani military remains hostage to earlier sporadic, haphazard, and incomplete efforts at modernization and reform... On one level, Baku's renewed commitment to

developing a more formidable military capability seem in accordance with its long record of aggressive and bellicose threats to resort to military action in the event that ongoing efforts to mediate a peaceful political solution of the Nagorno-Karabakh conflict fail.

But that commitment should also be seen in the broader regional context, specifically, of a larger shift in the overall balance of power in the South Caucasus, as Georgia too seeks to raise the effectiveness of its armed forces to comply with NATO standards as part of its bid for NATO membership.”

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### ***Self-regulating ceasefire line***

#### **Conciliation Resources, 2005:**

“For more than a decade the ceasefire line, or line of contact (LOC), separating Azerbaijan and de facto Armenian-controlled Nagorny Karabakh, has been observed by all parties without external peacekeepers or a permanent monitoring force. This self-regulating aspect of the ceasefire line is unique to the Karabakh conflict. In other conflicts where no political settlement has been reached, such as Kashmir or Cyprus, a third-party force (in these cases the United Nations) observes and sometimes enforces the ceasefire. In the former Soviet Union, a joint peacekeeping force composed of Russian, Georgian and North Ossetian units observes the ceasefire in South Ossetia; in both Abkhazia and Transnistria Russian peacekeepers are deployed under a Commonwealth of Independent States (CIS) mandate.

Limited instances of ceasefire violations, low casualty levels (around 200 dead and wounded) and no instances of military escalation beyond the LOC testify to the unprecedented success of this self-regulating system. Some experts believe that the ceasefire has been observed due to an existing military balance between the sides, assuring neither of military victory should a new confrontation occur. However, the question remains to what extent this system is sustainable and effective in the long run without any progress towards the political settlement of the conflict...

In the absence of a permanently deployed force, OSCE monitors carry out monitoring of the LOC through regular visits. These visits are announced in advance and involve visits separately to both sides of the LOC from Azerbaijan and from Armenia. In the past monitors also made symbolic crossings of the LOC after a corridor had been de-mined by both sides. However, these crossings have ceased after an incident involving a mine that exploded. This system includes neither the permanent presence of monitors nor any element of surprise. It also does not incorporate any confidence-building measures between the forces deployed on both sides of the LOC, between which no clear rules of engagement exist in the absence of a political settlement. As a result both the de facto authorities of Nagorny Karabakh and the government of Azerbaijan maintain high levels of military presence at the line as well as a well-developed infrastructure of trenches and other fortifications.”

### ***Frequent incidents along ceasefire line***

#### **RFE/RL, 19 January 2007:**

“Azerbaijan's Defense Ministry says Armenian forces shot dead an Azerbaijani soldier near the disputed Nagorno-Karabakh region. Armenia's Defense Ministry denies the charge. The Armenian side said its soldiers were preserving the cease-fire agreement in the area.”

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#### **Council of Europe, Parliamentary Assembly, 13 April 2006:**

“The Assembly is, however, bound to point out that the efforts made by Armenia and Azerbaijan to find a solution to the Nagorno-Karabakh conflict have not as yet produced results. These efforts are continuing. It deplores the frequent incidents along the ceasefire line and the border incidents, which are detrimental to refugees and displaced persons as well as to local people, and regrets the clearly insufficient co-operation between these two countries over the fate of missing persons.”

**European Commission, 3 February 2005:**

“Portions of Azerbaijan’s territory remain under Armenian occupation. Although the cease-fire has held since 1994, significant numbers of incidents along the “line of contact” take place each year: in 2004 alone there have been more than 30 casualties.”

***Fires in areas close to the ceasefire line***

**EurasiaNet, 28 August 2006:**

“From Baku’s viewpoint, the fires are politically motivated, designed to prevent the resettlement of Azeri internally displaced persons. “If the fires continue, it will create problems for people who will move to these areas; people will not be able to use this land for at least the next five-ten years,” Araz Azimov, Azerbaijan’s deputy foreign minister told reporters.”

[www.eurasianet.org](http://www.eurasianet.org)

**OSCE, 10 July 2006:**

“On 22 June, at the Permanent Council in Vienna, the Azerbaijani delegation to the OSCE reported on fires affecting areas close to the Line of Contact (LOC), stating that it is necessary for the OSCE to assess the situation. The delegation distributed a compilation of satellite photographs of the affected areas around the Agdam and Martuni/Khojavend regions...”

Information as stated by the Parties

The local commanders on the NK side stated that servicemen and civilians were doing their best to put out the fires. They complained that crops and cattle were at risk from the fires, as well as soldiers serving in the trenches. According to them it made no sense for the NK side to start fires so close to the front lines, for safety reasons. The fires could destroy mines which were there as defensive measures and which were difficult, dangerous and costly to replace. Local commanders alleged that the Azerbaijani side had used tracer rounds to set fire to grass and crops behind the NK positions. They added that in such hot weather, fires could also be started incidentally by discarded cigarettes or glass. It was acknowledged that fires occur every year.

The local commanders on the Azerbaijani side claimed that the NK side were shooting tracer rounds and incendiary ammunition into the positions close to and behind the Azerbaijani front line positions to start fires. They also alleged that the NK side took advantage of the wind direction to start fires at the LOC, which would be spread by the wind to the Azerbaijani areas behind the LOC. They claimed this was done to make life difficult for the civilian population and servicemen in the trenches. Local commanders and local authorities further alleged that the NK side were deliberately setting fire to former Azerbaijani villages in the occupied territories to destroy whatever remains there. On several occasions, local authorities acknowledged that fires occur every year.

**Summary of Findings**

The photographs provided by the Azerbaijani side reflect a reasonably accurate picture of the geographical coverage of the fires ... In the affected areas, including ruined former villages on the NK side close LOC and the outskirts of Agdam, the fires had clearly burned away the short dry grass and had reached only the lower parts of the scarce bushes (mainly pomegranate) and some trees ... These areas were completely uninhabited ... Areas of burnt grass were visible to the Teams on both sides of the LOC...

## Conclusions

... It is clear that there is a lack of proper fire-fighting equipment on both sides and in some places the sources of water were not sufficiently close ...The Teams were able to collect the facts as they saw them and information as stated by the parties. However, as no experts were present, due to the urgent nature of the request, it was not possible to present a broader assessment."

### **UN General Assembly, Sixtieth Session, 7 September 2006:**

"Mr. Wolff (United States of America): The Russian Federation, France and the United States of America, as the co-Chair countries of the Minsk Group of the Organization for Security and Cooperation in Europe (OSCE), remain committed to promoting a peaceful, negotiated resolution of the Nagorny Karabakh conflict. In that capacity, we take with great seriousness concerns raised by either side to the conflict regarding threats to the security and stability of the region, as well as any developments that post new obstacles for the negotiation process. Accordingly, we have examined closely the information provided by the Government of Azerbaijan regarding fires in the eastern part of the occupied territories of Azerbaijan surrounding Nagorny Karabakh. We also note the report of the Personal Representative of the OSCE Chairman-in-Office, who, at the request of the Government of Azerbaijan and at the direction of the Chairman-in-Office, has carried out a monitoring mission to the affected areas. We note in particular that fires of both natural and man-made origin are a regular occurrence in the region. The question of whether this year's more extensive fires are a cause for ecological concern requiring international attention to their suppression is one that can be answered only through a technical examination of the situation."

### **Political developments (2005-2006)**

- Pro-government parties won a majority of seats in 2005 parliamentary elections, but elections marred by flawed counting and tabulation of votes and interference by election commission members and local executive authorities
- Nagorno-Karabakh votes in favour of proposed constitution

### ***2005 Parliamentary Elections***

#### **ICG, 21 November 2005:**

"2005. Expectations were high for the 2005 parliamentary elections, due to better registration procedures, improved media access for the opposition, and numerous public statements from the president committing to a free and fair process. However, as in the past, election commission members and local executive authorities interfered illegally, and counting and tabulation of votes were seriously flawed. Pro-government parties won a majority of seats, with preliminary results giving the opposition only six seats out of 125."

### ***Nagorno-Karabakh referendum***

#### **EurasiaNet 13 December 2006:**

"The disputed territory of Nagorno-Karabakh, a remote, predominantly ethnic Armenian region formerly held by Azerbaijan, gained a constitution on December 10, but the impact of the vote remains contentious. The international community, if it followed the referendum at all, criticized it as a potential threat to ongoing, delicate talks between Armenia and Azerbaijan over the territory. But for the separatist leadership itself, the vote was no more than a natural step in its 15-year journey toward full-fledged independence...Preliminary results show the referendum passed with



the support of 99 percent of the 78,389 Karabakhi voters taking part – a staggeringly positive result that did not come as a surprise for most residents in this isolated mountain region, a six to eight-hour drive from the Armenian capital, Yerevan...The sensitive issue of the return of ethnic Azerbaijani refugees is not specifically addressed in the document, although the constitution provides for a right of return for "every citizen and foreign citizen having the right to live in the Nagorno-Karabakh Republic." The issue of citizenship has been left undefined, pending a later law. Karabakhis currently carry Armenian passports, but cannot vote in Armenia's elections. Armenian is defined as the state language, but the constitution guarantees "the free use of other languages spread among the population."

**IWPR, 14 December 2006:**

"The day after the poll, Sergei Nasibian, chairman of the central commission for the referendum, announced that 78,389 out of 90,077 registered voters had cast their ballots, of whom 98.58 per cent had voted for the constitution and 0.7 per cent against.

More than 100 non-governmental international observers and journalists monitored the poll and gave it a positive verdict, saying it was held to a high international standard.

"I visited the village of Mehmana village in the Martakert District," said Luciano Ardezi, a member of the International Human Rights League. "I must admit that the referendum was very well organised and took place in accordance with all international requirements. The voting was free and transparent."

Most irregularities were technical in nature and concerned inaccuracies in voter lists, voting in closed booths and so on.

Much of the criticism from local observers was centred on the charge that the population was poorly informed about what they were voting on.

"Many people are not familiar with the text of the basic law," said Naira Hairumian, an observer from the Open Society organisation.

Pensioner Svetlana Davidian told IWPR that she did not know the contents of the constitution, but voted for it anyway. "Clever people worked on this document," she said. "Many of my acquaintances and I have come to vote for the constitution for a different reason - because this is yet another move to strengthen our independence, which we declared in 1991 when we were being bombed by Azerbaijan."

Former Russian mediator Vladimir Kazimirov told the PanARMENIAN.Net news agency that although the vote would not be recognised, "it's impossible to fully ignore the referendum. Of course, democratic procedures in Nagorny Karabakh are not faultless, as Azerbaijanis living in Nagorny Karabakh are not allowed to take part in them. But it won't occur to anyone to refuse to recognise elections in [the Azerbaijani cities of] Baku or Ganje just because Armenians living there have not participated in them, will it?"

There was condemnation of the vote from the American, French and Russian co-chairs of the Minsk Group on the grounds that the vote interfered with the Armenian-Azerbaijani peace process at a delicate stage."

## **COE calls for withdrawal of Armenian forces and the return of IDPs (2005)**

- Parliamentary Assembly of the Council of Europe (PACE) adopted a report on the Karabakh conflict which considers that parts of Azerbaijan's territory are still occupied by Armenian forces and separatist forces are still in control of the Nagorno-Karabakh region
- The Committee considered the occupation of territory by another COE state a "grave violation"
- It calls for compliance with the 1993 UN Security Council resolutions calling for the withdrawal of occupying forces from the Nagorno-Karabakh surrounding districts
- PACE also called on the OSCE Minsk Group, sponsoring talks between the two countries, to expedite a formal agreement

### **RFE/RL, 26 January 2005:**

"In the late summer of 2004, British parliamentarian David Atkinson, who succeeded Terry Davis as the Parliamentary Assembly of the Council of Europe's (PACE) rapporteur for Nagorno-Karabakh, was tasked with completing a report begun by Davis for the assembly on the situation in the disputed region.

Even though such reports, when adopted, are only recommendations, ever since that draft was unveiled two months ago, legislators and political commentators in both Armenia and Azerbaijan have evaluated, and lobbied to amend, criticisms they consider unwarranted and terminology they consider inappropriate or misleading.

Specifically, the Armenian side objected from the outset to the assertion that 'considerable parts of the territory of Azerbaijan are still occupied by Armenian forces, and separatist forces are still in control of the Nagorno-Karabakh region.' The Armenian PACE delegation sought to substitute 'supporters of democracy' for the term 'separatist forces,' presumably in order to underscore that the elections that have taken place in the disputed republic were free and democratic, in contrast to those in Azerbaijan that the OSCE has consistently criticized as not meeting international standards for free and fair elections. The Armenian side also considered inappropriate the use of the term 'ethnic cleansing' in connection with the exodus from the region of its minority Azerbaijani population.

The Davis/Atkinson report was the subject of a three-hour debate on 25 January during the PACE winter session. The Armenian delegation's efforts to tone down wording that it considered unfair proved largely unsuccessful, partly, delegation head Tigran Torosian told RFE/RL's Armenian Service on 20 January, due to lack of Russian support. According to zerkalo.az on 26 January, most speakers expressed support for Azerbaijan's territorial integrity and for the withdrawal of Armenian forces from areas bordering on Karabakh. The report was finally approved by a vote of 123 in favor and seven against. Moreover, the final version of the report terms the occupation of the territory of one Council of Europe member state by another "a grave violation" and stresses that the independence and secession of a territory may be achieved only through a lawful and peaceful process and not in the wake of an armed conflict leading to the expulsion of part of the region's population. It calls for compliance with four UN Security Council resolutions adopted in 1993 calling for the withdrawal of unnamed occupying forces from districts of Azerbaijan bordering on Nagorno-Karabakh. And it calls on the co-chairs of the OSCE Minsk Group to expedite a formal agreement on cessation of the conflict that would "eliminate the major consequences of the conflict for all parties" and pave the way for the so-called Minsk Conference that would address the region's future status vis-a-vis Azerbaijan.

That approach is tantamount to endorsement of the so-called 'phased' approach to resolving the conflict, and it would apparently require the withdrawal of Karabakh Armenian forces from the seven districts of Azerbaijan bordering on Nagorno-Karabakh that they currently control, and the return to their abandoned homes of the region's Azerbaijani minority, prior to the beginning of any formal discussion of the region's political status and of the measure of self-rule to which it would be entitled as part of Azerbaijan. The Armenian government considers this approach anathema, insofar as it would deprive the Armenian side of its sole bargaining chip (the occupied territories) before talks on Karabakh's status got under way. The final version of the report terms the occupation of the territory of one Council of Europe member state by another 'a grave violation.'

Azerbaijani commentators on 26 January termed the final wording of the report a major defeat for Armenia. But the report also contained at least one recommendation that is not acceptable to Azerbaijan: the Armenian delegation succeeded in having it amended to include a call on the Azerbaijani leadership to embark immediately and unconditionally on talks with the leadership of the unrecognized Nagorno-Karabakh Republic on the region's future status. Moreover, addressing the Assembly on 25 January, Atkinson argued that Azerbaijan should be expelled from the Council of Europe if it attempts to restore its hegemony over Nagorno-Karabakh by military means, Turan reported."

**See "[COE Parliamentary Assembly resolution and recommendations \(2005\)](#)"**

### **Azerbaijan and Armenia join the Council of Europe (January 2001)**

- Accession of Azerbaijan follows monitoring by the Council of Ministers of democratic developments
- The Parliamentary Assembly made a series of recommendations concerning the necessary reforms

#### **COE 17 January 2001:**

"25 January 2001 is the date set by the Committee of Ministers of the Council of Europe for the ceremony marking the accession of Armenia and Azerbaijan to the Council of Europe, bringing the pan-European Organisation's membership to 43 member States.

The ceremony will take place during the Parliamentary Assembly session, in the presence of President Robert Kocharian of Armenia and President Heydar Aliyev of Azerbaijan and their respective foreign ministers.

This decision follows the Resolutions adopted on 9 November 2000, simultaneously inviting Armenia and Azerbaijan to join the Organisation, to be confirmed when setting the date for the accession ceremony. The Committee of Ministers decided at the time to monitor democratic development in the two countries in the light of the commitments undertaken. The Chairman of the Committee of Ministers travelled to Armenia and Azerbaijan on 3 and 4 January 2001 to review with the authorities what progress had been made and what still remained to be done...

The two new members will have 4 and 6 seats respectively in the Parliamentary Assembly. Armenia will contribute 0.12% and Azerbaijan 0.20% of the Organisation's budget." ( )

### **Other causes of displacement**

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## **Risks of displacement as a result of natural disasters (2003)**

- Although to a far lesser extent than armed conflict, natural disasters affects civilian population in Azerbaijan
- Cases of Earthquakes (June 1999: Agdash district), landslides, floods (as a result of dam and reservoirs constructions and rising level of the Caspian sea)
- More than 2,500 people evacuated from severely damaged houses as a result of an earthquake in Baku, Sumgait and 13 other regions in November 2000

### **UNDP 1996:**

"In Azerbaijan natural disasters are far outweighed by those caused by human conflicts; nevertheless they must be part of any consideration of human settlement issues.

Earthquakes. The whole of Azerbaijan is liable to suffer from earthquakes of a magnitude of 8-9 on the 12 magnitude scale. Among the parts of the country with high population density most liable are the Apsheron Peninsula and the North Caspian region. The slopes of the Greater Caucasus Mountains are considered to be the most dangerous. Gandja is in the zone of force 8-9 earthquake risk.

Landslides. These occur typically on the North-Eastern and Southern slopes of the Caucasus Mountain range. Very often landslides are caused by earthquakes. In 1986 there were landslides in the Ismailly region after an earthquake. Landslides occur in Baku also, a fact not always taken into consideration in urban planning policy.

Floods. The construction of dams and reservoirs for hydro-electric power, irrigation and water supply along the main Kura river, has practically stopped its regular natural flooding. The collapse of these dams could lead to massive flooding of the country's most densely populated areas. In December 1994 such a disaster occurred on the Apsheron Peninsula, and part of a Baku suburb was flooded. Flooding of mountain rivers are also dangerous for settlements and agriculture.

Rise in the level of the Caspian Water Basin. Disastrous consequences for Azerbaijan are resulting from the current rise in the level of the Caspian Water Basin. Already thousands of square kilometers of coastal areas in Azerbaijan have been flooded. Flooding of industrial enterprises and harbours on the shores of the basin have had serious consequences for the ecology and economy of the area. 50 settlements and thousands hectares of resort and recreation areas have already been flooded. Another 30 settlements and 30,000 people have had to abandon their homes because of flooding and the rising water level. More than 1,000 homes have been flooded in the south of the country.

Historically the level of the Caspian Water Basin has fluctuated between 26-28 metres below the world ocean level. People who lived near the Caspian shores were aware of this phenomenon and accordingly developed settlements above the highest level. When the Caspian level was low they used the land for temporary purposes only. In 20th century, particularly during the Soviet period, this policy was ignored. Factories and housing were constructed on land historically at risk."

### **UN OCHA 5 January 2001:**

#### Earthquake (November 2000)

"A strong earthquake, measuring 7,0 on the Richter Scale, occurred in Azerbaijan on 25 November 2000. The earthquake, which was felt in Baku, Sumgait and other 13 regions, caused widespread damage.[...]

As a result of the earthquake, 31 people died and 600 were injured. The State Emergency Commission of the Republic of Azerbaijan, which started its work after the earthquake, also coordinated the activities of all governmental and non-governmental agencies to address the consequences of the earthquake.

Measures undertaken by the State Commission allowed to assess that 450 buildings in Baku and Sumgait, including 363 private houses, had been severely damaged. 656 families (2,694 persons) have been temporarily evacuated from severely damaged houses. 354 buildings in other 13 regions of Azerbaijan, including 330 houses and 24 public buildings, were damaged seriously and different extent of damage was also caused to 5,761 buildings. The assessment of scope and total amount of damage caused to buildings is still continuing. At present, 804 buildings in Azerbaijan, including 693 private houses and 108 public buildings, remain damaged. Reconstruction work is being carried out on some 90 buildings."

**Coordination Meeting Report 19 July 1999:**

Earthquake in Agdash and neighbouring districts (June 1999)

"Mr. Elchin Rehberli, Territorial Development Department, Cabinet of Ministers, mentioned that, on 4 June 1999 at 2.13 p.m., an earthquake measuring magnitude 7 (by a 12-scale system) struck Agdash and neighbouring districts namely Ujar, Yevlakh, Kurdamir, Zardob, Tovuz, Mingechevir and Sheki. Luckily, no casualties were reported, though 70 persons were injured.

According to a preliminary damage assessment report, approximately 1,000 dwellings were damaged in Agdash town as a result of the earthquake, of which about 150 houses were either destroyed or heavily damaged (and are currently dangerous to live in). Fortunately, the quake was not followed by rains which could increase the number of either destroyed or damaged houses, since the cracked houses were constructed of mud-brick or river stone.

The Government allocated 500 million manats to alleviate the consequences of the earthquake. Rehabilitation and reconstruction works have been started in the affected districts, cost estimates are being defined in Agdash, Kurdamir, Yevlakh, Sheki, Kurdamir and Zardob.

A preliminary damage caused by the quake is estimated at approximately US\$ 5 million of which the damages caused to Agdash and affected districts are estimated at about US\$ 2.5 million respectively.

Primary concern of the Government is rehabilitation of the affected educational institutions and public buildings. An assistance will be provided for 2,500 families whose houses were either destroyed or heavily damaged, since the houses were not insured. Different Ministries, government structures will be also providing assistance to the affected families, once the extent of the damage is finalised."

**See also, "[Azerbaijan - Floods/Landslides OCHA Situation Report No. 1](#)", 6 May 2003**

# POPULATION FIGURES AND PROFILE

## Global figures

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**Total internally displaced population in the government-controlled territory: 578,545 - 686,586 persons (November 2006)**

- Government figures show there are approximately 690,000 internally displaced persons in Azerbaijan
- Most IDPs live in Baku, Sumgait, Barda and Fizuli
- The Government is the only compiler of statistics on the number of IDPs

### *Number of displaced people*

*As of November 2006, the government reported there were 686,586 internally displaced persons in Azerbaijan from Nagorno-Karabakh and 7 regions adjacent to Nagorno-Karabakh. In December 2005, the government reported there were 558,387 internally displaced persons, though the origin of these people was not specified.*

*These statistics are not entirely reliable since the migration of IDPs is not always registered. Also, the statistics seem to only increase, in part since newborn children inherit IDP status. UNHCR uses government statistics, as they are the only statistics on internally displaced persons available in Azerbaijan.*

### **Government of Azerbaijan, 21 November 2006:**

"Fully recognizing its primary responsibility to protect IDPs on its territory, the Government of the Republic of Azerbaijan has been continuing to play an increasingly leading role in the provision of care and assistance to the internally displaced persons (IDPs) in the course of the recent years through some temporary integration initiatives to assist and meet the needs of 686,586 IDPs forcibly displaced from the Nagorno-Karabakh region and 7 other adjacent regions of Azerbaijan..."

### **Government of Azerbaijan, State Committee on Refugees and IDPs, December 2005:**

*As of December 2005, the State Committee on Refugees and IDPs estimated the number of IDPs to be 558,387 persons.*

### **Government of Azerbaijan, 2005, p. 45:**

"A total of 311,000 refugees and 577,906 IDPs were living in Azerbaijan as of December 1, 2004. These figures are based on the information given by local government offices in areas where there is a high density of IDP population. As mentioned above, the data are not considered to be very reliable, due to the unregistered migration of IDPs and refugees from areas where they were originally settled."

**UNHCR, December 2006:**

“According to official statistics from the Government of Azerbaijan there were at the end of 2005, 686,586 IDPs (578,545 IDPs from Nagorno-Karabakh and seven adjacent occupied districts and 108,041 resettled from areas near border with Armenia).”

**UNHCR, June 2006:*****Number of IDPs of concern to UNHCR*****Council of Europe, Parliamentary Assembly, 13 April 2006:**

"It is difficult to gauge the number of refugees and displaced persons in the region. By law or by virtue of administrative practice, the three countries tend to recognise the descendants of persons displaced in various capacities within the region as “refugees” or “displaced persons”, with the result that the total number of refugees and displaced persons never seems to decrease."

***Location of the displaced*****Government of Azerbaijan, December 2005:****Estimates of IDPs Temporarily Residing at Cities and Regions of the Azerbaijan Republic**

City or region	IDP estimates (families/people)
Nakhchivan Autonomous Republic	264/967
Baku	40915/169609
Binagadi	6938/28479
Azizbayov	3204/13673
Khatai	4245/17599
Garadag	2353/9612
Narimanov	4130/16762
Nasimi	2543/10659
Nizami	3410/13840
Sabunchu	4425/18456
Sabail	1901/7585
Surakhani	3330/14901
Yasamal	4436/18043
Ali Bayramli	1102/4451
Ganja	3752/15359
Mingachevir	4356/18004
Sumgayit	10752/44084
Naftalan	605/2968
Absheron	2507/10093
Agjabadi	4317/17736
Agdam	6206/25275
Agdash	868/3367
Agstafa	59/162
Agsu	442/1774
Astara	10/50
Balakan	65/260

Beylagan	4190/16207
Barda	10729/44802
Bilasuvar	2843/12568
Jalilabad	3111/1418
Dashkasan	343/1272
Davachi	98/353
Fuzuli	13433/54122
Gadabay	97/321
Goranboy	1917/7246
Goychay	511/1919
Hajigabul	516/1849
Khachmaz	125/462
Khanlar	1615/6021
Khizi	110/468
Imishli	3356/11132
Ismayilli	812/3372
Kurdamir	768/2745
Gakh	264/1083
Gazakh	1839/6859
Gabala	498/1943
Gobustan	165/470
Guba	66/257
Gusar	14/30
Lachin (Takhta korpu)	3576/14009
Lerik	0/0
Lankaran	128/504
Masalli	137/455
Neftchala	97/377
Oguz	701/2764
Saatli	1288/4902
Sabirabad	2063/7749
Salyan	330/1369
Samukh	402/1772
Siyazan	33/141
Shamakhi	302/1130
Shaki	1294/5131
Shamkir	490/1923
Tartar	3107/11047
Tovuz	5/23
Ujar	290/1042
Yardimli	0/0
Yevlakh	2812/11646
Zagatala	104/375
Zardab	235/950



## **Internal displacement in Nagorno-Karabakh and surrounding areas (2001-2006)**

- At least 44,000 ethnic Armenians reportedly moved to Nagorno-Karabakh in the early 1990s
- There are now some 30,000 internally displaced persons in Nagorno-Karabakh, mainly of ethnic Armenian origin
- Armenian government has apparently resettled refugees originating from Azerbaijan in Nagorno-Karabakh and surrounding areas

### **EurasiaNet, 12 January 2007:**

"Karabakh Armenian leaders put the territory's population at 145,000, based on 2002 estimates. Some outside observers, however, believe true number to be far fewer. By comparison, a 1989 census put the region's population at over 185,000."

[www.eurasianet.org](http://www.eurasianet.org)

### **ICG, 11 October 2005:**

"Nagorno-Karabakh has 14,600 displaced Armenians from Martuni and Mardakert, parts of the old oblast under Baku control, as well as some 12,800 from pre-war Shahumian and Getashen (Azerbaijan proper) ... almost all the pre-war Armenian population [in Azerbaijan] was forced to become refugees, including some 30,000 internally displaced persons (IDPs) who live today in Nagorno-Karabakh and the occupied districts."

### **IWPR, 16 August 2006:**

"It comes as a surprise to many outsiders to learn that there are Azerbaijanis here [in Nagorno-Karabakh] at all. There are of course far fewer of them than before the war, when around one quarter of the population of Nagorny Karabakh was Azerbaijani. Almost all of them fled in the great refugee upheavals of the conflict. But there are more than a handful left: they are mainly people who married Armenians and their children. According to the national statistics bureau of Nagorny-Karabakh, Azerbaijanis are classed as one of the ethnic minorities of Karabakh ... But it is hard to calculate the real numbers because most of them have changed their surnames or use married Armenian names."

### **USCR, 2002:**

"According to the de facto government of Nagorno-Karabakh, the population of the enclave stood at about 143,000 in 2001, slightly higher than the ethnic Armenian population in the region in 1988, before the conflict. Government officials in Armenia have reported that about 1,000 settler families from Armenia reside in Nagorno-Karabakh and the Lachin Corridor, a strip of land that separates Nagorno-Karabakh from Armenia. According to the government, 875 ethnic Armenian refugees returned to Nagorno-Karabakh in 2001. Most, but not all, of the ethnic Armenian settlers in Nagorno-Karabakh are former refugees from Azerbaijan. Settlers choosing to reside in and around Nagorno-Karabakh reportedly receive the equivalent of \$365 and a house from the de facto authorities."

## **Disaggregated data**

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### **Need for regular monitoring and data collection (2007)**

- There is a need to collect data for comparison of living standards of IDPs with other sections of the population

- This should help to identify vulnerable sections of the IDP population and better target use of resources
- The State Committee for Refugees and IDPs (SCRIDP) collects some basic data on IDPs however there is little data on their accommodation or general living standards

**The Brookings Institution-University of Bern Project, 16 May 2006:**

“Azerbaijan’s National Poverty Reduction Strategy calls for an annual survey on the IDP population. UN agencies have been urging the government to undertake such a survey so that needed information becomes available.”

**Government of Azerbaijan, 2005, p.45:**

“It is difficult to carry out regular monitoring of the welfare of refugees and IDPs due to the lack of statistical data on this section of the population. Administrative data are available from the SCRIDP [State Committee for Refugees and IDPs], but are not always reliable, since the refugee/IDP population tends to move around informally to find work/accommodation, and thus data on, for example, place of residence and employment become outdated very quickly. There are no regular surveys on the living standards of this section of the population, although a series of one-off surveys have been carried out over the past decade (with different sample sizes and different subject matter).”

**Government of Azerbaijan, 26 May 2004, p.48:**

"Although one of the six main strategic goals of the SPPRED [State Programme on Poverty Reduction and Economic Development] program is to 'improve the living conditions and opportunities of the refugee and IDP population', there are limited data sources from which to monitor implementation of this overall aim. The State Committee for Refugees and IDPs (SCRIDP) collects administrative data on the numbers and living places of this section of the population, and also on the type of accommodation in which the IDP households live. There is very little statistical data available on the quality of their accommodation or their general living standards. There are no regular surveys which allow us to monitor the living standards of refugees and IDPs; surveys that allow looking at the differences in living standards within this group, in order to target support.

There is also no satisfactory regular source of information which allows us to look at the differences in income poverty between IDPs/refugees, and the rest of the population. However, a one-off survey of IDPs/ Refugees was carried out in 2002 which allows some comparison of the living standards of this group and the rest of the population [...].[39] The other source of data is the SCC’s Household Budget Survey. However, the refugee/ IDP population is represented in this survey in proportion to their representation in the total population, i.e. less than 8%. This makes it a small sample size, which is not suitable for looking at differentials within the group. Apart from these sources, there have been smaller one-off studies of sections of the IDP/ refugee population, which give, however, a somewhat fragmented picture of their situation. SPPRED envisaged the implementation of an annual survey on the IDP/ Refugee population, but so far there have been no steps taken towards implementing this measure."

**See also, [Government of Azerbaijan, State Programme on Poverty Reduction and Economic Development 2003-2005, 2003, p. 161](#)**

**Gender and age data (2002-2007)**

- About 295,000 displaced persons are female according to the Government (December 2005)
- There are some 30,000 more displaced women than displaced men

- Gender imbalance can be explained by conflict-related losses, a lower life expectancy for displaced males linked to psychosocial stress, and labor migration
- Statistics on children are not collected on a regular basis

**Women**

**Government of Azerbaijan, December 2005:**

**Social structure of IDP group**

Social composition of IDP group	People
Male	264,086
Female	294,301
Children aged 0-5	78,473
Children aged 6-15	124,150
Capable of working (age 16-60)	277,072
Older than 60 years old	78,692
<b>TOTAL NUMBER OF IDPS</b>	<b>558,387</b>

**Council of Europe, Parliamentary Assembly, Committee on Equal Opportunities for Women and Men, 6 February 2007:**

“...it seems that refugee and displaced men, who are fewer in number, tend to monopolise humanitarian aid to the detriment of basic family needs. Humanitarian aid should therefore primarily go to women, who would share it out among family members.”

**UNDP 2002, sect. 5.2:**

"The gender structure of the refugees and IDPs is given in Figure 5.23.

Female IDPs      Male IDPs      National average      Female IDPs      Male IDPs

**Figure 5.23 Gender structure of refugees and IDPs, 2001, percentages**

Demographic analysis reveals a significant difference between the number of male and female refugees and IDPs. The current gender imbalance considerably exceeds the national average indicator of 51.0 percent women and 49.0 percent men. A more disturbing trend may be identified in the births and number of boys under 14 years of age, which are higher than the numbers for girls. There is a prevalence of women among the working age and fertile age groups; for more than 100,000 of these women, there are no corresponding male peers.

In addition to losses sustained during the conflict, which account for 18,000 men (not including disabled veterans), poverty has led to a major decrease in male life expectancy and increased labor migration. Higher mortality rates are recorded among males. [...]

Only 10 percent of men are capable of providing for their families. The resultant psychological stress and frustration of not being able to meet the needs of their families tends to decrease their life expectancy. Deprived of the ability to fulfill basic social and psychological responsibilities, the

men often succumb to alcoholism, fatal diseases and suicide. In fact, the suicide rate among the males of this age group is 2.5 times higher than that of women.

The resulting gender imbalance thereby emerges as a direct consequence of forced poverty."

### **Children**

#### **UN Committee on the Rights of the Child, 17 March 2006:**

"5. The Committee notes the particular situation of the Nagorno-Karabakh region, which is within Azerbaijan territory but de facto not under control of the State party's Government, and that - as a consequence - information about the implementation of the Convention in that region is very limited.

18. The Committee notes with concern that the compilation of statistics on children suffers from a lack of coordination and regular collection, especially with regard to most vulnerable groups of children, i.e. disabled children, internally displaced persons (IDP) and refugee children as well as children in conflict with the law.

19. The Committee recommends that the State party develop a system for a comprehensive collection of data on all areas of the Convention in a way that allows for disaggregation, inter alia, by those groups in need of special protection."

#### **Ethnic Azeris constitute majority of the displaced population (2004)**

- Other than ethnic Azeris, there are some 4,000 Kurds from the Lachin and Kelbajar districts and several hundred persons of various other ethnic groups, mostly Russian and Turkish
- Most of the displaced come from regions outside Nagorno-Karabakh while only 42,000 persons were displaced from Nagorno-Karabakh itself

#### **State Committee on Statistics, January 2004:**

##### **Ethnic composition of displaced population**

Azeri	568,922
Kurdish	4,723
Turkish	330
Russian	542
Other	97

#### **UN Commission for Human Rights 25 January 1999, para. 31:**

"The overwhelming majority, over 99 per cent, of the internally displaced population are ethnic Azeris. The remainder are some 4,000 Kurds from the Lachin and Kelbajar districts and several hundred persons of various other ethnic groups, mostly Russian."

#### **Greene 1998, p. 254:**

"The more than 600,000 displaced Azerbaijanis constitute the largest group of IDPs in the Caucasus. The displaced include the entire Azeri population of Nagorno-Karabakh and a wide area surrounding it. They comprise a broad range of professionals, farmers, and workers and include men, women, and children of all ages. Because of the ethnic basis of displacement in Azerbaijan, the IDPs there are virtually all Azeri (Turkic) peoples. Most of them are nominally Shia Muslim, but many of those from Lachin and Kelbajar Provinces are Sunni Muslim Kurds."

### Urban locations of displaced populations (2005)

- Around 170,000 internally displaced people are estimated to live in Baku, the urban area with the largest IDP population
- The general pattern remains, however, that most internally displaced have moved to areas close to their region of origin

**Government of Azerbaijan, December 2005:**

#### *Urban locations of displaced population*

City	Estimated number of people/families
Baku	40,915/169,609
Sumgait	10,752/44,084
Mingechevir	4,356/18,004
Ganja	3,752/15,359

### Many IDPs still live in temporary accommodation (2006)

- Types of shelter IDPs reside in include public buildings, camp settlements, houses, railway cars
- Most urban IDPs live in public buildings, while most rural IDPs live in housing settlements
- Many new families have appeared within IDP households, increasing the need for additional housing
- The rest live with relatives or friends, farms, specially built houses, or illegally occupied apartments

**WFP, April 2006:**

#### Type of housing of IDP and resident population

Type of housing	IDP households			Resident households		
	Urban (n=158) %	Rural (n=349) %	Total (N=507) %	Urban (n=176) %	Rural (n=517) %	Total (N=693) %
House/apartment	14.6	12.0	12.8	90.9	95.7	94.5
Railway wagon	15.8	2.0	6.3	0	0	0
Makeshift/tent	1.3	24.6	17.4	0.6	0.8	0.7
Public building	30.4	7.7	14.8	8.0	0	2.0
Mud house	1.9	10.3	7.7	0.6	3.1	2.5
Dugout	0	0.3	0.2	0	0	0
New settlement	19.0	11.7	14.0	0	0	0
Echo housing settlement	12.7	29.8	24.5	0	0	0
Other	4.4	1.4	2.4	0	0.4	0.3
TOTAL	100	100	100	100	100	100

**State Committee on Statistics, January 2004:**

**Residence Location**

Accommodation	Baku	Sumgayit	Ganja	Mingachevir
Total (persons)	153901	43655	15319	18386
Public Buildings	10716	26837	1939	0
Dormitories	48766	5203	5837	3036
Educational premises (schools, kinder gardens)	6575	2810	1459	4510
Sanatoriums, holiday places etc.	13471	3987	1672	1138
Camp townships	0	0	0	0
Settlements of self built houses	465	0	0	1000
Trains	163	0	0	550
On the road sides	49	0	0	960
At relatives' place	49584	1301	3432	6430
Occupied flats	17931	2187	980	0
Half constructed buildings	6181	1330	0	172
Farms and diggings out	0	0	0	590
Houses built by the State Committee	0	0	0	0
Houses built by UNHCR and other international orgs*	0	0	0	0

\*The individual houses constructed by the UNHCR and other international organizations are located in Agjabedi, Agdam, Beylagan, Barda, Bilasuvar, Fizuli, Goychay, Imishli, Ismayilli, Kurdamir, Lachin (Taxta korpu), Oguz, Saatli, Tartar, Zardab regions."

**Most displaced have agricultural background or no profession (2004)**

- The occupational background of around 30 per cent of the displaced population is agriculture
- Approximately 30 percent of IDPs do not have a profession

**State Committee on Statistics, January 2004:**

**Profession of IDPs**

# PATTERNS OF DISPLACEMENT

## General

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### **IDPs are settled throughout the country in various types of accommodation (2006)**

- Mainly ethnic Azeris left occupied territories, which are now sparsely inhabited by ethnic Armenians
- Ethnic Armenians originally from Azerbaijan often settled in occupied territories after living for some time as displaced persons in Armenia
- At least half of IDPs live in urban areas, and most IDPs live in Baku, Sumgait, Barda and Fizuli
- About one third live in houses, while the remainder live in settlements and public buildings

### **UNHCR, December 2006:**

"23.5% of IDPs live in Baku where they constitute 8.78% of the total population. IDPs tend to be concentrated in about 21 (a third of all) raions and they form between 10.44% and 39.57% of the local population ... According to the WFP, only one third of IDPs reside in ordinary houses while more than 90,000 are living in 28 camps/settlements and around 300,000 people are settled in public buildings, including rail wagons. It is estimated that at least half of the IDPs are living in urban areas, especially Baku and Sumgayit. IDPs living in urban centres have a comparative advantage over IDPs in rural areas and camps/settlements where services are randomly provided and employment opportunities are extremely limited."

### **ICG, 11 October 2005:**

"Most parts of the occupied territories, which Azeris populated almost exclusively before the war, have been left uninhabited. Generally Nagorno-Karabakh authorities have not established institutions or encouraged Armenians to settle except in Lachin, Kelbajar and a few villages around Agdam. People from Shahumian and Getashen and Martakert have mainly settled in these last two respectively."

### **OSCE, 28 February 2005:**

"The mandate of the OSCE Fact-Finding Mission, as agreed by the parties, was to visit the occupied territories surrounding Nagorno-Karabakh (the "territories") and determine whether settlements exist in the area..."

### **Characteristics of the Settlements in Kelbajar, Fizuli, Jebrail, Agdam, Zangelan and Kubatly**

#### **...Origins of Settlers**

The FFM [Fact Finding Mission] has concluded that the overwhelming majority of settlers are displaced persons from various parts of Azerbaijan, notably from Gornaboy, Chaikent, Sumgayit and Baku. Most of them, however, came to the territories after a period living as displaced persons in Armenia...

Practically all settlers...who came to the territories did so because they were homeless. They usually heard about the option of resettlement by word-of-mouth, through the media or from NGOs in Armenia and NK...As well, there was no sign of non-voluntary resettlement in the

territories. Likewise, the FFM found no evidence of systematic recruitment of settlers to come to the territories...

### **Lachin District**

#### **...Origins of Settlers**

Generally, the pattern of settlers' origins in Lachin is the same as in other territories. Thus, the overwhelming majority has come to Lachin from various parts of Azerbaijan, mostly after years of living in temporary shelters in Armenia...They heard about Lachin as a settlement option by word-of-mouth, through the media or from NGOs in Armenia and NK. There was no evidence of non-voluntary resettlement or systematic recruitment...On the basis of all its observations and interviews in Lachin District, the FFM has concluded that the authorities pursue a proactive settlement policy."

### **Government of Azerbaijan, December 2005:**

#### **Estimates of IDPs Temporarily Residing at Cities and Regions of the Azerbaijan Republic**

City or region	IDP estimates (families/people)
Nakhchivan Autonomous Republic	264/967
Baku	40915/169609
Binagadi	6938/28479
Azizbayov	3204/13673
Khatai	4245/17599
Garadag	2353/9612
Narimanov	4130/16762
Nasimi	2543/10659
Nizami	3410/13840
Sabunchu	4425/18456
Sabail	1901/7585
Surakhani	3330/14901
Yasamal	4436/18043
Ali Bayramli	1102/4451
Ganja	3752/15359
Mingachevir	4356/18004
Sumgayit	10752/44084
Naftalan	605/2968
Absheron	2507/10093
Agjabadi	4317/17736
Agdam	6206/25275
Agdash	868/3367
Agstafa	59/162
Agsu	442/1774
Astara	10/50
Balakan	65/260
Beylagan	4190/16207
Barda	10729/44802
Bilasuvur	2843/12568
Jalilabad	311/1418
Dashkasan	343/1272
Davachi	98/353
Fuzuli	13433/54122



Gadabay	97/321
Goranboy	1917/7246
Goychay	511/1919
Hajigabul	516/1849
Khachmaz	125/462
Khanlar	1615/6021
Khizi	110/468
Imishli	3356/11132
Ismayilli	812/3372
Kurdamir	768/2745
Gakh	264/1083
Gazakh	1839/6859
Gabala	498/1943
Gobustan	165/470
Guba	66/257
Gusar	14/30
Lachin (Takhta korpu)	3576/14009
Lerik	0/0
Lankaran	128/504
Masalli	137/455
Neftchala	97/377
Oguz	701/2764
Saatli	1288/4902
Sabirabad	2063/7749
Salyan	330/1369
Samukh	402/1772
Siyazan	33/141
Shamakhi	302/1130
Shaki	1294/5131
Shamkir	490/1923
Tartar	3107/11047
Tovuz	5/23
Ujar	290/1042
Yardimli	0/0
Yevlakh	2812/11646
Zagatala	104/375
Zardab	235/950

**UN Commission on Human Rights 25 January 1999, paras. 32-33:**

"The internally displaced are dispersed throughout the country. In the initial phases of internal displacement, they settled in a spontaneous manner, mostly in urban areas where they found accommodation with relatives or in public buildings such as schools, dormitories, technical institutes and rest houses. Settlement patterns changed significantly in the summer of 1993, with the establishment of tent camps in the southern and central parts of the country, around the towns of Imishli, Sabirabad and Bilasuvar in the south and Agjabedi and Barda in the central regions. The camp populations, which had peaked at over 100,000, at present stands at some 74,000 persons. Towards the end of 1993, and particularly in 1994 and 1995, settlements of pre-fabricated houses were built with the help of international agencies. Abandoned railway cars, in which some 4,300 internally displaced still reside, were also used as spontaneous settlement.

[...]

"At present [1998], just over half of the internally displaced are located in urban areas, especially in the capital, Baku, and the nearby city of Sumgait on the eastern coast and in the cities of Ganja and Mingchevir north of Nagorno-Karabakh. The trend among the displaced towards urban migration, especially to the capital and its suburbs, suggests that this percentage is likely to rise. In the cities of Imishli and Beylagan, it is estimated that internally displaced persons constitute as much as 50 per cent of the population."

### **Nagorno-Karabakh: reports of population resettlement and signs of economic recovery (2005-2006)**

- Armenian immigrants have reportedly resettled in parts of Nagorno-Karabakh and surrounding districts
- Armenian diaspora is contributing to economic improvement of Nagorno-Karabakh

#### ***Resettlement in occupied territories***

##### **UN General Assembly, Security Council, 11 December 2006:**

"75. The Meeting reiterated its determination to support the efforts of the Government of Azerbaijan aimed at removing the obstacles to the peace process, which have led to illegal activities carried out by Armenia in the occupied territories of Azerbaijan, such as the transfer of settlers of Armenian nationality, practices of artificial geographic, cultural and demographic alterations, illicit economic activity, and exploitation of natural resources in those occupied territories."

##### **US DOS 31 March 2003, sect. 2d:**

"There were credible reports that Armenian immigrants from the Middle East and elsewhere, had settled in parts of Nagorno-Karabakh and possibly other Azerbaijani territories occupied by Armenian forces."

##### **OSCE, 28 February 2005:**

"The mandate of the OSCE Fact-Finding Mission, as agreed by the parties, was to visit the occupied territories surrounding Nagorno-Karabakh (the "territories") and determine whether settlements exist in the area..."

##### **Kelbajar**

...The overwhelming majority of houses are destroyed, and throughout the area on average no more than ten percent of the houses and lots have been reconstructed for current use...The FFM [Fact Finding Mission] discovered certain cases where the local administration has offered newcomers houses on a turn-key basis. But, as a general matter residents claim that they have been left to their own devices...

##### **Kelbajar Town**

Many said they had come to Kelbajar after a sojourn in temporary shelters in Armenia. Often they had heard about the possibility of settling in Kelbajar by word-of-mouth, and moved there to join neighbours or family. In other cases, they knew about the region because they had lived not far away in Azerbaijan before the conflict, had fought nearby or had heard it advertised for settlement in the Armenian media. One mentioned encouragement by the Karabakh Refugee Committee...Housing conditions were basic and no more than 20 to 30 percent of the ruins were reconstructed, usually in a crude and make-shift manner. No one had paid for his house; rather, people took or were assigned a specific ruin upon arrival and had to make it inhabitable themselves...

##### **Fizuli**

Fizuli town is now in total ruins and almost completely empty...In Fizuli town there were, however, traces of scavenging for building materials, parts of the technical infrastructure (pipes, street lamps) and firewood. Approximately 150 to 200 steel water pipes extracted from the ground were stacked along the road.

All settlements before and beyond Fizuli town appeared to be totally destroyed, and there were no signs of life apart from a small number of very temporary structures seen from afar...

### **Jebrail**

...The town of Jebrail is totally uninhabited and in complete ruins. There are no other major towns in the district...There was significant evidence of the extraction of construction materials, firewood, metals of all kinds...In the ruins of the village of Quayzhak the FFM [Fact Finding Mission] interviewed three men extracting scrap metal among the ruins. They were from NK [Nagorno Karabakh] and had come to this region for the day to gather building material for their own use, and not, they reported, for resale...The FFM noted that former irrigation canals (half-pipe concrete canals above ground) have been systematically removed....Technical infrastructure, such as water pipes, street lamps and wooden power line posts, have been or are being removed from the ground...

### **Agdam**

...The entire city of Agdam is in complete ruins with the exception of the mosque in the center. The town and the area to the south of it are barely populated, but to the north along the road to Mardakert/Agdere, as well as in the Khachinchai river valley, the FFM found several large, well-organized and relatively prosperous settlements with a population intent on staying. IN those villages with new houses, relative and the diaspora are said to play a central role in financing improvements...Although the mine problem remains in some areas, some large fields along the main roads both the onorth and south of Agdam town are being cultivated, seemingly with the help of heavy equipment...

### **Zangelan**

...Most interviewees were internally displaced persons from Azerbaijan, although some were displaced persons from the Gyumri earthquake. All came to Zangelan after years in temporary shelter in Armenia to find a dwelling...

### **Kubatly**

...Most people interviewed in the Kubatly district said they were originally from Baku, Sumgayit, Ganja, Chaikent, Artsvashen and also Leninavan. Most had gotten to know each other in Stepanakert/Khankedi and decided to settle together here, arriving in the region during the period 1994 to 2002. Nearly all of the interviewed inhabitants of Kubatly District complained they received no support at all from authorities. Most said they had no other place to go and no means to leave; they lived on subsistence farming (crops, animals). All said that they neither paid taxes nor participated in elections...The settlers of the approximately 12 houses of the village of Gilidzhan are mostly from Sumgayit, Azerbaijan. The houses are basically rehabilitated, but in bad condition. Only the teachers were said to be employed. The rest lives on small-scale farming, cultivating the land without any mechanized tools...

### **Lachin**

The FFM conducted numerous interviews over the entire Lachin District which revealed that private initiative and not government action was the driving force prompting a move to Lachin. The FFM has found no evidence that the authorities, in a planned and organized manner, actually asked or selected people to settle in Lachin town. They have tried, however, to create basic conditions for normal life and are, in this way, actively encouraging settlements...The ties between Lachin and NK are more evident than in other districts. The head of the Lachin administration stated that a budget line was assigned by Stepanakert/Khankendi, and additional

contributions were provided by the diaspora. People in both Lachin town as well as in local villages confirmed that they take part in local and NK-wide elections, with some even voting in Armenian national elections ... Most current residents said they learned about the settlement possibilities by word-of-mouth or through the mass media ...The vast majority said they were refugees originally from various parts of Azerbaijan (Baku, Sumgayit, Ganja, Goranboy District, Khanlar District, Yevlach, Terter, and Mardakert/Agdere District and Nakhichevan). The first arrivals came as early as 1994, but the bulk came later, after periods in NK or Yerevan...Settlement incentives offered by the local authorities include free housing, access to property, social infrastructure, inexpensive or sometimes free electricity, running water, low taxes or limited tax exemptions. According to a number of people interviewed, newcomers of the Lachin District receive 25,000 drams per couple and 5,000 drams per child, plus a cow as a basis for starting anew ... This assistance was more or less favorably viewed by people interviewed. Nonetheless, a number of residents said that it was still difficult to make a living...Exception from military service does not seem to be one of the benefits offered to new settlers..."

### ***Signs of economic recovery***

#### **Conciliation Resources, 2005:**

"Karabakh itself suffers from severe under-employment and is increasingly dependent on 'external' support, particularly from Armenian diaspora groups in the West and from 'inter-state' loans from Armenia."

#### **EurasiaNet, 14 December 2006:**

"Twelve years after the cease-fire agreement that ended the 1988-1994 war over the territory, ruined houses and other buildings still dot the landscape outside of Stepanakert ... Primarily an agrarian society, Karabakhis are returning to cultivating vineyards and wheat fields. A gold mine opened in 2002, and construction projects - including a new parliament building and adjoining hotel - can be seen throughout Stepanakert, often financed by diaspora Armenians."

[www.eurasianet.org](http://www.eurasianet.org)

#### **See also:**

***"Azerbaijani Foreign Minister warns Iraqi refugees not to settle in Nagorno-Karabakh", Radio Free Europe, 1 April 2003***

***See also recommendations by the Council of Europe's Committee of Ministers to avoid the settlement of non-indigenous population in the occupied territories, in:***

***"Situation of refugees and displaced persons in Armenia, Azerbaijan and Georgia", 7 February 2003, para. 6***

### **The displaced are increasingly mobile (2006)**

- Displacement has sparked further migration due to the lack of employment opportunities
- Displaced men and women are labour migrants, in Azerbaijan and abroad
- Additional information on labour migration of displaced persons is required

#### **UNHCR, December 2006:**

"IDP men and some women are known to be labour migrants, both within the country and externally. However, no detailed assessments have been conducted on the effects of migration on the families and communities who have been left behind. Anecdotal evidence suggests that a considerable number of temporary female headed households exist within IDP communities as a consequence of male labour migration. Such households are considered to be under particular

stress due to the limited remittances from absent husbands/male income earners, and women are often left with total responsibility for the care of dependent childrens and other family members, including elderly parents or relatives ... no precise data were available on the number of migrants or on the number of migrants who are IDPs. It is not therefore known whether IDPs are over or under -represented amongst migrants, but it was suggested that IDPs are unlikely to be seasonal migrants as they would lose their household benefit entitlement if they were away for more than two months."

**NRC, November 2006:**

"Some of IDPs fed up with living in tented camps moved to the city and temporarily resided wherever they found. There may be several reasons for these actions, thus there is unemployment, threat for life and health and other such factors. IDPs moving to the city and sometimes visiting their first place of residence, could not obtain housing in the new settlements. Thus, this family does not have any housing neither at the first place of refuge nor at the place they settled after and they also do not have temporari residence. Presently, resettlement is conducted according to the State Program. Thus, it has been mentioned in State Program on Improvement of Living Conditions of Refugees and IDPs and enhancement of Employment adopted by the Order of the president of Azerbaijan Republic on July 1, 2004 that tented camps in Agjabedi and Barda regions should be eliminated. If as an example we take Turk Tented Camp which has been established in 1993 and IDPs used these tents only for 3-4 months. After that at the end of 1993 beginning of 1994 tents have been eliminated and have been substituted with houses from stone and brick."

**UNHCR, October 2005:**

"The lack of employment opportunities seems to be encouraging the migration of many Azerbaijanis, including IDPs, to neighboring countries, particularly to the Russian Federation. While official figures for Azerbaijanis emigrating are low and seem to have fallen from 137,900 in 1990 to 4,320 in 2002, most of the persons interviewed admitted that a significant proportion of the population, particularly young men and including IDPs, are currently living and working abroad. Estimates provided to the mission varied from one to two and a half million citizens abroad. This has resulted in some USD 163 million received as remittances in 2002 and, according to an official interviewed during the mission, remittances are partly fuelling the construction boom in Baku. On average, according to a World Bank official, immigrants send USD 300 per month to their respective families. During the mission's meetings with Government officials, there was recognition that migration in search of employment, both to large urban centres and abroad, is a reality and a one of the more pressing problems currently facing Azerbaijan."

**WFP, April 2006:**

"Households are registered in their place of origin and each new birth is registered there, although the family lives somewhere else due to labour migration etc. The official household registers contain officially registered households, but not households that migrated in search for labour from other parts of Azerbaijan."

**The patterns of settlement often run counter to the former livelihood and geographic environment of the displaced (2005)**

- Some internally displaced have moved to areas different in climate and landscape from their original place of residence
- This demands adjustment to different agricultural techniques and/or employment practices

**UNHCR, October 2005:**

“The ecosystems in some of the areas where the IDPs are currently residing differ significantly from their regions of origin (e.g. residents of mountainous Nagorno-Karabakh currently displaced in the central, flat regions). This means that the skills and agricultural traditions which the IDPs had in their regions of origin are not as useful in their current areas of residence. This requires some training programs in agricultural practices and techniques more appropriate to the ecosystem of the central regions, for example.”

**UN Commission on Human Rights 25 January 1999, para. 34:**

"The patterns of settlement often run counter to the former livelihood and geographic environment of the displaced. For instance, most of the agricultural workers among the displaced live in urban areas. Conversely, most of the internally displaced persons originating from mountainous regions did not settle in the north and south-east areas of the country, where the climatic conditions most closely resemble their previous environment. Concern that the influx of internally displaced persons into these areas would result in fewer economic opportunities for the local population and, in turn, risk conflict among the number of ethnic minorities living there is reportedly the reason why significant settlement did not occur in these areas".

# PHYSICAL SECURITY & FREEDOM OF MOVEMENT

## Physical security

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### Surveys indicate gender-based violence prevalent (2006)

- Women and girls suffer from domestic violence more than men and boys
- Domestic violence a taboo subject in Azerbaijan and women reluctant to discuss cases to researchers
- In 2004, police and medical staff had little training on how to deal with cases of domestic violence

### UNIFEM, July 2006:

"Researchers met some difficulties uncovering the truth about gender-based violence among IDP women. They found that it undoubtedly exists in IDP communities, as it does in all communities, but it has been moved to the background of IDP's conscience by the psychological trauma of exodus. IDP women were also extremely reluctant to discuss cases of domestic violence – as with most communities, there remains a strong taboo against discussing such issues outside of the family. Researchers suggested that they, like many others, do not count in-family violence as "gender-based violence" or even as violence, and therefore do not consider it worthy of mention.

In focus group discussions, IDP women did not go so far as to deny that women in their communities were subject to violence, but many either remained mute on the question or claimed that it had never happened to them. Some strongly objected that women, particularly they themselves, were in danger of domestic violence. The women only seemed comfortable discussing violence against acquaintances, neighbours and women not in their intimate family circle. Moreover, they were less interested in discussing domestic or sexual violence than in addressing displacement as violence done to their human rights. Like the IDP women, local women admitted being reluctant to discuss the issue. However a quarter of the local women who took part in household interviews said it is unlikely that a family could be found where women and children are not subjected to violence and they had no idea where to turn for help in such cases.

These responses, especially those of the focus group participants, seem to imply that violence against women and domestic violence in particular are taboo subjects among IDP women, as they are in most communities and societies. As noted previously, discussing family conflicts in public is emphatically discouraged. The women's reticence to admit any personal connection to domestic violence suggests that they, like many others, consider it to be a private matter rather than a criminal act punishable by law. It may also suggest that they conceal domestic violence from fear of local social disapproval. While none of the women interviewed for this Assessment explicitly identified any specific form of violence in their responses, previous surveys conducted in Azerbaijan and other CIS countries are telling. They revealed that only extreme forms of physical violence, such as rape and strong beatings causing severe trauma, are generally referred to as "violence" and domestic violence is commonly accepted by many as a traditional norm. Moreover, an assessment on women and violence conducted by the International Rescue Committee in 2004 found that both police and medical personnel had little to no training in handling cases of violence against women. The general statistics for violence against women in Azerbaijan indicate that it does indeed occur. The 2001 Reproductive Health Survey (RHS) found that 30% of women had suffered verbal abuse, 20% had suffered physical abuse and 10% had suffered sexual abuse

– of which 85% was marital rape. Such ignorance of what "violence against women" or "gender-based violence" really means is not unique to this region, and indeed efforts are underway worldwide to increase awareness of these crimes in order to put an end to them, for instance, by dispelling the belief that a man is entitled to hit his wife "if she does something wrong".

Household interviews with both local and IDP women, however, indicate that women and girls are victims of violence more often than men and boys ... Local women admitted to a higher degree of violence than did IDP women, and interestingly a much higher proportion of local women admitted that their sons had suffered violence – even more than their daughters."

**Council of Europe, Parliamentary Assembly, Committee on Equal Opportunities for Women and Men, 6 February 2007:**

"...displaced women must be informed about their right to physical and psychological integrity and the possibility of lodging complaints if they suffer violence."

**See also:**

[\*Assessment on violence and women in Azerbaijan, IRC, June 2004.\*](#)

**Ceasefire violations hamper safe return in areas along front line (2005-2007)**

- Some resettlement villages located close to ceasefire line
- Gunfire exchanges reportedly a daily occurrence and casualties often result

**NRC, November 2006:**

"The government did not provide enough conditions for voluntary resettlement of IDPs in security and with dignity. Presently, 8 settlements have been built on the territory of Agdam region, these settlements are situated very close to the firing line. There are such settlements which are 3 km far from the front line. If the cease fire will be violated these settlements will be under the threat and can be battered by the long-range (18-20 km) and other types of arms. All the new settlements are built along the front or very close to it ... These people, i.e. IDP strata will always live in threat of displacement and will not be able to organize their life until big peace will not be achieved."

**EurasiaNet, 14 December 2006:**

"At this position, roughly 300 to 400 meters from the Azerbaijani lines, exchanges of gunfire are a daily occurrence, soldiers said. A seven-person unit that is refreshed every seven days mans the post. An Azerbaijani sniper recently killed a Karabakhi soldier not far from here ... Along with military hardware, Armenia is thought to provide some of the troops in Karabakh defense force ... Young men in Karabakh are required to serve two years of military service. The government says conscripts are paid 3,000 Armenian drams per month (about 6.83 USD) for "extras".

... Security concerns remain foremost in Karabakhis' minds. Interviewed residents routinely cited maintaining an adequate defense against Azerbaijan, which formerly controlled Nagorno-Karabakh, as their territory's largest problem. Many cast a doubtful eye on the return of the seven territories surrounding their region to Azerbaijani control."

[www.eurasianet.org](http://www.eurasianet.org)

**RFE/RL, 19 January 2007:**



"Azerbaijan's Defense Ministry says Armenian forces shot dead an Azerbaijani soldier near the disputed Nagorno-Karabakh region. Armenia's Defense Ministry denies the charge. The Armenian side said its soldiers were preserving the cease-fire agreement in the area."

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**Council of Europe, Parliamentary Assembly, 13 April 2006:**

"The Assembly is, however, bound to point out that the efforts made by Armenia and Azerbaijan to find a solution to the Nagorno-Karabakh conflict have not as yet produced results. These efforts are continuing. It deplores the frequent incidents along the ceasefire line and the border incidents, which are detrimental to refugees and displaced persons as well as to local people, and regrets the clearly insufficient co-operation between these two countries over the fate of missing persons."

**European Commission, 3 February 2005:**

"Portions of Azerbaijan's territory remain under Armenian occupation. Although the cease-fire has held since 1994, significant numbers of incidents along the "line of contact" take place each year: in 2004 alone there have been more than 30 casualties."

## **Freedom of movement**

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### **Vestiges of the residence permit system from the Soviet-era restrict IDPs to one legal place of residence (2001-2006)**

- The "propiska" requirements related to old regulations limit IDPs' freedom of movement
- IDPs are registered at their original place of residence, not where they are currently living
- This prevents them from privatization of their dwelling

**US DOS, 8 March 2006, Section 2d:**

"The law provides for these rights [of freedom of movement within the country, foreign travel, emigration and repatriation], although at times the government limited freedom of movement particularly for internally displaced persons (IDPs) ...

IDPs were required to register their place of residence with authorities and could live only in approved areas. This

so-called *propiska* system, a carryover from the Soviet era, was imposed mainly on persons forced from their homes after the Armenian occupation of western parts of the country. The government asserted that registration was needed to keep track of IDPs to provide them with assistance."

**UNHCR, September 2003, paras. 92-95:**

"The Constitution of Azerbaijan provides for the right to free movement and choice of residence. Azerbaijan continues to require all residents, whether permanent or temporary, to obtain a registration according to the place of residence. In 1996, the Parliament adopted a new Law on Registration According to the Place of Residence and Sojourn. Pursuant to Article 1 of this Law, citizens of Azerbaijan, foreigners and stateless persons shall be registered according to their permanent residence and sojourn in the Azerbaijan Republic. Residents of Azerbaijan must apply to the Ministry of Interior for a propiska.

To obtain the propiska, they must demonstrate that they have either housing or other reasons to reside in Azerbaijan with a fixed address. In principle, the Law does not discriminate between citizens, foreigners, refugees, internally displaced persons, asylum seekers, or stateless persons. In theory, local polyclinics are to serve only persons living within their districts. Yet, in practice, only very few polyclinics in Azerbaijan observe this rule and it is not necessary to show one's propiska to receive medical treatment. Access to employment is preconditioned by registration. Moreover, the registration stamp is entered into the ID cards that have replaced former Soviet passports.

Recognised prima facie IDPs from areas in the occupied parts of Azerbaijan who live in camps and settlements and who now have 'defunct' propiskas are unable to change their residence permits as they have no contractual agreements for housing. Although their 'defunct' propiskas are not valid as they have residence permits in camps and settlements. This enables them to obtain social services from local polyclinics and records from their local Executive Committees in Exile. IDPs can only obtain humanitarian assistance in a camp or settlement where they were initially assigned, limiting their ability officially to establish residence in areas where they wish to migrate in search of better economic opportunities. Those IDPs who are not living in camps and settlements are able to obtain new propiskas if they can provide evidence of a rental or other agreement. Likewise, military service is also based on their 'defunct' propiskas."

**NRC, November 2006:**  
**"Registration according to the place of residence**

Besides problems occurring with resettlement to the new settlements, there are many problems with registration according to the place of residence. Registration of IDPs according to the place of residence is not conducted according to existing legislation. It is mentioned in the Guiding Principles on Internal displacement (Principle 14) that: Every internally displaced person has the right to liberty of movement and freedom to choose his or her residence. In particular, internally displaced persons have the right to move freely in and out of camps or other settlements. But presently the provisions of the Law on Registration of Citizens according to the Place of Residence are not observed during resettlement of IDPs, their registration and elimination of registration.

Although IDPs are living in a new settlement, the occupied territory left by him/her is stated in the registration space of his ID card. The registration of IDPs is conducted by the appropriate executive authorities ... Thus, the new address of IDPs is not state in his/her ID card. And this deprives IDPs from the opportunity to have any legal claims over the present apartment in future, i.e. it creates obstacles for implementation of such rights as privatization, inheritance, enter credit relations...

**Registration of IDPs according to the place of residence and legislation**

Problems occurring in registration of IDPs according to the place of residence is result of the legal illiteracy of both IDPs and executive body and this leads to abuse by the latter. If we pay attention to the provisions of the existing Law of Azerbaijan Republic on Registration according to the place of residence, it becomes clear that if citizens of Azerbaijan Republic including IDPs would fully use the law they could easily protect themselves. For example, Article 1 describes grounds for registration according to the place of residence and states that citizens of Azerbaijan Republic, foreigners and persons without citizenship should be registered according to the place of residence. The purpose of the registration according to the place of residence is to keep stock of the persons residing in Azerbaijan Republic, implementation of their obligations before other persons, state and society, realization of human rights and fundamental freedoms...

As it is seen from the Article, registration of IDPs most of all is necessary for the state, i.e. state should register IDPs for the purpose of pension, military service, execution of court decisions etc. But officials at the territories where IDPs are settled do not implement their obligations according to the law. It would be purposeful to explain the Article 2 of the Law, i.e. the definitions of the terms place of residence and place of being. Thus, according to the article 2, citizens' place of residence is an apartment, house, hostel, retirement home and other such kind of places where capable person permanently or majority of the time resides as owner, lessor or on any other legal basis provided in the legislation of Azerbaijan Republic.

It is clearly stated in the law that person's place of residence is house, apartment, official residence, hostel and other place where he/she lives most of his/her time. But, the body conducting registration do not register IDPs at the apartment or hostel where IDP is living, although they live there for years."

**UN Committee on the Rights of the Child, 17 March 2006:**

"32. The Committee recommends that the State party continue developing and implementing an effective decentralized

system of birth registration and take other measures to facilitate birth registration, in particular for children born from displaced persons, inter alia, by ending the practice of informal fees with a view to achieving registration of all children in the State party by 2010."

**UN Commission on Human Rights 25 January 1999, para. 45:**

"An area where the legislative framework is particularly in need of reform relates to the propiska, or residence permit, system which was in force throughout the Soviet Union and of which vestiges remain. The propiska, in the form of a stamp in internal passports, restricted individuals to one legal place of residence and, on that basis, regulated many aspects of daily life as it was required in order to work, attend school, get married and engage in other important civic activities. Although the Constitution of Azerbaijan has officially abolished the propiska system, a number of laws continue to refer to it so that, in certain regards, the propiska system remains in place. The resulting restrictions on freedom of movement place particularly undue hardships on the displaced by limiting their ability officially to establish residence in areas, other than those to which they were initially assigned, where they may wish to migrate in search of better economic opportunities. The remnants of the propiska system still evident in Azerbaijan as well as in several other Commonwealth of Independent States (CIS) countries are inconsistent with the right to liberty of movement and freedom to choose one's residence enshrined in article 12 of the International Covenant on Civil and Political Rights and reflected in Guiding Principle 14. In accordance with the Programme of Action of the CIS Conference on Forced Migration and in cooperation with UNHCR, OSCE and the International Organization for Migration (IOM), the Government has begun to reform legislation relating to the propiska, but there is a need to accelerate this process in order to ensure full respect for the right to liberty of movement and choice of residence."

## **Discrimination**

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### **Reports of discrimination against ethnic minorities (2005)**

- Kurdish persons displaced from the Lachin region have complained of discrimination
- Ethnic Armenians who have stayed in Azerbaijan after the conflict also face problems

**US DOS, 8 March 2006, sec. 2d:**

"Internally Displaced Persons

...While official government policy allowed ethnic Armenians to travel, low-level officials often extracted bribes or harassed Armenians who applied for passports. According to the International Organization for Migration (IOM), some Armenians of mixed descent reported to a local NGO that they had problems with officials in the passport and registration department when applying for identification cards; applicants who applied with Azerbaijani surnames encountered no problems except for having to pay bribes."

**US DOS 25 February 2005, sec. 5:**

"Many indigenous ethnic groups live in the country. The Constitution provides for the right to maintain one's nationality and to speak, be educated, and carry out creative activity in one's mother tongue or any language, as desired. However, some groups have complained that authorities restricted their ability to teach or print materials in indigenous languages. Separatist activities undertaken by Farsi-speaking Talysh in the south and Caucasian Lezghins in the north in the early 1990s engendered some suspicions in other citizens and fostered occasional discrimination. Meskhetian Turks displaced from Central Asia, as well as Kurdish displaced persons from the Armenian-occupied Lachin region, also complained of discrimination. A senior government official was responsible for minority policy. Some members of other ethnic groups also complained credibly about discrimination; preventing this discrimination was not a government priority.

Some Armenians and persons of mixed Armenian-Azerbaijani descent complained about being unable to register their residences, find work, and get access to medical care and education due to their ethnicity. The approximately 30,000 citizens of Armenian descent complained of discrimination in employment, schooling, housing, and other areas. They also complained of workplace discrimination and harassment and of the refusal of local authorities to pay pensions. Most shielded their identity or tried to leave the country. Some changed their nationality, as reported in their passports. Authorities revoked some Armenian widows' permits to live in Baku. In September, the Government denied entry visas to three foreign citizens of Armenian ancestry on the grounds that the Government could not guarantee their safety in Baku. Some persons of mixed Armenian-Azerbaijani descent continued to occupy government positions. Public figures whose parents reportedly were of mixed-Armenian and Azerbaijani marriages, or had such marriages, were attacked publicly by colleagues in the press."

**See also *"Caught on the wrong side of the front-line: Armenians in Azerbaijan"*, Agence France Press, 1 November 2002**

## SUBSISTENCE NEEDS

### Food

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#### **At least one fifth of displaced rely on food rations (2006)**

- Some IDPs still dependent on food aid despite receiving land
- Cuts in WFP funding affect some 135,000 Azerbaijanis displaced by the conflict

#### **Government of Azerbaijan, 21 November 2006:**

"...problems still exist in a number of areas, in particularly in the field of employment, especially youth employment, access by IDP communities to the educational and primarily health care facilities ... Allocation of land to the displaced population has been insufficient to relieve them from aid dependency."

#### **WFP, April 2006:**

"In a survey of 507 IDP households and 693 resident households, "[t]he great majority of IDP households still depend among others on food assistance to meet their basic needs. There are 96.1% of the sampled IDP households that are currently receiving food aid in one way or the other. The resident households which receive food aid come mainly from Fuzuli district. Most of these beneficiaries are households that were displaced, but have returned to their former place of residence while keeping their status as displaced household. They receive their food aid almost exclusively from the government. In the sample IDP household, 73% were WFP beneficiaries, 15.8% stated to receive assistance from both WFP and the government."

#### **UN Special Rapporteur on the Right to Food, 12 October 2006:**

"Self-sufficiency for internally-displaced persons in Azerbaijan has been difficult to achieve and current food stocks would reportedly meet requirements only until October 2006, despite an already existing shortfall of peas and sugar. If no contributions are made urgently, food rations might need to be reduced further."

#### **WFP, February 2007:**

"There was no general food distribution to the 135,000 IDPs who receive rations from WFP in October 2006 because of a pipeline break [no food available in-country for distribution]. By November WFP had received enough donations for one more two month round of distributions, covering November and December. There were no distributions in January, again because of pipeline breaks, but by February WFP had enough resources to cover one more round, February-March. Food rations have not been reduced, with the exception of pulses, which have not been part of the food basket since the beginning of 2006, because of a pipeline break."

#### **WFP, 15 December 2004:**

"The United Nations World Food Programme (WFP) warned today that due to a nearly 50 percent shortfall in resources, food distribution for 140,000 Azerbaijanis displaced by the Nagorno-Karabakh conflict a decade ago, will come to a complete halt starting January."

'We have tried everything, even halving the rations last month, but we just don't have enough food stocks left to go around. Most of the displaced are so poor they don't have the means to buy

food. It's a dreadful situation, especially in winter, when temperatures drop to minus 20 degrees Celsius [-4 Fahrenheit],' said Rahman Chowdhury, WFP's Country Director in Azerbaijan.

WFP is facing a US\$10 million shortfall, out of a total of US\$21 million, for the three-year humanitarian operation, which started in January 2003.

'It's tragic that 75 percent of WFP's beneficiaries are women and children, who are extremely food insecure. A large number of them continue to live in makeshift shelters like railway cars and dugouts,' he added, expressing concern that the suspension of food rations will seriously undermine the already precarious nutritional status of the displaced.

Only WFP's school feeding program, that supplies food to 5,300 primary school children, will continue, albeit on a limited scale; one essential ingredient of the take-home rations provided to school children five days a week, is vitamin fortified wheat soya blend, whose stocks will also run out in January.

'The nutrition of these children has improved considerably in recent months. But all that will be lost if we do not continue this program,' said Chowdhury."

**WFP, 12 October 2004:**

"The current food ration includes wheat flour, pulses, oil, sugar, salt and tea. Due to the lack of funds and donations, WFP is now forced to halve the ration of wheat flour, the most important staple, to only three kilograms per person per month.

'This harsh measure is unavoidable and could have serious implications, especially with winter coming, when food aid rations are most needed. Donors have to act fast, otherwise food stocks will dry up completely by January,' said Chowdhury.

Over the past decade, WFP has been pivotal in alleviating the suffering of hundreds of thousands of Azeris displaced by the conflict with Armenia over Nagorno-Karabakh in the early 1990s. Over 600,000 Azeris fled the territories now occupied by Armenia to other parts of Azerbaijan.

The conflict exacerbated an already poor economic situation in Azerbaijan characterized by an inefficient state sector, high unemployment, increasing inflation and limited access to arable land."

**Nutrition status of the displaced population is poor (2006)**

- WFP survey in 2005 revealed that most IDP children eat three meals per day, though meals consist of bread, potatoes and products of animal origin
- Government study showed that IDPs have an unhealthy diet

**WFP , April 2006:**

"For most children (89.2% IDP and 85.1% resident) it is common to have 3 meals a day and some (respectively 4.7% and 9.2%) take even 4 meals a day. An exception is 9.4% of urban IDP children who only take 1-2 main meals a day ... The interviews with primary school pupils show that nearly all students had breakfast on the day before the interview. Although the meal frequency is high, the quality of breakfast was poor for more than one quarter of IDP children (29%) and 23% of resident children. They took only a very light breakfast consisting of a drink such as a cup of tea and/or a small snack of bread...Although the majority of students - 73.2 % IDPs and 67.7% residents, say that they do carry some money to buy something to eat, only around 20% of pupils have some money every day with them when going to school...Most

children take between 11 cents to 22 cents (500 and 1000 manats) a day ... Of concern is also the availability of appropriate drinking water in schools. About two thirds of students feel thirsty at school but access to appropriate sources of drinking water is rare.

...The food consumption profile reveals that the diet is mainly based on bread, potatoes and products of animal origin. On average vegetables and fruits that provide among others essential nutrients like vitamins and minerals are not eaten daily. This is also due to the fact that the survey was carried out in winter. Many food items are consumed more frequently by the resident population than IDP children. This could be explained by the fact that resident households are involved in their own household food production through crop and animal husbandry and own trees, whereas IDP households depend more on food and other assistance from outside.”

**Government of Azerbaijan, 2005, p. 47:**

“The LSSRIDP [Living Standards Survey of Refugees and IDPs] also looked at the actual food consumption patterns among IDPs. Using the survey results, estimates were made for how frequently the IDPs living in poor economic conditions consume a number of important foodstuffs including carbohydrates, vitamins, oil and protein, the consumption of which is necessary for the biological development of human organism. It was found that 15.3% of the respondents consumed fruits and vegetables, 22.9% milk and milk products and 29.6% confectionary and flour products once a month or even bigger intervals. This data suggest that the pattern of food consumption among the IDPs in Azerbaijan is unhealthy, and may be contributing to a deficiency in basic nutrients in their diet.”

**Balikci, June 2004:**

"Further, all IDPs receive a monthly allowance of 25 000 manats from the state called “bread money”. Power, gas and water used by IDPs are paid for by the state. For the major Muslim festive days of Nowruz Bayram and Kurban Bayram, the state authorities provide the IDPs with special food gifts. Various INGOs and local NGOs continue to deliver some food relief but their generosity is diminishing. Basically the pensions together with the bread money secure the stability of IDP family budget and this is mainly in reference to the basic food requirements. Although there are no starving IDPs, only very few IDPs can afford meat more often than once a week.

We asked the interviewed families about their three meals the previous day. Here are some typical meals: in the morning strongly sweetened tea with bread and occasionally a small piece of cheese, for lunch potatoes, fried or boiled potatoes with bread and for dinner maybe eggs and bread. IDP diet is monotonous: it is a typical poor people's diet. People regularly complained that their food has become tasteless: “We have food but after dinner we feel that we didn't have enough, we are not satisfied, we can't cook meat because the children in the corridor will smell it and they will come and look at it and then look at us...”

## **Water and sanitation**

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### **Inadequate access to water increases risk of disease among displaced (2006)**

- In 2003, survey of IDPs and refugees showed about 80 per cent did not have direct access to water
- Poor water supply and sanitation facilities in IDP settlements contribute to the spreading of diseases
- The water supply for the general population is limited and often unreliable

- IDPs in urban areas generally have better access to water supplies than those in rural areas

**UNHCR, December 2006:**

"Two thirds of all IDP and refugee households in rural areas have been reported to live in one-room accommodation, and only 18% had direct access to water."

**UNHCR, October 2005:**

"Potable water supply and sanitation conditions are highly precarious in some IDP settlements. Poor access to drinking water and poor sanitation facilities are factors contributing to health problems confronted by IDPs. In some of the IDP camps visited in rural and semi-rural areas (including in those where IDPs occupy railway wagons), IDPs have access to communal water taps, yet some of these were not always in working condition."

**European Commission, 3 February 2005:**

"Access to clean drinking water poses a health-related challenge, both in rural areas, in particular with regard to persons displaced by the Nagorno-Karabakh conflict, and due to pollution of the coastal areas of the Caspian Sea, and linked to oil extraction."

**UNIFEM, July 2006**

"In fact, experts interviewed for the Assessment rated living conditions for IDPs from just moderate to "impossible" due to the inadequacy of basic infrastructure in many settlements, such as public baths, safe drinking water, passable roads and proper shelter. Women were particularly critical of the water shortages which they said created tensions in the community as well as increased the women's already heavy burden of work."

**Government of Azerbaijan, 2005, p.45:**

"IDPs living in buildings and areas not suitable for accommodation have limited access to utility services. Regular water supply is of great importance for the households in order to maintain their sanitary and health status. However, the 2003 HBS [Household Budget Survey] indicators show that approximately one half of the IDPs interviewed for the survey have no direct access to piped water. The results of the LSSRIDP [Living Standards Survey of Refugee and IDP Population] suggest that although there is piped water available in the places inhabited by IDPs, they are usually shared by several households. 82.8% of the respondents in the survey, covering different regions of the country, got their drinking water from a public water tap

The HBS results suggest that most IDPs with no direct access to water pipes take drinking water from natural sources. This leads to the spread of infectious diseases, particularly among IDPs settled in the Central region. The LSSRIDP results show that most or a large part of the IDPs settled in three survey regions (except for Bilasuvar) was dissatisfied with the quality of their drinking water (57.6% respondents in Sabirabad, 47.6% in Saatly, 42.8% in Barda)."

**UN Committee on the Rights of the Child, 17 March 2006:**

"...the Committee remains concerned that 35 per cent of about 600,000 IDPs and 200,000 refugees are children and that they live in very poor conditions, lacking basic sanitary and hygienic services, potable water and educational facilities among other things."

**Government of Azerbaijan, 26 May 2004:**

"Unsatisfactory infrastructure in IDP settlements also increases the risk of disease. In 56% of the temporary settlements built for the IDPs, drinking water is taken from artesian wells. 38% of the population uses the river and channels as their source of water."

***For further information on water and sanitation problems for IDPs in Azerbaijan, see the report of the UN Representative on IDPs, 25 January 1999, para. 84 and para. 85***



## **Sufficient sanitation facilities often lacking where IDPs live (2006)**

- Many IDPs live with insufficient sanitation facilities

### **UNIFEM, July 2006:**

"More than half of the local women surveyed said they get sick only once or twice a year, or not at all; half the IDP women said that they get sick at least once a month. Nearly all of them blamed their frequent illness on poor sanitation: the shortage and low quality of water, the absence of baths, the unhygienic conditions in hospitals and medical centers."

### **Government of Azerbaijan, 2005, p.45:**

...The LSSRIDP [Living Standards Survey of Refugees and IDPs] shows that the sanitary conditions (sewerage systems, toilets etc.) in the living places of 41.2% of IDPs do not meet even the most necessary requirements. For example, 87.7% of the respondents claimed that they did not have a bathroom. It should be noted that there are no bathrooms in the houses of newly built IDP settlement in Bilasuvar region. In addition, lack of a centralized drainage system for waste water encourages the spread of infectious diseases in the areas densely populated by IDPs."

## **Shelter and non-food items**

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### **Many IDPs still live in substandard shelters (2004)**

- After more than 15 years of displacement, large numbers of IDPs still live in camps or public buildings
- Most IDPs live in substandard shelter that they do not own with insufficient access to sanitation facilities, medical care and potable water
- Some of the displaced population lives with relatives, while the rest resides in temporary accommodation, including tents and public buildings
- Between 1999 and 2007, the number of people living in camps and railway carriages has decreased due to state resettlement programmes

### **UNHCR, December 2006:**

"...there are still large numbers of displaced persons living in camps or in hostels in urban centres, often characterised by absolute poverty. The government is using State Oil Funds to re-house IDPs living in camps and it is expected that this process will be completed by the end of 2007. In those settlements where IDPs have been re-housed (such as, Bilasuvar visited as part of this assessment) their living conditions appear much improved."

### **US DOS, 8 March 2006, Section 2d:**

"According to the IOM, approximately 21 thousand IDPs lived in the Sabirabad, Saatli, Aghjabadi, and Barda camps. Many IDPs lived at below-subsistence levels, without adequate food, shelter, education, sanitation, and medical care. Approximately 28 thousand IDPs lived in settlements provided by the European Union, while another 12 thousand lived in housing provided by the UN High Commissioner for Refugees (UNHCR). Other IDPs were scattered among unfinished buildings (in some cases mud dwellings), hostels, public health facilities, and the homes of friends or relatives."

**WFP, April 2006:**

"Out of 507 IDP households surveyed "[o]ne quarter of surveyed IDP households live in houses in IDP settlements constructed by ECHO and a further 14% in other newly constructed IDP settlements. There are 17.4% still living in temporary housing conditions (makeshift) and 14% in public buildings. Only 12.8% live in one family houses or apartments. Most IDP households live for free in places they don't own. Resident households, on the contrary, live in one family houses or apartments (94.5%) which they mostly own."

**UNHCR, October 2005:**

"Overcrowding in public buildings in urban centers, coupled with inadequate housing conditions in some rural settlements, have contributed to problems related to waste disposal."

"The housing situation of IDPs varies according to their location, with those living in public buildings and railway wagons experiencing difficulties due to overcrowding, use of collective facilities and inadequacy of dwellings. The housing situation in rural and semi-rural settlements is also varied, with mud-brick houses, prefabricated houses and other types of housing, offering a precarious shelter yet more space and less promiscuity than public buildings or railway wagons.

The IDPs in Azerbaijan continue to be dispersed throughout the country. In addition to those living in urban areas (around 50% of the total number), mainly Baku, Sumgait, Ganja and Mingechevir, important numbers of IDPs live in rural and semi-rural settlements around the towns of Imishli, Sabirabad, Bilasuvar, Aghjabedi and Barda.

**a) Tent Camps and Railway Wagons**

While majority of ethnic Azeri refugees coming from Armenia have received permanent accommodation, a high percentage of IDPs remain in temporary shelters of a very simple nature, including inadequate public buildings, camps and railway wagons. Those living in so-called camps have basic dwellings, in the form of mud brick houses that do not provide adequate protection against harsh weather conditions, particularly during winter and summer, and heavy rains. A similar situation is confronted by IDPs still living in railway wagons. A few IDP families continue to live in "dugout" shelters, especially in the Lachin winter lands (Aghjabedi region), though the mission was unable to find any IDPs who are still living in such shelters

**b) New Government Settlements**

In line with its stated policies, The Government is in the process of constructing new, temporary settlements where IDPs currently living in the so-called "tent camps" will be transferred. Some 35,000 IDPs have moved to these new settlements where they now enjoy better living conditions and access to basic services. The mission was able to visit two of these new settlements in Bilasubar and Mingechevir. While the latter is close to an urban center with some employment opportunities, the one in Bilasubar is situated far from employment opportunities, a fact which may jeopardize the long-term sustainability of these settlements. It should be noted that the new settlements are also meant to accommodate the natural increase of IDP families. The Government, therefore, is not precluding a situation where a part of the family returns to their regions of origin while another part stays behind in the regions of displacement.

**c) Urban IDPs**

Urban IDP settlements provide more solid structures (i.e. public buildings such as schools and student dormitories), however they are highly overcrowded with communal kitchen and sanitation facilities, lack of privacy and security and considerable potential for promiscuity. In Sumgait alone, there are an estimated 140 public buildings sheltering IDPs, while in Mingechevir some

130 public buildings (schools, hotels and kindergarten) are occupied by IDPs. The mission was able to visit a few of these IDP-inhabited public buildings in Baku and Sumgait.

An administrative building visited by the mission in Baku and belonging to an industrial plant exemplifies the situation in which many IDPs live. The building accommodates some 245 families, of which 34 currently live in the basement of the building, where natural light is minimal. Each family occupies a room which is maintained in extremely clean conditions and which has electricity. The toilets, showers and kitchens, however, are collective and not always in working or clean conditions. The one-room dwellings are usually too small to accommodate an entire family and allow for little privacy. A similar situation was found in a technical school dormitory visited in Sumgait, where 150 families (550 persons) live. In this building, there is one toilet and one shower for every 20 families."

**Government of Azerbaijan, 2005:**

"More than 15 years after the start of the conflict with Armenia, the refugee and IDP population still suffer from poor housing conditions, with most of them living in non-residential premises."

**Balkci, Asen May 2004:**

"In the capital, IDPs occupy mainly non-residential buildings in decaying conditions ... The seven selected buildings included probably the worst and the best of IDP occupied buildings in Baku. Building No 1 is a massive unfinished structure belonging to the Ambulance Station in Binagadi District. Basically, it is an eight storey frame constructed with very large concrete blocs. Within this frame the IDP occupants over the years have built brick or stone interior walls and created partitions and rooms. Seen from outside the building appears like an absurd mosaic of different materials and colors, a Fellini-like creation of the desperately poor. All around the building, leading to it and hanging on it are hundreds of makeshift metal pipes, rubber tubes and electrical cables bringing water, gas and power from somewhere in the vicinity to the individual rooms. They encircle the building like a spider's web. Larger rubber tubes take the refuse directly to the basement where it remains and stinks continuously. The IDPs basically live on top of a cesspool. In summer, clouds of mosquitoes and flies of various kinds fill the air. The people say: "We can't fight the rats and the flies, that is why we are all sick here, look at the children's rashes..." Behind the building lie huge piles of refuse which the wind scatters all around. The balconies have no banisters, last year a child fell down but it landed on some rubber tubes and survived. Recently a drunken man was less lucky, he fell down and was killed on the spot.

The building is surrounded by a ring of small makeshift houses. These one or two room structures were built by some of the early occupants of the main building on the empty yard around. Several small shops share this space. The building's yard is encircled by a two meters high stone wall. On the other side of the wall, some of Baku's most luxurious mansions are now being built, real palaces for the nouveaux riches! Trouble appeared recently when the police started evicting the poor makeshift house-owners in order to sell their illegally occupied land to the surrounding palace proprietors.

In contrast to this unfinished structure, we visited two buildings in excellent condition located in Sumgait and Darnagul. They were recently renovated by a Norwegian NGO. The renovations concerned mainly the communal parts: sewage, electricity and water distribution systems together with the corridors, toilets, bathrooms and collective kitchens. This appealing environment created an ambiance of well-being. A stable community organization also established by the Norwegians seems to have insured the excellent maintenance of the building.

The rest of the buildings we visited offered the usual signs of neglect and decay in varying proportions. The sewage installations were generally out of order. For example, a hostel designed for 200 students was now occupied by 200 families. This was beyond the capacity of the sewage installations with the overflow spreading in the basement. The occupants had

discovered in the vicinity a main power cable, a gas and water pipe and they had extended connections directly to their rooms. The communal parts, baths, toilets, corridors were decaying and extremely dirty. Roofs were leaking. In an unfinished building, an international NGO had put tar paper on a makeshift roof. It was now leaking and in the rooms below were placed various recipients to collect the rainwater. Another INGO built bathrooms outside in the yard; without maintenance these quickly decayed and now lay in ruins. The list of decaying parts of buildings and broken down makeshift installations can easily be lengthened. There is no refuse collection in several buildings around the city periphery and the garbage is thrown in the yard near to the children's playground. No wonder the people constantly complain of being sick.

The basement of an unfinished building was probably the most hideous dwelling place we visited. The rooms on both sides of a low ceiling corridor had no windows. One small opening at the end of the corridor provided some air. With no day light and no fresh air, people moved slowly and looked pale, haggard and tired. Apparently, this basement is occasionally visited by foreign ambassadors on IDP sightseeing tours.

In sharp contrast to the decaying communal parts, the IDP rooms are generally clean, well kept and relatively comfortable albeit in a context of visible poverty. The typical IDP dwelling in a public building consists of a single room. Rooms do vary in size, the smallest room we observed was around 12 m<sup>2</sup> and the largest over 40 m<sup>2</sup>. Very high ceilings are a common feature in public buildings. Large rooms are often divided in two by a cardboard wall. In some rooms, a partition is built around the entrance door and a kitchen compartment established there. Most of the cooking is done on an electric heater placed in the corridor right beside the entrance door. While in practically all rooms there is a TV set, in only half of them can a refrigerator be found. Beds are covered with huge piles of bedding material. A carpet is always hung on the wall near the bed. Some precious china is exhibited in the cupboard. A table with chairs around complete the furnishings. Many rooms have a telephone.”

Clearly, conditions vary greatly from one public building to the other and from one room to the other, there is no uniform standard for IDP dwellings. With time, these rooms have slowly acquired value. At the beginning, when the unfinished buildings were empty, the site guards did not allow the IDPs to enter the premises. Later, some local policemen apparently encouraged the IDPs to occupy the buildings. It seems that in the chaos of war, migration and state disorganization, the authorities did not have a general plan for the settlement of IDPs in specific buildings. The IDPs seem to have discovered the buildings by themselves soon after their arrival in Baku, either alone or with the help of friends and relatives. If the building was unfinished various construction materials were lying around. The IDPs used them in the construction of their rooms. Quickly many family hostels, student dormitories and various unfinished buildings were occupied by the IDPs. Presently there is a demand for such rooms by newly arrived IDPs and residents who hope to benefit from the construction boom in the capital. The average price for a good size room is over USD 500. In the renovated Sumgait family hostel a comfortable room was recently ceded for USD 1000. These transactions are not legally registered, they represent private contracts described on a piece of paper with two signatures below... In our sample, family rooms are generally small, about half are under 20 m<sup>2</sup>. In one 12 m<sup>2</sup> room seven people were sleeping on mattresses on the floor. Crowding is common and people have absolutely no privacy. These conditions have determined two important trends. The first concerns the extreme difficulties experienced by the young who wish to marry. Simply they have no space, no room, no accommodation where to establish an independent family household as the custom requires. Immediately after I entered a family room and explained our aims, my attention was directed to some young man or/woman of marriageable age: “He is working and saving money for his marriage, he has a fiancée and they would like to marry but where would they go? You can see how small our room is, they cannot stay here and they have no money to find another room, so they sit and wait for something to happen...” Our sample corroborates this tendency: in our data there are 21 young men and 19 young women of marriageable age and who cannot marry.

Further, many of these are over 30 and have already been waiting for a long time... It should be noted that the vast majority of marriages that have taken place in displacement are contracted among IDPs, in only half a dozen cases is an IDP girl married to a resident who is inevitably very poor. It seems that civil status and social class are factors seriously constraining marital choice. Further, our census includes several cases of "Arab" marriage: a young man marrying his first cousin or father's brother's daughter who of course would be an IDP."

**NRC, 6 August 2005:**

"Working in urban areas with rehabilitation of collective centers poses a lot more challenges than in rural areas, where the sense of community is stronger. People living in public buildings have very little feeling of "ownership" of the buildings where they are presently residing, but wish to go back to their homelands. The hostels are overcrowded and allow little or no space for community rooms, which can be used for meetings. In addition, rehabilitation of public buildings in urban areas has lost its priority focus for most of the international agencies working in the country due to the donor fatigue and shifted focus towards "durable solutions" for the IDPs."

**Government gives IDPs certain exemptions (2006)**

- The state introduced a number of measures to improve the social situation of refugees and internally displaced people, including exemption from utility payments
- In order to achieve equal distribution of privileges, all exemptions from utility payments to refugees and IDPs were replaced by direct compensations to the respective bodies responsible for electricity, gas, sewerage and communications
- A 2003 survey found, however, that many IDPs and refugees settled in rural areas do not have access to many basic services, including electric power (3.9%), water (3.9%), gas (92.8%), sewerage and waste services (52.5%), communication (97%) and so do not benefit from the exemptions

**UNHCR, December 2006:**

"Almost all IDP households sampled received financial allowances from the Government, 95% of them received free electricity, 86% kerosene, 60% food products, 26% drinking water, 14% education and 11% medical services."

**ARAN/OXFAM, 2003:**

**"General information on the survey"**

The aim of the survey was to investigate the impact of replacing the exemption from utility payments by direct compensations (social privileges) on life and welfare of Refugees and Internally Displaced Persons (R&IDPs), to find its positive and negative aspects and to offer suggestions concerning settlement of the existing problems to state and international organizations.

The economic situation and welfare of citizens in Azerbaijan fell down critically since the independence, mainly as a result of war and a variety of other factors. So, further to the World Bank researches, 61.5% population of Azerbaijan lived below the poverty line in Azerbaijan in year 2000 alone. Refugees and IDPs were the most hard-hit group of population in times of war and economic crisis. According to the World Bank reports, 74.5 % of them live below the poverty line. A host of one million refugees and IDPs prevents economic development and state reforms in the country. Generally, the problem of refugees and IDPs was identified as the state's highest priority since 1993.

The state introduced a variety of privileges and allowances to improve social situation of refugees and internally displaced persons. This way of applying the privileges did not, however, provide an opportunity equal distribution of benefits. Thus, where refugees and IDPs settled in the city indeed had the opportunity of exercising their privileges, most benefits were unavailable to those settled in the regions.

In order to achieve equal distribution of privileges and in respect of the world experience, all exemptions from utility payments to refugees and IDPs were replaced by direct compensations.

Since January of 2003, Aran has been implementing a project monitoring of effective implementation of the Governmental Program on Reduction of Poverty and Economic Development (PRSP). To start with the project implementation, Aran basing on numerous appeals received from refugees and IDPs and its own observations, has disclosed problematic aspects related to replacing the exemption from utility payments by direct compensation. It has been found useful to carry out a survey of those aspects.

### **The problem description**

Replacing the exemption from utility payments by direct compensation is not applied equally among refugees and IDPs. Following replacing the exemption from utility payments by direct compensation the state started to transfer monthly compensation fee (electricity, gas, sewerage, communication expenses) of every refuge and IDP to the account of the respective body. Refugees and IDPs settled in rural areas do not, however, have access to many of those services.

[...]

Area: Agdam, Tartar, Barda, Goranboy, Mingachevir, Yevlakh

Survey period: April 2003

### **MAIN RESULTS (FINDINGS)**

Previous privileges offered to the Refugees and Internally Displaced Peoples are shown below:

- Exemption from utility payments, transport and other privileges
- Public health services
- Education
- Exemption from state duties and fees

All above privileges were in force for all R&IDPs within the Republic of Azerbaijan. However these privileges could not be equally exercised by R&IDPs. Thus the R&IDPs settled in cities could exercise the complete range of privileges, whereas many are unavailable to R&IDPs settled in villages. Compared with R&IDPs settled in cities, those in villages did not have opportunities of proper access to those privileges.

In other words, R&IDPs settled in cities have access to natural gas, electric power and public transport privileges. This in turn allows them to make much saving in their monthly budget. On the other hand, those settled in distant villages did not have these privileges available and made significant expenses on purchase of combustive and other materials, which in turn seriously damaged their financial welfare. This has been a cause of social injustice among groups of refugees. With regard to those difficulties, the replacing of privileges by direct compensations will be a fair solution of the problem and will significantly improve the financial welfare of R&IDPs. Little later, the privileges will be revoked and R&IDPs settled in both cities and villages given will be provided with the Government's monthly direct compensations.

R&IDPs settled in cities shall pay for natural gas and electric power, while R&IDPs settled in villages have to buy firewood and burning oil. From another hand when the majority of population

has privileges this creates unfavorable economic environment for the investors. It also slows down reforms in the public utility and other sectors while the country is actively integrating to the market economy.

With regard to the above-mentioned, the President of the Republic has signed the Decree dated December 26, 2001 concerning replacing public utility and other privileges by direct compensations for the purposes of improving financial welfare of the majority of population [See *the full document in which the Decree is appended*] The establishment of system of replacing of privileges with direct compensations was entrusted to the Cabinet of Ministers. The compensation paid to each of R&IDPs was determined at the rate of 15 000 AZM.

The Government considered reasonable to centralize the implementation of this process due to a range of problems with cash delivery to R&IDPs and their future payment for services. The public utility fees payable by R&IDPs were transferred directly from the state budget to the account of servicing organizations per each of the R&IDPs.

At present the privileges covered by direct compensations are as follows:

- Electric power
- Natural gas
- Drinking water
- Sewerage, Waste
- Communication (Telephone)

At the moment this process is implemented in the following way: the State Committee for Refugees and Internally Displaced Persons representative offices are preparing monthly statistical report according to regional residence of the R&IDPs and used public utility services and submit it to the SCRIDP headquarter. The headquarter will classify the information and determine total amount and apply with a request to the Ministry of Finance. The Ministry of Finance will transfer this amount to the balance of servicing organization.

[...]

#### CONCLUSION

Survey in the regions have identified that among 4 categories (public utility, health care, education and state duties) of R&IDPs privileges, only “exemption from utility payments” were replaced by the direct compensations. The direct compensations has been fixed at the rate of 15 000 AZM per R&IDP. Privileges concerning state duties and fees are still in force. The educational and health care privileges were cancelled. The direct payment of financial compensations to R&IDP has been cause of certain problems. Therefore the Ministry of Finance transfers the payment for public utility service directly to the servicing organizations on the basis of SCRIDP request.

Though the regional survey found out that among 128 303 R&IDPs living in the 6 regions (Tartar, Agdam, Barda, Goranboy, Yevlakh, Mingachevir) surrounding central low-land area some of the R&IDPs did not utilize such services as: electric power – 4 941 (3.9%) R&IDPs, water – 4 941 (3.9%) R&IDPs, gas – 119 047 (92.8%) R&IDPs, sewerage and waste services – 67 282 (52.5%) R&IDPs, communication – 124 487 (97%) R&IDPs. The Government did not make payments for any of these services to the appropriate organizations. It means that such groups of R&IDPs get neither direct compensations nor access to said services.

*Note:* The present status of replacing the privileges by direct compensations does not completely improve the social and financial welfare of R&IDPs. Nor does it influence to utilization of public utility service by R&IDPs.”

### **Natural increase in family not taken into account for shelter provision (2006)**

- Sons and daughters have grown up and established families of their own, but shelter size for family remains same

**NRC, November 2006:**

#### **"Problems occurring in provision of housing for families during resettlement**

During displacement the composition of families hasn't been taken into account, i.e. persons who established new family are registered under the patronage of their parents and they haven't been provided with new apartments. It should be mentioned that resettlement of IDPs in new settlements is conducted according to the old statistics. Thus, if we would compare the number of IDP family members in 1993 and now, many of the the children reached the mature age, some of them found family, but haven't been separated from the parents housing registration book. That is why there is already one or two more families inside the family displaced in 1993. During settlement in the new areas, just the number of family members is taken into account. New families inside the old ones do not receive separate housing."

### **Numbers of displaced living in IDP tented camps is less as government dismantles tented camps across the country (2007)**

- By 2004, the government had dismantled five of twelve tented camps housing IDPs, mainly in the Southern part of the country
- Government data inconsistent: from 30,000 to 47,000 IDPs continue to live in tented camps
- Between 75,000 and 100,000 IDP living in camps in 1998
- IDPs in tents are worst off, as tents provide inadequate protection against the harsh winters and the stifling heat in summer (1998)

**Government of Azerbaijan, State Committee on Refugees and IDPs, December 2005:**

#### **Living conditions of IDPs**

No	Information about IDPs	Families	People
1.	Public Buildings	22191	81917
2.	Hostels	20760	83029
3.	Schools and kindergardens	9593	34887
4.	Sanatoriums, pansiones, recreation areas, tourist bases	6541	24634
5.	Tented camps	11843	47608
6.	Vagon	1407	5263
7.	Settlements of selfmade houses (Finish houses)	6315	27734
8.	At relatives' houses	24321	95620
9.	Occupied appartments	6637	25722
10.	Uncompleted buildings	2087	9145
11.	Farms, earth-house and along the roads	5946	26757
12.	Settlements and houses built by the State Committee on Refugees and IDPs, according to the presidential decrees	13907	65984
13.	Houses built by international humanitarian organizations	6686	30087
14.	IDPs temporarily settled at the liberated areas	8302 families	



**State Committee for Refugees and IDPs, February 2005:**

*Of twelve IDP camps located across the country, five of them had been demolished by the end of 2004. All of the demolished camps were located in the southern part of the country, in the Bilasuvar district. There are seven camps remaining which the government aims to dismantle by the year 2007. It is estimated that at least 30,000 IDPs continue to live in tented camps.*

**Greene 1998, p. 255:**

"In 1998 the number of IDPs in camps [was] probably between 75,000 and 100,000. Many of the camps are located in southern Azerbaijan near the Aras River. These include Sabirabad, two camps at Saatli, and four camps at Bilasuvar. In January 1996 the population of these four camps was 44,000. The Sabirabad camp alone, one of the least salubrious, and located at some distance from towns and villages, housed 12,000 IDPs. The number of IDPs in tented camps has declined since 1994 as many of them have been transferred to other accommodations, including prefabricated one-room houses furnished by the European Community Humanitarian Office (ECHO). Most of the IDPs who returned to Fizuli had been in camps. The April 1996 UNHCR survey stated that approximately 5 percent of its respondents were in camps. Only a small percentage of the people who became displaced in 1993-94 have merged into the communities where they live"

**UN Commission on Human Rights 25 January 1999, para. 67:**

"Worst off would seem to be those internally displaced persons who continue to live in tents, which are often damaged. These fail to provide sufficient protection from the harsh winters and, as was apparent during the Representative's visit in late May, retain stifling heat in the warmer months. The problem of water seepage through the ground, due to a high water table, was evident in a number of tents and other temporary shelters visited by the Representative"

**Problems with location of shelters underscore need for proper consultations with IDPs (1998, 2006)**

- Some resettlements located close to ceasefire line
- Prefabricated houses found unsuitable for displaced semi-nomadic Kurds
- Location, e.g. proximity to market place, found more important than quality of shelter
- Single-room dwellings could benefit from partitions in order to conform with cultural norms

**NRC, November 2006:**

"Presently, 8 settlements have been built on the territory of Agdam region, these settlements are situated very close to the firing line. There are such settlements which are 3 km far from the front line. If the cease fire will be violated these settlements will be under the threat and can be battered by the long-range (18-20 km) and other types of arms. All the new settlements are built along the front or very close to it ... These people, i.e. IDP strata will always live in threat of displacement and will not be able to organize their life until big peace will not be achieved."

**UN Commission on Human Rights 25 January 1999, para. 72:**

"In addressing shelter conditions, as with all other needs, it is essential to consult with the intended beneficiaries themselves. Two examples regarding shelter that came to light in the course of the Representative's visit underscore the importance of doing so. The first example concerns the Lachin Winterland camp, where . . . semi-nomadic Kurds displaced from the Lachin area found refuge in the subterranean dug-out dwellings of their traditional winter settlement areas. When displacement forced this Kurdish community to remain in these settlements year-

round, an international project constructed numerous prefabricated houses for them. However, today these remain largely unoccupied owing to the fact that the intended beneficiaries had no intention of leaving their traditional dug-out dwellings, especially as these had been purposefully built in close proximity to the grazing land for their livestock. Although the dug-out dwellings were not designed as permanent residences and required repair in certain aspects, the preference of the residents to remain in their traditional dwellings near the grazing lands provides a cautionary example of the need not to assume that more sophisticated, not to mention more expensive, structures will necessarily correspond to the needs and preferences of the intended beneficiaries."

**UN Commission on Human Rights 25 January 1999, para. 73:**

"A second example relates to the situation of the thousands of internally displaced persons who have made makeshift homes in abandoned railway carriages. The shelter that these structures provide is far from adequate in that they, like the tents, lack insulation against the wind and cold and prove stiflingly hot in the summer months. Nonetheless, the residents of one railway carriage settlement visited by the Representative in the Barda region proved unwilling to move out of these conditions when given the option. In this case, the reason concerned less the type of alternative shelter offered than its location, several kilometres away from the market place adjacent to the railway car settlement where most of its residents make their living. Given the desire of these internally displaced persons to remain in the railway carriages rather than be relocated far from the centres of economic activity, efforts might more usefully be targeted at improving, in whatever ways possible, the shelter in which the displaced currently reside."

**UN Commission on Human Rights 25 January 1999, para. 74:**

"One suggestion for shelter improvement raised by several government officials and some international NGOs, (but, notably, not by any of the displaced with whom the Representative met) was the construction or provision of a partition in the single-room dwellings in which most internally displaced families reside. This measure is considered important in order to conform with cultural norms according to which adolescent girls and unmarried women are to sleep in rooms other than those occupied by their male relatives. Government officials noted that in respect of these cultural traditions even the poorest family would have a two-room dwelling. One family whose railway carriage dwelling the Representative visited had been provided with a partition by OXFAM. Other agencies with whom the Representative raised this request replied that they had not responded on account of limited resources."

## **Health**

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### **Low income affects health conditions of the displaced in southern Azerbaijan (2002-2006)**

- Availability of required medical services to displaced population is limited
- Disability, chronic and acute diseases prevalence is highest in the displaced population

**UNHCR, December 2006:**

"Health seeking behaviour of IDPs is often determined by financial constraints and they only seek health care when the situation is critical. Before this they tend to wait and see if the condition improves, try home remedies, or self-treat with medicines available over the counter at pharmacies. One of the common complaints made by adult male and female IDPs interviewed during this assessment was about their poor health status and the absence of free medical treatment."

**Government of Azerbaijan, 26 May 2004:**

"Poverty and instability has had a negative impact on the health of IDPs. Psychological stresses, incomplete and unsatisfactory nutrition, limited access to the health services meant that the incidence of disease has been higher among the IDPs and that disease is more likely to spread among this section of the population. According to the information collected by SCRIDP, underweight among refugees and IDPs is two times more than the rest population. 23.5% of the children under 5-year old of the IDPs are suffering from diphtheria.

People with disabilities among the IDPs are 30 per 1000 persons. Chronic diseases are 152.8 per 1,000 persons of the population. This indicator is 199.6 persons [41] among the IDPs."

**UNDP 2002, sect. 5.4:**

"Poverty undoubtedly affects the state of health of the refugees and IDPs. The experience of psychological stress, incomplete and insufficient nutrition and limited access to health services has led to an increase in disease. A number of surveys conducted by WHO and UNICEF reveal that the state of health among refugees and IDPs is considerably worse than that of the rest of the population.

Analysis of the indicator regarding coverage of the refugees and IDPs by physicians and other medical personnel attests to the extremely limited availability of medical services. Similarly, there are unfulfilled needs for medicines, medical equipment for treating diseases of nervous and digestive systems and cardiovascular diseases. Likewise, not enough X-ray and fluorographic machines, electrocardiograms or ultrasound equipment is available."

***International Medical Corps ((IMC) commissioned a Survey to Curation International Foundation (CIF) in order to assess population health needs, utilization of health services and the cost of treatment in Southern Azerbaijan: Sabirabad, Saatli, Bilasuvar, Fizuli, Imishli and Beylagan.***

**Lack of adequate health care and sanitation have caused a deterioration in the health of the internally displaced (2006)**

- IDPs in Azerbaijan have generally suffered a deterioration in their health since their displacement

**UNHCR, December 2006:**

"The male IDPs interviewed in the Finnish settlement in Saatli felt that their numerous health problems (diabetes, diarrhea, food poisoning, heart disease, high blood pressure, kidney stones, malaria, respiratory infections, rheumatism, skin problems, and swellings in glands on the neck) were directly related to their living conditions. They live in prefabricated buildings which were designed to be temporary accommodation when they arrived 15 years ago. The buildings are very hot in the summer and extremely cold in the winter. Members of the FGD all came from mountainous areas and felt that their health problems would improve if they were to return home.

Similarly, male IDPs interviewed in Galagayin village (Sabirabad) said that they suffered from a range of health problems, some of which were related to the salty soil leading to aches in their legs, as well as kidney and lung problems and rheumatism. The doctor at the dispensary was asked about the salty soil and confirmed that urine samples showed high levels of salt and this leads to rheumatism-like conditions and kidney problems. IDPs mentioned that they did not suffer from these health problems before they were displaced...

## **Autonomous Republic of Nakhchivan**

No data were available."

### **Balikci, Asen May 2004:**

"Practically all our informants complained about health conditions in their families. Usually their testimony begins with a description of the initial shock: "We had to cross the river which was full with deep water, I didn't know how to swim, my sons barely saved me, something happened in my brain at that time and ever since I'm sick in my head, my head turns, now I worry all the time..."

Another informant: " In our village I was very healthy, after we left the village for one month I was very nervous and my teeth fell, they just came out... my head was turning and I couldn't stand up, I had to lie down all the time... my daughter became sick after the Armenians bombarded our village, she was six at the time, the left side of her body became paralyzed, she had to lie down for four months, at the time she couldn't walk, her mother taught her how to walk again, today she is limping, she is an invalid..."

After these initial statements usually follow descriptions of the various ailments affecting family members in the head, liver, limbs, stomach, joints, eyes, blood, etc. And finally there is a global condition we called "general sickness", as an old woman complained: "I worry all the time, I think about my son who was taken hostage by the Armenians and who died soon after, probably they gave him an injection with poison. I worry all the time, every minute we have difficulties here about everything, we have very little space in this one room, now I have general sickness, my whole body hurts, I suffer from broken heart..."

Invariably informants consider their extremely poor living conditions as the principal cause of their diseases: the lack of space, the cesspool in the basement, the rats and mosquitoes, the refuse lying all around, the dirt everywhere, the bad food they get, etc. This is the context in which medical treatment begins and which is the source for endless complaints.

IDPs apparently are entitled free medical services. Informants assert that according to government regulations IDPs suffering from TB, diabetes and cancer should never pay for treatment or medicines.

The real situation seems very different. Informants complain that they have to pay the doctors who however never ask openly for payment. "If you don't pay, they say they are busy and tell you to come tomorrow... you get this response for a few days and then you learn how to put 10 000 manats on the table and you get quick examination, the nurses also are waiting and expect something..." While this practice seems very widespread, in our record are several cases where patients were given proper medical examinations free. A similar situation prevails with the prescription of drugs. Patients complained they have to pay for all drugs. In fact, in a few cases, drugs were provided free. Some patients are very bitter about hospital care: "For treatment at the polyclinic in order to have a good examination you have to give money, from 10 000 to 20 000 manats on the table and nurses also expect something... sometime the doctors behave like wolves, you feel oppressed and don't want to go back there... you say it is better to remain sick at home and die in your bed than go to the doctor... even for the vaccination of the children you have to give money! But there are some very good doctors who do a good job and ask for no money!"

Operations are always subject to prior negotiations and occasionally some bargaining. Evaluations are made in USD. In our records the most expensive operation was evaluated at USD 500 with the understanding that patients will have to provide all necessary medicines.

In some cases several sick persons are to be found simultaneously in a single family. Saltana lives in the basement of an unfinished building with her elderly mother, her husband and two children. The old woman has no appetite and suffers from high blood pressure, every third day her drugs cost 7 000 manats. The young woman has heart problems and needs some very expensive injections. The husband has been suffering from rheumatism for the last three years and twice a year he needs injections that cost 80 000 manats each.

Halay is from Minchan village in Lachin where he was store manager and sheep breeder. He has a wife and six daughters. The youngest one is epileptic. Two of the girls have eye problems, they wear glasses and need special treatment. The oldest is a war invalid. A year ago Halay spent three months in mental hospital, he worried too much and his head became no good, his head was turning all the time. He was suffering from "yurek agrisi" pain in the heart or broken heart. Soon after he got TB. There is no special clinic for adult IDPs, they can go to any polyclinic in town provided they pay. Halay went to Polyclinic Samashko downtown, he explained his case to a doctor who charged him 50 000 manats for an examination, X-Ray and a written diagnosis. The doctor then sent Halay to a TB specialist in another hospital, the specialist refused help. Then Halay by himself found another doctor called Fuad in the same hospital and told him he was an IDP and asked him in the name of Allah to help him for no money because he didn't have any! Doctor Fuad took care of him and told him he would need nine courses of special treatment at the cost of 400 000 manats each. Halay has completed six courses but cannot go on because he has no money. There are no precautions taken in his household against contagion. His mother is regularly giving him her pension and his brothers help for his medicine. He has no money for the treatment of his daughters who are in danger of becoming blind. Somebody told him to go to UNICEF with his prescription but he couldn't find their office... "When we run out of flour for bread I cannot sleep and keep thinking (worrying) all night...when the situation becomes unbearable you begin to hate everything and you hate most your life!"

**Government of Azerbaijan, 2005, p. 46:**

"There are three factors which have a negative impact on the health status of IDPs: 1) the low level of sanitary conditions in the places settled by IDPs; 2) malnutrition among the IDPs, especially among children; 3) limited access to basic health care services

**UN Commission on Human Rights 25 January 1999, para. 76:**

"Internally displaced persons in Azerbaijan typically have suffered a deterioration in their health since their displacement. A nationwide health and nutrition survey undertaken in 1996 noted elevated rates of chronic malnutrition among children and the elderly, and high levels of anaemia and iodine deficiency. Scabies, especially among children, and other skin infections, respiratory illness, malaria, diarrhoea and vitamin A deficiency are also prevalent health problems, especially in the camps."

**Greene 1998, p. 264:**

"IDPs report an increase in sickness since their displacement. Because most IDP shelters have no bathing facilities, scabies is common among IDP children. Respiratory diseases and mental illness are also common problems for IDPs, particularly in camps. WHO has focused on immunizations, particularly for diphtheria and polio. About one fifth of IDPs receive treatment from Mobile Health Units and receive free drugs."

**Local health-care facilities need strengthening through support for infrastructure and the provision of supplies (2006)**

- Reports of delays in development of new health facilities (1998)

- Mobile health units have been organized to visit some internally displaced communities
- IDPs still report difficulties in accessing medical care
- Some IDPs unable to obtain medical services without payment

**UNHCR, December 2006:**

"There are a total of 169 Ministry of Health (MoH) health facilities and 4,300 doctors and nurses providing health care to IDPs. It has been reported that these are inadequate to meet the needs of IDPs and that health facilities are often located in unsuitable premises and are ill-equipped with medicines and other supplies.

During this assessment it was found that clinics located in IDP communities did not have adequate medical supplies and IDPs complained about their lack of access to free of charge health care...Not only was the absence of medication a problem in Saatli, but even if IDPs could afford to buy the drugs at a pharmacy they have to walk three kilometers to do so. They also mentioned sometimes having to pay up to US\$10 for consultation with a doctor at the *raion* hospital...

The government has been trying to improve health care facilities available to IDPs and in 2003 used oil money to construct new housing, health dispensaries and a hospital for IDPs in Bilasuvar. The 50-bedded hospital appears to be over-staffed (with eight doctors and 66 staff) and on the day visited there was only one in-patient. In Bilasuvar health staff claimed that the health situation of IDPs had improved since the construction of the new houses, whereas when IDPs were living in tents there were many problems with hepatitis, malaria, respiratory infections, rheumatism and tuberculosis...In contrast, the 280-bedded *raion* hospital in Sabirabad was well-equipped and provides referral services for 13 dispensaries as well as having Cabinets for Dermata-Venereology, Narcology, Reproductive Health and a sanatorium for Tuberculosis. Health workers in the Gynaecology department admitted charging patients - about US\$3.50 for consultation, diagnosis and treatment of STIs...

IDPs in older communal centres experiences considerable problems in accessing free health care. This has resulted in high levels of self-treatment, or the absence of any treatment...

Both adult male and female IDPs interviewed during this mission complained of their poor health status, the cost of health services and difficulties in obtaining treatment for existing medical conditions...Some health facilities in IDP settlements visited as part of this assessment did not have a stock of essential medicines (including condoms, contraceptives, gloves, disposable needles and syringes and consequently IDPs do not seek health care from them as they know that treatment cannot be provided. Health seeking behaviour in IDPs may be determined by these financial constraints resulting in them only consulting health workers when the situation is critical. Also a high level of self-treatment by IDPs was reported for a range of conditions with medicines available over the counter at pharmacies, including self-injection of vitamins and anti-biotics."

**UN Commission on Human Rights 25 January 1999, paras. 81, 82, 83:**

"In addition to training and expertise, local health-care capacities may require strengthening through support for infrastructure and the provision of supplies. In the Lachin Winterland camp in Agjabedi district, the construction by the local authorities of a medical clinic to serve the needs of the several thousand internally displaced persons in this settlement remains incomplete: the building . . . reportedly consists of only a basic frame with a roof, but no walls.

[...]

In the town of Horadiz in Fizuli district . . . the community hospital . . . had been reconstructed and rehabilitated but . . . lacked sufficient medical equipment, beds and other supplies. UNDP . . . [advised] . . . that it had earlier compiled a list of needed equipment and provided it to donors,

who had responded by providing some essential drugs and medicines. However, there clearly remained a need for basic equipment.

[...]

While it is evident that there is a continued need for the international community to support the strengthening of national and local capacities in terms of health-care expertise, infrastructure and supplies, it is also incumbent upon the national and local authorities to do their part to ensure that what is in principle free access to State-sponsored medical services actually exists in practice. A number of internally displaced persons reported experiencing the problem of being unable to obtain medical services without payment. Although this practice is not officially sanctioned, and indeed is safeguarded against in national legislation, the national and local authorities arguably could do more to curb its occurrence. Guiding Principle 19 provides that all wounded and sick internally displaced persons, as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones.

[...]

Problems of access to medical services also may arise in terms of physical accessibility, especially in areas far removed from urban centres. Mobile health units have been organized to visit internally displaced communities but, as the Deputy Minister of Health noted, they are unable to reach all those in need. The frequency of visits varies, with some communities having been found to go unaddressed entirely. Even in urban areas, physical access to medical services may be difficult. Internally displaced women in one of the public buildings visited by the Representative in the Xatai district on the outskirts of Baku pointed to the need to establish a regular health clinic to service the most basic health-care needs of the residents of the grouping of public buildings. At the very minimum, they required the installation of a communal telephone line reserved for contacting emergency medical services when necessary"

### **Health needs of displaced women and children (2006)**

- Displaced women have special health related concerns
- IDP women get sick more than resident women
- IDPs asked to make informal payments for health care, when basic services should be free of charge
- Good health care unaffordable, leading to school absenteeism
- In a UNIFEM study, most IDP and local women admitted to never having gone to a gynecologist due to cost
- Illnesses not treated at early stage, and this has effect of increasing work burden for IDP women
- Children suffer from worm infestation and micronutrient deficiencies, as well as anaemia

### **Women**

#### **UNIFEM, July 2006:**

"The Government of Azerbaijan, with the help of international humanitarian organizations, has taken some steps to protect the health of IDPs. The Ministry of Health established medical service stations in tent camps and other compact IDP settlements. Mobile medical centers are periodically available to conduct examinations and provide treatments. There are 169 health care centers, with 4,300 doctors and assistants to provide medical service to IDPs, with some medicines being distributed free of charge. However, these measures do not meet the demands of a large IDP population.

The number of hospitals, medical centers and dispensaries to which IDPs can turn is clearly insufficient. Moreover, most medical centers for IDPs are located in unsuitable premises and are insufficiently equipped with both medicines and other necessary supplies, and foster conditions that could help diseases to spread rather than prevent or contain them. Response to expert questionnaire, 15 June, 2005 In addition, according to the Living Standards Survey of Refugee and IDP Population, sanitary conditions in the living quarters of 41.2% of IDPs do not meet even the most necessary requirements; 87.7% of respondents to the survey said they did not even have a bathroom. "State Programme on Poverty Reduction and Economic Development 2003-2005: Azerbaijan Progresses toward the Achievement of the Millennium Development Goals, Progress Report 2003/2004", Baku 2005, p.53. Such unsanitary conditions contribute to the spread of infectious diseases in compact, densely-populated IDP settlements.

Given the deficiencies in health services available to IDP women and the unsanitary conditions in which many of them live, it is perhaps not surprising that data from the household interviews paint a grim picture of health among IDP women in contrast to their local counterparts. More than half of the local women surveyed said they get sick only once or twice a year, or not at all; half the IDP women said that they get sick at least once a month. Nearly all of them blamed their frequent illness on poor sanitation: the shortage and low quality of water, the absence of baths, the unhygienic conditions in hospitals and medical centers. Azerbaijan's 2004 CEDAW report also stated that mortality is "generally highest among women of low levels of social development, and especially among refugees and displaced persons". Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined second and third periodic reports of States parties: Azerbaijan, 8 March 2005, CEDAW/C/AZE/2-3, p.61.

To make matters worse, focus group participants said, the already inadequate health care system is marred by corruption that targets IDPs and local residents alike. They told stories of nurses hoarding medicines and even syringes to sell for profit and of doctors who refused to examine children unless they received some "informal" payment. Incidents such as these are particularly galling since all health services are supposed to be free for IDPs. Instead, the IDP women say they have to pay for all their health care needs upfront, which is not easy given their meager resources and this sometimes prevents women from seeing doctors when it is really necessary. Most IDP and local women said they go to the doctor only when an illness has developed serious complications.

The difficulties IDP women have in paying for health care are especially problematic when it comes to reproductive health, pregnancy and family planning. The Ministry of Health and the UN Population Fund (UNFPA) among others have given training sessions and organized seminars with IDP women to raise their awareness about reproductive health and family planning. Despite these efforts, three times more IDP women than local women are ignorant about methods of contraception (although more than 60% of the women interviewed reported using some form of birth control). And most local and IDP women admitted that they never visit the gynecologist. Some even admitted they do not see the doctor about "women's diseases" even if they know they need to, because it is prohibitively expensive. Moreover, while more than two thirds of the women who took part in household interviews said they and their acquaintances turn to state hospitals for medical care when they are pregnant, 20% of pregnant IDP women will turn to a midwife or to no one at all, and a quarter will deliver their children at home assisted by a midwife or an obstetrician.

The unwillingness or inability to have illnesses diagnosed and treated at an early stage has a significant impact on both IDP and local women, though for IDP women the impact is more pronounced. More than 90% of the women interviewed said it is they who must care for family members who fall ill, including children and elderly relatives. Such home-based care only adds to the women's other domestic responsibilities, especially when it comes to long-term or



complicated illnesses. Thus not only does the medical system fail to provide women with appropriate care for themselves and their family members, its inadequacy also makes their lives more difficult by forcing them to take care of the people it neglects."

**UN Commission on Human Rights 25 January 1999, paras. 78, 79:**

"Special efforts to address the psychological and all other needs of displaced children are required, as Guiding Principle 4 provides. Important efforts to address the psycho-social needs of internally displaced children in Azerbaijan have been made by a number of international agencies, as well as local NGOs. One notable example is the UNICEF programme by which some 300 internally displaced persons have been trained as social workers to provide early childhood education and psycho-social rehabilitation activities to some 4,000 displaced children. The involvement of WFP means that the social workers participating in this programme receive not only training and meaningful employment but also food assistance for their work, while the children are provided with biscuits as part of the programme.

[...]

Special attention to the health needs of women, including in the area of reproductive health, and to the prevention of contagious and infectious diseases, such as HIV/AIDS, is also called for in the Guiding Principles. In Azerbaijan, internally displaced men and women request contraceptives, particularly for the purposes of family planning. At the same time, programmes have been developed to provide health education and services specific to the needs of women in the areas of gynaecological health, safe motherhood and breastfeeding"

**Children**

**WFP, April 2006:**

***This report analyses the problem of school absenteeism for the resident and IDP population in 10 selected regions:***

"... Worm infections are also highly prevalent with more than one third of IDP and a quarter of resident respondents reporting that they think their child suffers from worm infection ... Prevalence of micro-nutrient deficiencies and worm infestation is high both among boys and girls and in IDP and resident households. The prevalence of anaemia (Hb<11.5g/dl) at 49.5% in IDP and in 54.8% in resident children, makes anaemia a severe public health problem in primary school aged children in Azerbaijan according to WHO standards ... Furthermore 2.8% of IDP and 3.7% of resident respondents said that their child cannot see properly during the time when it is getting dark, during or briefly after sunset. This observation indicates a problem of night blindness, a sign of Vitamin A deficiency ... In 27% of the IDP and 22% of the resident households, the respondent mentioned that at least one member of the household suffered from goiter (a possible symptom of iodine deficiency). Only 45% (IDP) and 54% (resident) of the reported cases had gone for treatment... The health status of children and their nutrition are interrelated. Micronutrient deficiencies adversely affect the immune status and thus the morbidity from infections. Further, iron deficiency leads to impaired cognitive developments and lower school achievements. Also, iodine deficiency reduces the cognitive performance in school children. Besides cost associated with schooling, poverty makes good health care unaffordable for many households, thus further intensifying the problem of absenteeism."

**Sexually transmitted diseases and HIV among the IDP population (2006)**

- Data on IDPs living with HIV/AIDS unavailable
- Limited data that does exist does not feed into HIV programming
- Condoms not readily available free of charge at hospitals
- Further research required on sexually transmitted diseases among IDP population

**UNHCR, December 2006:**

“No data were available on the number of registered PLHIV who are IDPs and who inject drugs, sell sex or IDP men who have sex with men. There were anecdotal reports of IDPs injecting drugs and a needle and syringe distribution programme in Baku is located in an area where IDPs live and about 30% of their clients were IDPs. Whether IDPs are under or over represented amongst IDUs is not known as studies of IDUs do not currently report on IDP status. There were also anecdotal reports of female IDPs selling sex.

According to Anti-narcotism which implements four needle distribution services...to about 1,200 IDUs, between 300 and 600 needles are given out each month. ...One of their programmes...is located in an area of Baku where many IDPs reside and is open from 11.00 to 18.00. Since 1st March 2006 IDUs have made a total of 2526 visits of which about 600 were from first time clients - all male aged 16 upwards and an estimated 30% were IDPs.

Data on registered PLHIV [people living with HIV] by IDP and non-IDP status are collected at the time of diagnosing HIV infection, but has not been systematically analysed or verified...Previous data from 2003 found that 15 IDPs had been registered with HIV - this represented 2.1% of all PLHIV at that time which is lower than the percentage of IDPs per general population - variously reported at between 8 and 13%. It would therefore appear that IDPs are under-represented in the registered cases of HIV, but the data needs to be verified.

IDPs interviewed as part of this assessment were reasonably well informed about HIV and their main source of information was the television. In Sumgayit, IDPs who had received information from the young HIV educators at the Youth Centre were very well informed about HIV. Adolescent male and female IDPs in Bilasuvar identified the need for more information on health in general as well as HIV, and were extremely interested in learning more. Whilst there was little evidence of HIV risk behaviour in the ural IDP settlements (STI rates and injecting Drug use) and many of them did not consider themselves to be at-risk of HIV, it was noted that STI/HIV risk behaviour was most likely to occur when young males visited urban areas.

There is a lack of evidence on the situation of HIV amongst IDPs and refugees and the data that do exist do not feed into HIV prevention programming...The existing policy environment is not conducive to working with most at risk populations and the needs of IDPs, refugees and asylum seekers are not reflected in national HIV programme documents.

IDPs and refugees do not appear to be over-represented amongst HIV risk groups when attention has been paid to develop programmes for them in conditions as close as possible to their geographic area of origin and with appropriate housing, social and economic support. However, in those cases where IDPs and refugees from rural areas have been placed in large urban centres without appropriate support systems, then the chances of them engaging in HIV risk behaviour increases. This is most marked amongst male IDPs injecting drugs in Baku and Sumgayit and in male (predominantly Chechen refugees) having unprotected sex with FSWs in Baku...there is evidence that IDPs inject drugs in both Sumgayit and Baku where there is a needle and condom distribution programme in an IDP area with about 30% of IDP clients. In interviews with IDPs in other more rural regions they said they did not know people who injected drugs and in some settlements it

Both national and international NGOs working within IDP communities reported that sex work is entrenched within many of their communities.

The Ministry of Health law permits every hospital to test blood for HIV. However, the quality of HIV testing is insufficient and health workers need more training in voluntary counseling and testing (VCT) and hospital laboratories require upgrading.

According to the Director of the Republican AIDS Centre, data are collected on IDP and refugee status when taking HIV tests at the Republican AIDS Centre and regional AIDS laboratories...

### **HIV in the Autonomous Republic of Nakhchivan**

No data were available

The availability of condoms in health facilities used by IDPs was a major problem. None were available at the IDP hospital and dispensary in Djabrayil village, Bilasuvar, nocondoms had been received since 2004 by the IDP clinic in the Finnish settlement of Saatli and even the Reproductive Health department of the raion hospital in Sabirabad had not received any supplies since 2005. Health workers expressed their frustration of having motivated couples to use condoms for contraception they were now faced with the situation that no free of charge condoms were available....It was unlikely that condoms would be purchased from pharmacies by IDPs due to the cost

### ***Sexually transmitted diseases***

#### **UNHCR, December 2006:**

"An analysis of registered STI cases (generally recognized as grossly under-reported) by area of IDP residence conducted as part of this assessment ... does not show that IDPs are over-represented amongst the STI data. However, the numbers are very small and further research is required to establish more accurate data on STIs by IDP and non-IDP status....STI data are not routinely collected by IDP status, although IDPs were reported to be amongst the clients attending Sumgayit Dermato-Venereology dispensary. This appears to be more of an urban phenomenon as no cases of STIs had ever been seen by health care workers at the clinics providing services to IDPs in Saatli Finnish settlement, or in Djabrayil or Galagayin villages. This does not mean that STIs do not exist in rural areas, as IDPs would be likely to consult doctors in another geographic location due to the stigma attached to STIs, or to self-treat. However, the health care workers thought that the population they served were strict Muslims and therefore were not likely to have exposed themselves to STIs"

### **Displacement behind psycho-social health problems (2006)**

- Having their hopes for imminent return dashed time and again has a psychological impact on the IDP

#### **UNIFEM, July 2006:**

"Not surprisingly, researchers found that IDP-women suffer from post-traumatic stress compounded by the stress of difficult to intolerable living conditions. Their psychological trauma shows itself through decreased social activity, feelings of isolation and abandonment, an orientation towards the past – which they remember as incomparably better than the present – and a bleak view of the future. There is little interaction between IDP and local communities, and IDP women tend to believe that local residents feel more ill-will towards them than the local women themselves expressed. Researchers felt this isolation to both arise from and worsen the negative psychological state of the IDP women. At the same time, researchers were impressed with the resilience of the women they spoke to, and are convinced that despite their problems, IDP women have the strength and the creativity to find constructive solutions to the problems they face if given the opportunity."

#### **The Brookings Institution - University of Bern Project, 16 May 2006:**

"...although this is often treated as a luxury, addressing the psychosocial problems of IDPs should be part of durable solutions. Despite the passage of time, some IDPs do not overcome the trauma of displacement. Many become dependent on external aid and need help to regain their self-reliance. Programs of psychological counselling can be important."

**UN Commission on Human Rights 25 January 1999, para. 77**

"Displacement has also created problems in the area of mental health. The psychological stress experienced by the displaced is not only war-related, but also stems from the cramped and poor conditions in which many of them live, as well as from feelings of isolation and uncertainty about their future. In this latter regard, the psychological impact on the displaced of having their hopes for imminent return dashed time and again cannot be underestimated: indeed, a number of international humanitarian staff noted a marked deterioration in the mental health of the displaced since the stalling of the peace process in early 1998. Local NGOs added that the current uncertainty as to whether international humanitarian assistance would continue has placed additional psychological stresses on the displaced. Guiding Principle 19 provides that, when necessary, internally displaced persons shall have access to psychological and social services."

**Tuberculosis is a common health problem among displaced (2004)**

- A survey among IDPs indicates main health problems included TB, oncological diseases and measles

**IFRC, 1 November 2004, p.3:**

"A survey was also conducted among internally displaced people (IDPs) living in the southern camps [See note] as well as in Sabunchu and Azizbekov districts of Baku to identify what are the most common health problems and develop an adequate response strategy. 220 people were interviewed. Of those, 195 prioritised tuberculosis, 170 mentioned oncological diseases and 151 people advised the most widespread illness in their community is measles. All respondents welcomed Red Crescent health promotion and education efforts because these measures can reduce risk - protect people from diseases and save lives."

[Note: The southern camps were established in 1993 to shelter people fleeing the destruction caused by a military conflict with Armenia over Nagorno Karabakh. In 2003, the Government has started the resettlement of these people to more durable accommodations. The current population of the camps is 15,028 people (source: Government of Azerbaijan).]

# ACCESS TO EDUCATION

## General

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### Schools ill-equipped (2006)

- Schools lack resources, including teachers, teaching supplies as well as extra-curricular activities
- Quality of teaching is good, according to IDP women
- Students attend classes in shifts
- IDP students benefit from free school bag and school uniform, where resident population does not

### UNIFEM, July 2006:

"The women also affirmed that educational resources are scarce in IDP settlements: there are not enough schools, not enough teachers, not enough teaching supplies, and few opportunities for extra-curricular activities for the children.

Despite these inadequacies, the IDP women stated that unlike the local women from neighbouring communities, the quality of teaching in settlements is good. Most IDP women believe education to be immensely important for their children – girls as much as boys – since it is seen as an escape from the poverty and other burdens of life in the settlements.

... experts painted a grim picture of education in IDP communities, particularly for girls. They said that school attendance among girls is especially low since families are more anxious for their sons to obtain higher education. And household interview data showed that girls are sometimes kept out of class because of the long distance they must travel to get to school...They are pitted, however, against a series of obstacles. Limited resources mean that there are not enough schools or classrooms in IDP communities, and classes must be held on rotation to accommodate all students. School premises are run-down, teaching materials are in short supply and there are very few opportunities for IDP students to participate in any extra-curricular activities. And while efforts are being made to remedy the situation, these are primarily targeting cities rather than tent camps and other compact settlements. The situation is little better in local schools. Two thirds of both local and IDP women interviewed rated school conditions from just mediocre to very bad. An expert interviewed from the Ministry of Labour and Social Protection stated that while efforts in place are commendable, more is needed for schools to meet existing requirements.

The Government of Azerbaijan has recognized that education is a high priority for the IDP community and has taken key steps to ensure that IDP children are not neglected despite living in temporary shelters. The government maintains 699 Secondary schools in IDP communities, with 90,000 students and 12,000 teachers, and makes some effort to ensure that they function normally. Moreover, recognizing IDPs' strained economic circumstances, a 2003 presidential decree exempted IDP students from tuition at state higher and specialized secondary schools. This commitment to education is a key reason why teachers in the IDP community have found their skills so much in demand."

**Government of Azerbaijan, 2005, p. 48:**

"The level of literacy of IDPs does not considerably differ from other social groups of the population (the level of literacy among refugees and IDPs is 97.1%).

According to the LSSRIDP [Living Standards survey of the Refugee and IDP Population], although the majority of the school age (96.9%) IDP children are enrolled in schools, there are also children who do not get education for one reason or another. It would be wrong to say that there is an absolute link between non-involvement of children in the education process and inadequate material and physical infrastructure of IDP camps (for example: absence or lack of the relevant educational institutions, limited seats, lack of school materials, as well as teaching staff and etc.)...the LSSRIDP data suggest that both kindergartens and general education schools operate in most areas settled by IDPs. Also, there are no serious problems with provision of free school materials. According to the LSSRIDP, in most cases the reason for non-attendance among school-children is linked to the low-income status of the household. 58% of parents interviewed claimed that they cannot afford the expenses associated with school education for their children. The Government of Azerbaijan provides young refugees and IDPs with a number of privileges to encourage and support them in achieving higher education (e.g. exemption from payment of education fee if they enter the paid faculty of the state institutions of higher education, free use of campus infrastructure etc.)"

**WFP, April 2006:**

"Almost all urban and rural children, both of the IDP and the resident sample have to walk to school. There are only a few exceptions. Practically all children reach their school in half an hour or less. Only a few households seem to be living more isolated and further away...There is a higher percentage of children among the IDPs who get free school items in form of school bags and uniforms, particularly in rural areas. It may be concluded that IDP children get more benefits in form of school bag and school uniform than resident children. On the other side all children benefit from free textbooks."

**Government of Azerbaijan, 26 May 2004, pp.50:**

"Lack of school facilities in the areas inhabited by refugees and IDPs means that it is difficult for children to attend. In some areas, schools operate on a 3-shift system. 94.8% of refugee and IDP families have difficulties in obtaining school materials [44]. The number of the teenagers over 16 with incomplete secondary education is 2 times more (37.8%) than the national level. (SCRIDP, 2002). Enrolment rates for IDPs have dropped due to the difficulties in guaranteeing them with school buildings. Even when these are available, they are often poorly heated and equipped."

As IDPs represent one of the most vulnerable groups in SPPRED, a special package of measures has been prepared to improve their involvement in education. These include the construction of secondary schools in the new settlements and improvement of physical and technical infrastructure in the existing ones are envisaged."

**UN Commission on Human Rights 25 January 1999, para. 90:**

"The impact of internal displacement on education extends beyond the displaced themselves to affect also segments of the population at large. The accommodation of the displaced in the student dormitories of universities or technical schools and in schools has resulted in disruptions and difficulties in the education of the non-displaced, creating a certain resentment on the part of host populations. While these disruptions may have been tolerable on a short-term basis, after more than five years there is a need, not only for the well-being of the displaced but also for the educational system as a whole, to provide alternative arrangements for shelter."

**Many IDP children do not attend school (2004)**

- According to a 2001 survey, around 21.8 per cent of IDP children do not go to school at all
- But the literacy rate among IDPs is as high as the general population
- Poverty also prevents children from purchasing school supplies, uniforms and other extra costs

**WFP April 2006:**

"There are 28% of IDP students and 22% of resident students that missed 1 or more days out of 10 during the two weeks preceding the interview ... Virtually all households spend money on primary school education. On average IDP households spend about US \$ 7.1 per child/month (32,000 manat), as compared to US \$ 8.3 (about 37,500 manat) spent by resident households which marks significant difference in expenditures on primary schooling between both populations."

**Government of Azerbaijan, 26 May 2004, pp.50**

"The level of literacy of IDPs does not considerably differ from other social groups of population. (The level of literacy among refugees and IDPs is 97.1% [42].) But observations give us grounds to say that the refugee and IDP families living in unsuitable condition have problems with access to education. According to the survey carried out in 2001, only 62.4% of the school age children attended schools. 21.8% of them did not go to school at all [43].

Table 2.21. Education levels of Refugee/ IDP population

<i>Level of education</i>	<i>Refugee and IDP</i>
Illiterate	2.9
Primary	4.2
Incomplete secondary	30.7
Secondary education	37.3
Incomplete higher	13.9
<b>Higher</b>	<b>11.0</b>

Source: SCRIDP, 2002

**Government of Azerbaijan 2003, p. 42:**

"The literacy level among IDP population can be considered as high as in other sections of the population. Thus, 60% of this population have general, secondary and higher education.

Women and children are considered the most vulnerable subgroup of this population group. 200,000 of the IDP population are children; more than 86,000 are under school age, and about 98,000 are schoolchildren. In order to involve children in education over 703 schools have been established, some in prefab buildings, some in sub-standard buildings. Schools work shifts due to the lack of classrooms. This as well as the lack of modern educational technical equipment affect negatively the quality of education."

**Footnotes**

[Footnote 42] SSC 2001

[Footnote 43] Figures are based on the findings of the research carried out by "Sigma" research center (2001).

**UNDP 2002, sect. 5.3:**

"Poverty has also considerably affected the procurement of school supplies for the children of refugees and IDPs. Costs of school uniforms, books and supplies have risen dramatically, and it

has become nearly impossible for impoverished families to purchase these items. As seen from Table 5.25,

**Table 5.25 Ability of refugee and IDP families to procure school supplies, percentages**

	Share of total families
Completely able	5.2
Unable	27.7
Partially able	67.1

for the vast majority of the refugees and IDPs (94.8 percent of the surveyed families), only partial school supplies can be purchased, or none at all.

Children comprise 34.7 percent of the families, and 60.4 percent of the families have schoolchildren of various ages. Of the families with schoolchildren, 27.2 percent have one, 33 percent have two, 25.6 percent have three, and 11 percent have four. The share of children aged 0-6 years is also high, standing at 15 percent.

As for the educational levels of the refugees and IDPs, State Committee for Refugees data shows this indicator as rather high. The literacy rate among refugees and IDPs is estimated at 97.1 percent (Table 5.26).

**Table 5.26 Educational levels, percentages**

Higher Education	Unfinished Higher Education	Secondary School	Incomplete Secondary	Primary	Illiterate
11.0	13.9	37.3	30.7	4.2	2.9

Poverty has worsened the refugee and IDP populations' already restricted educational opportunities. This absence or lack of access to education must be considered as a significant factor for poverty alleviation and human development."

### **Government decree exempts displaced from paying university and college tuition (2003)**

- In 2003, around 5,000 IDPs were studying at universities and colleges in Azerbaijan

#### **Azernews, 22 August 2003:**

"President Heydar Aliyev issued a decree to exempt internally displaced persons (IDPs) studying at universities and colleges from paying tuition, Spokesman for the State Committee on Refugees Qabil Abilov told AssA-Irada According to Abilov, IDPs admitted to universities and colleges last year will get free education until they graduate. Currently, a total of 5,000 IDPs are studying at universities and colleges in Azerbaijan."

### **Separate education is obstacle to local integration (2006)**

- IDP children schooled separately from resident population
- This affects local integration of IDP families
- The settlement of IDPs and refugees in educational facilities has created a number of problems, including cancellation of lessons due to unavailability of classrooms, shorter courses

### **UN Commission on Human Rights 25 January 1999, para. 91**



"In the education of the internally displaced, issues of integration with the host populations also arise. In the Xatai district, for instance, the local authorities stated that internally displaced children were educated in schools separate from the host population. It was suggested that doing so facilitated the children's adaptation to their displacement by educating them with other children in a similar situation. However, in a situation of displacement lasting several years, it also segregates them from the local population, and thereby impedes the process of integration, which is particularly important as alternative solutions to return are increasingly required."

**UN Committee on the Rights of the Child, 17 March 2006:**

"58. In particular, the State party should:

... f) Ensure that refugee and displaced children are placed in schools in the local communities in order to facilitate their integration"

**The Brookings Institution - University of Bern Project, 16 May 2006:**

"Integration into the political, social and economic life of the country is also essential...Nor should IDP children be segregated in separate schools."

**Balikci, Asen, May 2004:**

"According to our sample, all children attend school and the importance of education is recognized by parents. The school environment is free of drugs...All children in our sample go to school. I asked the komandants of all seven buildings I visited about school attendance and was told that all children as a rule go to school. Even those who fail, the lazy, the stupid, those with poor clothes and shoes, all attend school and their parents understand the importance of education. As a rule, IDPs have their own schools, staffed by IDP teachers with separate funds from the IDP administration in exile.

I visited Lachen No 9 school for IDP children in Narimanov District. This IDP school is located on the ground floor of a regular city school. It has 250 children in three shifts and 30 teachers, all IDPs. The building is a converted hospital and classrooms are very small. Instruction is in Azeri with Russian and English taught as foreign languages. The state provides all IDP school children with free textbooks (grades 1 to 11). Teaching methods and textbooks are the same in both, city and IDP schools. Children from both schools play happily together in the schoolyard and officially nobody is thinking or talking about discrimination. Our record however indicates that sometime children from the city school make fun of the IDP children pointing to their poor clothing. Some IDP children had to stop going to school because of this, temporally at least. In some other cases, IDP parents refused to send their children to school because the children did not have proper shoes. Further, I systematically asked our informants about the use of narcotics or alcohol by youngsters and their response was sharply negative, this contrary to my expectations.

IDP schools are institutions where the IDP war victim ideology is actively kept alive. Teachers regularly mention in class the main events of the war together with the heroic acts of the martyrs. On the students daybooks is printed a calendar of the major Karabagh war events. At each specific date, commemorative events are organized in the school with the participation of parents, speeches are made, the children recite patriotic poems and heroic songs are sung. Occasionally the children are brought to visit the Martyr's Alley in Baku and they go to theater where war dramas are staged. In this context, a child acquires an identity of a war victim, an IDP closely identified with the native land. Thus, when an IDP child born in Baku is asked where he is from, the answer is: "I'm from Lachin!"

**ARAN/OXFAM, 29 July 2003, pp. 4-8:**

***General information about the survey.***

The aim of the survey was to investigate difficulties in the education system caused by the settlement in schools refugees and internally displaced persons exiled from their homelands as a

result of the occupation of Azerbaijani territory. The survey aimed to seek solutions by drawing public attention to the problem.

***[Access the full survey and recommendations](#)***

# ISSUES OF SELF-RELIANCE AND PUBLIC PARTICIPATION

## Self-reliance

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### Land allocated to IDPs insufficient for harvest (2006)

#### NRC, 2006 Newsletter:

"While housing is the most urgent problem in the villages, livelihood is the next. The villagers earn their living through agriculture, but their access to agricultural inputs and machinery is limited."

#### UNHCR, October 2005:

"The lack of maintenance of Soviet-era irrigation systems has contributed to the build-up of salinity, which now affects more than a third of all irrigated lands. IDPs have been allocated some of this land and the salinity severely undermines agriculture production and therefore IDP livelihoods..."

The influx of IDPs and their animals into the central regions has resulted in overgrazing of pasturelands."

### Government allowances are main source of most family IDP budgets (2006)

- IDP households rely on state benefits for family budget
- Budget can be seriously affected by illness in family

#### WFP, April 2006:

"In a study of 507 IDP households and 693 resident households, IDP households name State benefits (46.4%) [as their main annual income source], although urban IDP rely relatively less on State benefits than rural IDP households. Urban IDPs rely more on 'casual employment' (22.8%), 'state employment' (19.6%) and 'other employment' (8.2%) and 'petty trading' (7.6%). However 44.4% of IDP households name State benefits as their second most important source of income thus reflecting their narrow income source. Rural IDP households depend more on State benefits and State employment and rely less on casual employment (9.5%), state employment (16%) and other employment (2.9%). They are also less involved in petty trading (4%). Resident households are much more self reliant with only 12% naming state benefits as their main source of income. For the sample of resident households, 'crop production' (25.7%), 'casual employment' (16.3%) and 'state employment' (19%) are more important than the 'State benefits'...Around 10% of IDP households are involved in farming, an activity mainly confined to rural settings...There are 11.8% of IDP households involved in gardening both in urban and rural settings. Further, less than one third of them do have fruit trees. This pattern is in sharp contrast to the resident households, which are more often involved in farming (39.4%), gardening (50.4%) and fruit production (72.3%). This again shows the lack of productive assets for most of the IDP households.

Percent distribution of main source and second most important source of income of households

Source of Livelihood	IDP households	Resident households
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	Urban	Rural	Total	Urban	Rural	Total
	(n=158)	(n=349)	(N=507)	(n=176)	(n=517)	(N=693)
	%	%	%	%	%	%
Main source						
State benefits	35.4	51.3	46.4	9.7	12.8	12.0
State employed	19.6	16.0	17.2	31.8	14.7	19.0
Casual employed	22.8	9.5	13.6	21.6	14.5	16.3
Petty trading	7.6	4.0	5.1	9.1	2.9	4.5
Other permanent employment	8.2	2.9	4.5	8.0	2.9	4.2
Crop production	0.6	4.0	3.0	0	34.4	25.7
Animal keeping	0.6	6.3	4.5	0.6	14.3	10.8
Self-employed	1.9	3.2	2.8	6.3	1.4	2.6
Regular employed	0.6	1.4	1.2	4.5	0.8	1.7
Business/trade	0.6	0.9	0.8	6.8	0.4	2.0
Fishing	0	0	0	0	0.2	0.1
Other	1.9	0.6	1.0	1.7	0.8	1.0
TOTAL	100	100	100	100	100	100

#### **Balikci, June 2004:**

"According to the restricted sample of 40 families all able bodied men are working full time or part time or are actively searching for remunerated work. Construction and street peddling are the main employment activities. In the context of small trading, micro-credit is very important. Various government allowances and pensions help balance the family budget. It seems IDPs have adapted to conditions of extremely limited resources by drastically reducing expenses and developing some specific responses to absolute poverty. This relative equilibrium can be broken anytime by some health hazard leading to increased indebtedness and despair...The construction boom in Baku has attracted during the last few years a large number of IDPs and resident workers from many parts of Azerbaijan. Our data indicate that many young men from the newly constructed rural settlements for IDPs leave their "Hollywood" style houses and move to Baku in search of work mainly on the construction sites."

#### **Poverty and unemployment common among IDPs (2006)**

- Only 20 percent of the displaced population are employed and earn wages
- State programmes provide financial assistance to IDPs but average income remain lower than for other citizens
- 63 percent of the displaced population (including refugees) live below poverty line
- 47 per cent of IDPs are unemployment
- Unemployment problems are particularly acute among IDP women
- The number of displaced persons receiving food aid from humanitarian organizations has decreased
- Destitute displaced persons have migrated to urban areas where the poorest IDPs have concentrated
- IDPs face practical more than institutional problems on the labour market: lack of information, lack of required skills, inadequate working hours for women

#### **UN Committee on the Elimination of Racial Discrimination, 14 April 2005:**

"8. The Committee welcomes the adoption of the National Poverty Reduction Strategy for 2003-2005, which targets internally displaced persons as a vulnerable group...

12. The Committee expresses its concern that asylum-seekers, refugees, stateless persons, displaced persons and long-term residents residing in Azerbaijan experience discrimination in the areas of employment, education, housing and health."

**Balikci, Asen, June 2004:**

"At the individual and family levels, our data show that the IDPs have somehow adapted to extreme poverty. With the help of the government, their basic needs in shelter, food and education seem covered. They don't starve. Their present level of adaptation is expressive of a state of relative balance which, however, may be broken in two directions. The first direction is negative and is represented by the cycle of sickness, borrowing, indebtedness, etc. The second direction is positive and is characterized by successful initial accumulation, acquisition of micro-credits for some and intensified business activities while keeping the IDP life style. In fact there are many positive directions which hopefully future research will reveal...

It seems that during the migration process, and certainly after, the IDPs have acquired some capability of communicating among themselves and exchanging news and information on a variety of matters. Thus when searching for accommodation in Baku, many IDPs knew about room availability in public buildings. They first informed the people from their own district and village who rushed to the premises. That is how were formed, in each building, clusters of people from specific villages and districts and this despite the apparently geographically mixed character of the inhabitants... Basically all able-bodied men work or are actively searching for work. Those who do not work are the very old, the chronically sick, the invalids and some people who were in high positions in their native country and who refuse to do menial work at the present time.... First there is no necessary relation between an IDP's education and employment record in the native land and his/her work performance in Baku. Many IDPs have graduated from a Technicum (Soviet style professional school) and in Baku they work as street peddlers...

Second, IDPs usually experience difficulties in using the kickback system prevalent in job offerings. Regular, stable jobs are very difficult to get in Azerbaijan. A potential employer will always favor a relative or close friend for the job or somebody who is expressly recommended by a relative or a person in a very high position. If such is not the case and if an unknown job seeker approaches a potential employer it is expected that a kickback should be paid. For the kickback, the Russian word "shapka" (hat) is employed and its scale depends on how big the job's salary is, usually it is between USD 100 to USD 300. Now the IDPs generally have no savings and thus they cannot approach a potential employer and use the kickback system effectively.

Third, an IDP is by definition a stranger in Baku, he does not have a circle of established relatives and close friends in high positions who could indicate to him some job opening, this is the privilege of Baku residents. IDPs occupy a marginal position in Baku society, obviously good steady jobs are not offered to them...

Fourth, with few exceptions, IDP women in Baku generally do not work. This was not the case however in the native land where under the Soviet system women were regularly part of the work force. In our sample, there are four women employed part time in a hospital as cleaners, one seamstress and one woman cooking in a canteen. This situation can be explained by several factors. It is said that it is not good for a woman to work in town, implying that the town is not a safe place for women working alone. Further, the new social order seems to allow women to resume their traditional role in the household. They stay at home. And there is the great difficulty of finding a job, any job! We have no record of women knitting or making carpets for sale. Apparently there is not market for such products. The Hayat Foundation some years ago established a carpet-making project in one of the buildings, it lasted only six months and was

never revived. Several women asserted they were skilled carpet weavers and expressed readiness for such work if somebody was to organize and finance it....

In our sample of 40 families over 20 families include unskilled laborers performing generally two kinds of tasks. The first is concerned with construction and maintenance: mixing cement, bringing bricks to the mason, carrying supplies, digging ditches, cleaning yards, etc. The second is loading and unloading goods or moving goods from one point to another "mostly" in city markets, around truck and railway terminals and at the great wholesale depots near Baku airport.

The laborers gather early in the morning at specific places in town where they wait the whole day for employers in trucks and cars to come and pick them up. Some of the masters are also to be found at these waiting places. Although most of the hiring takes place early in the morning, most laborers remain at the waiting place until the evening when some hiring for the following day or week may occur together with some night jobs in private houses. The normal working day is from 8 a.m. to 8 p.m. with a one hour lunch break."

**UNIFEM, July 2006:**

"In fact, poverty and unemployment were named as the most pressing problems for IDP women, who complained that when jobs were created in a close neighborhood, specialists were usually brought in from outside the IDP community even when there were qualified and experienced women who could do the work...

Given the difficulty of finding work, nearly 60% of the IDP women interviewed said they would like to start their own businesses, and a few have already done so. But, the women pointed out, entrepreneurs face their own set of obstacles that include lack of access to funds, ignorance of how to start or run a business, high interest rates and a degree of corruption that demands bribes at most stages of the process. These and other hurdles have stood in the way of many IDP women who see enterprise as a way out of poverty.

Lack of work, lack of money and the seeming impossibility of overcoming either state of affairs have hurt the women psychologically as well as financially. They described themselves as "oppressed", "suffering" and set apart from those lucky few who were earning an income. While these women had once taken pride in their work (and, one might suppose, in their independence and contributions to the family's well-being), enforced idleness is making them diffident and passive, and is eating away at their ability to take the initiative necessary to make a change... "

**WFP April 2006:**

"Internal displacement has since [the outbreak of the conflict with Armenia] been one of the major challenges the country is facing. Pending a solution to the conflict, the Internally Displaced Persons (IDPs) in Azerbaijan have remained in precarious conditions. After ten years, many of them still live in substandard shelters that were originally envisaged as temporary, makeshift accommodations. They have little access to employment and are highly dependent on assistance provided by the Government of Azerbaijan and humanitarian agencies"

**NRC, November 2006:**

Labour rights of IDPs (unemployment and provision of employment);

According to the Guiding Principle 22(b), IDPs have the right to seek freely opportunities for employment and to participate in economic activities. According to the Article 7 of the Law on Social Protection of IDPs and People Equated to Them, the employment of the forcibly displaced persons is provided by the appropriate executive authority in conformity with the state program. The state creates necessary conditions for independent employment of forcibly displaced persons and conducting commercial and free ownership activities. The provision of employment for the forcibly displaced persons is carried out by definition of quota in state bodies, enterprises and organizations, establishing new posts, vacancies and realisation of other measures.

According to the Article 16 of the Law on the Status of Refugees and IDPs, The refugees, forced migrants and internally displaced persons exercise promotion when choosing work place from the side of the state organs in charge of employment issues. Restoration of the continuous record of work is carried out by the new work place in the order, stipulated by the legislation.

The refugee, forced migrant or internally displaced person is paid average salary by new specialty at new work place in connection with qualification improvement or obtaining a new profession for the period of giving up the work. According to the State Program on Improvement of Living Conditions of Refugees and IDPs and enhancement of Employment adopted by the Order of the president of Azerbaijan Republic on July 1, 2004 with the purpose to provide employment of IDPs in Agdam, Agcabedi, Fuzuli region the following activities have been ordered for implementation to the appropriate state bodies in the period from 2004 to 2007:

- Brick workshop,
- Bakery,
- Construction of small milk processing plant,
- Establishment of agro-service centres,
- Establishment of enterprises for production of leather and wool and sale,
- Establishment of small carpet weaving workshops,
- Construction of markets,
- Assistance in provision of loans to entrepreneurs in newly constructed settlements, creation of new jobs.

But, although almost 1.5 year has passed since adoption of the State Program employment of IDPs hasn't yet been provided."

**ADB, January 2006:**

"ADB's experience providing assistance in support of internally-displaced persons (IDPs) suggests a broader approach should be taken. Poverty in the regions is not solely linked to the conflict...To address poverty in the regions more effectively, ADB's assistance must help to build the capacity of local institutions to realize the Government's policy of decentralization and local empowerment."

**World Bank, September 2006:**

"Despite the country's natural resources, poverty continues to pose a major challenge for Azerbaijan. Notwithstanding the country's substantial poverty reduction over the last two years, in 2005, some 29 percent of the population lived in poverty and 8 percent in extreme poverty. There are significant regional variations in poverty rates, with the incidence of income poverty highest in provincial towns. Access to services is limited in rural areas, giving rise to significant rural-urban migration."

**UNHCR, December 2006:**

"IDP and refugees are vulnerable to both income and non-income poverty. This has been linked with high rates of unemployment, limited assets, including poor access to agricultural land, heavy dependence upon government transfers and exemptions, poor standards of housing, limited access to sanitation and direct water supplies, high rates of infant neonatal mortality, poor nutritional levels (especially among women and children), and declining enrolments in secondary education...Unemployment is a major problem for both male and female IDPs. Only 16.9% of IDP households received income from wages and salaries; almost one third (29.3%) of their income was from benefits provided by the state and humanitarian agencies...A 2005 survey found only 12.7% of IDP women to be in formal employment compared with 92,8% of rural local women1...Many IDPs including women, are known to work in the informal sector, although no

surveys have been undertaken to establish who is working informally (by gender and age), the kind of work undertaken, and the contribution this work makes to family income and well-being.”

**UNHCR, October 2005:**

“Employment opportunities for IDPs, as well as for the population at large, are extremely limited in Azerbaijan. However, unemployment among IDPs is higher than among the non-IDP population.

In urban centers, IDPs seem to find employment more easily but often in low-paying jobs and in the informal economy.

The preservation of government jobs among IDP civil servants has resulted in steady employment and wages benefiting a number of IDPs. The maintenance of civil service structures “in exile” will also facilitate the re-establishment of local government structures upon return to the areas currently under occupation.

Employment opportunities in the rural areas are even scarcer thus making IDPs rely almost exclusively on income from agricultural activities. The latter however is limited in view of the size and quality of allocated lands.”

**a) Employment in Urban Centers**

In large urban centers, especially in Baku, IDPs can be at disadvantage in view of their predominantly rural origins, as mentioned by the Ombudsman during her meeting with the mission. This is confirmed in a restricted sample of 40 families used for a qualitative survey of urban IDPs. Other disadvantages for IDPs seeking employment in Baku relate to their lack of savings, necessary to pay for the kickbacks demanded by certain employers (the so-called shapka) and their lack of established networks Balikci, Asen. *IDPs in Baku: A Qualitative Approach* (Université de Montréal, May 2004).. Of the 40 IDP families included in the sample, at least 37 can be considered of rural or semi-rural background. Despite this, all able-bodied men in the sample admitted to having remunerated work or searching for one. In the 40 families surveyed, there were 25 unskilled daily workers, 8 small traders and 26 involved in different occupations (taxi drivers, teachers, gardeners, etc.). IDPs seem therefore to be confined to lower paying jobs in the informal sector of the economy.

**b) State Employment**

One of the few permanent employment opportunities available to IDPs is provided by the State. In Azerbaijan, according to World Bank data (2002), one third of IDP families rely on

government salaries, particularly those employed as teachers and school administrators in the so-called IDP schools (attended by some 60% of IDP children). Also, all officials and employees of the local administrations from the occupied regions have retained their jobs and receive their monthly salaries In Holtzman and Nezam, page 42.. The maintenance of local government structures and jobs has provided an income to a significant number of IDP families and will result in a swifter re-establishment of local authorities and structures upon return.

... For those IDPs living in rural areas, the employment situation is dramatic as agricultural productivity is, in general, low and the lands allocated to IDPs are not large enough to sustain most families, are usually of poor quality and have a high degree of salinity. Unpaid family work in agriculture is also prevalent. Off-farm employment in the rural areas where some of the IDPs find themselves is practically non-existent, except for self-employment in a limited number of trades and services (such as tailoring and hair-cutting) which can only provide a low income.

**Government of Azerbaijan, 2005, p. 45:**



"The information available on income poverty among the IDP population is limited, but it does provide clear evidence to suggest that the well-being of refugees and IDPs considerably differs from the local population. Poverty incidence among IDPs appears to be decreasing. According to the SPPRED [State Programme for Poverty Reduction and Economic Development] document, in 2001 the poverty rate among IDPs was 63%. This figure was 50.3% in 2003. However, as stated above, the HBS results on IDPs have to be used with caution, because we cannot be sure that they are fully represented in the sample...Overall, estimates show that poverty levels among the local population are slightly lower than for IDPs and refugees (44.1% and 50.3% respectively). However, this difference is more obvious when the data is disaggregated by urban/rural areas. Thus, the highest poverty level is found among the IDPs/refugees living in rural settlements (60.6%); while those living in urban areas have a poverty rate which is slightly lower than the local resident population (41.2% and 44.4% respectively)...

The results of the LSSRIDP suggested that 80.7% of the IDPs were not employed during the survey, the majority of whom were of working age...However, these results are difficult to use, since the survey questionnaire only asked questions on permanent employment in the formal sector."

***According to the UNDP in Azerbaijan website, the Government of Azerbaijan planned to prepare a 2006-2015 State Programme on Poverty Reduction and Sustainable Development, though this document had not yet been published at the time of finalizing this profile.***

#### **Vulnerability of IDPs as compared to resident population still unclear (2006)**

- No agreement on vulnerability of displaced population relative to resident population because of lack of comprehensive data

#### **UNHCR, December 2006:**

"Some IDPs have become assimilated into the general population and their livelihoods and living standards are similar to those of the local population. However, there are still large numbers of IDPs living in camps or in hostels in urban centres, often characterized by absolute poverty (and vulnerable to engaging in HIV risk behaviour - selling sex and injecting drugs)...As in other countries IDPs in Azerbaijan are not a homogenous group and age, gender, having peers or parents who inject drugs, or living in extreme economic hardship, and urban residence are important vulnerability factors in terms of engaging in HIV risk behaviours for IDPs and the general population alike...The extent to which IDPs are represented amongst labour migrants is not known, but there is evidence of poor women (including IDPs and refugees) selling sex for economic survival.

Progress has been slower in addressing urban poverty and IDPs remain disproportionately affected as they generally lack resources that are available to the local population, such as houses, access to garden plots, connections to local markets, and social support networks<sup>1</sup>. Where IDPs have become assimilated into the general population, their livelihoods and living standards are indistinguishable from those of the local population."

#### **UNIFEM, July 2006:**

"It is important to note that many of the needs and priorities of IDP women are not unique to this group, as many of the same challenges are faced by women in the local host communities. However, IDP women are doubly burdened by poverty and the overall trauma of losing their home, their communities and a way of life."

#### **NRC, 2006 Newsletter:**

“Different sources comparing key indicators on general living standards between IDPs and the resident population suggests that differences are diminishing. However, there are reasons to believe that there are still large differences *within* the IDP population.”

**UNHCR, October 2005:**

“The vulnerability of IDPs has been the subject of considerable debate among UN agencies, donors and international financial institutions in Azerbaijan, with no consensus on the relative vulnerability of the displaced population. The recent World Food Programme (WFP) survey has confirmed earlier studies which show that IDP households seem to be slightly better off than the population at large, because of the many benefits and subsidies received from the Government, as well as from the fact that IDPs tend to live in “free” or low cost housing. Should such support be withdrawn, IDPs would see their welfare considerably undermined.

The Azerbaijan Household Survey on Internally Displaced Persons, Refugees and the Resident Population (AIDPS) Hancioglu, Attila. *Internal Displacement in Azerbaijan. Main Findings from the Azerbaijan Household Survey on Internally Displaced Persons, Refugees and the Resident Population.* (September 2002). was carried out in selected cities and districts (or rayons) in July 2002. The main purpose of the survey was to provide information on IDPs needed for the preparation of the SPPRED. It covered a range of areas, including income, expenditures, education, access to land, poverty and social cohesion. The AIDPS is the largest survey carried out in Azerbaijan on IDPs, covering some 88.9% of all IDPs living in 5 cities and 15 districts. It also covered more than 50% of the resident population of the country. This detailed survey showed that, while there are certainly low socioeconomic indicators for refugees and IDPs, their plight may not differ much from that of average (i.e. non displaced) poor citizens. The AIDPS was funded by UNDP but its results were never officially published According to UNDP, the Ministry of Economic Development used the AIDPS results in the design of the PRSP..

Similarly, the 2002 World Bank poverty assessment found that IDPs, on average are slightly better off than the local population, except for IDPs residing in Baku. However, once targeted humanitarian assistance from both the Government and the international community was taken out, IDP household expenditures were consistently lower than those of other groups. The fact that IDPs live in “free” or low-cost housing also contributes to their above-average conditions.

The latest attempt at measuring IDP vulnerability, the WFP food security and nutrition survey, did not focus exclusively on IDPs, although WFP’s program is designed for IDPs only. It covered 210 rural communities (3,078 non-IDP households) and 25 IDP settlements (363 IDP households located in six economic zones (the Absheron peninsula and Nakhchivan excluded). The survey included questions related to household demography, housing, assets, income sources and expenditures, food consumption, food sufficiency, maternal and child health, nutrition and coping mechanisms.

The survey results were released on 11 March 2005. The survey found that 94% of IDP families have average or good food consumption level, and this is mostly due to WFP’s and/or the Government’s assistance programs. There is a certain level of malnutrition (e.g. 24% of the children are malnourished), with malnutrition and other conditions (e.g. anemia) being particularly high among the non-IDP population. The survey also identified pockets of food insecurity, such as the south-eastern regions.

The survey indicates that if food assistance is withdrawn, the IDP population will suffer, especially the women and children. In other words, for the time being, food aid is absolutely necessary.

The above mentioned attempts to assess the vulnerability of IDPs have been punctual exercises and have not been conducted to identify those individuals or families who could be consider as

vulnerable and thus subject to continued assistance. As a result, an IMF/IDA assessment of the Government's August 2004 report on their implementation of the SPPRED recommended the establishment of annual surveys, including an IDP survey, "that would assist Azerbaijan in setting up a credible database for monitoring poverty and living standards"

**Government of Azerbaijan, 2005, p.48:**

"It is still difficult to make strong conclusions about the living standards and specific vulnerabilities of the IDP and refugee population, due to the lack of a regular sample survey covering IDPs/refugees and the local population living in the same areas."

**Coping Mechanisms of IDPs to deal with poor financial situation (2006)**

- IDPs take debt in order to make ends meet

**UNIFEM, July 2006:**

For most of the IDP women surveyed, the way out is to borrow. Of the 190 IDP women who gave household interviews, 161 – or nearly 85% – are in debt. For the majority, repayment is seen as a personal obligation. The women are indebted primarily to local shop owners (for food or clothing), neighbours or relatives. A small number of the women received loans from NGOs; an even smaller number obtained bank loans. And two have been victims of usury, a risk likely to increase in proportion to the desperation of the borrower. It should be noted as well that, especially in tent camps and other compact settlements, the majority of lenders are also IDPs and are not much better off than the recipients of their loans. For IDP women, the financial insecurity of their creditors is just one more potentially destabilizing factor in their lives

**Balikci, June 2004:**

Our informants recognize two kinds of debt ("borch"). The first is related to the various small shops in the vicinity of the public buildings. IDPs rarely pay cash for their daily grocery purchases. As I mentioned previously they contract a running debt with one of the grocery shops for "bakalya" or groceries and pay back at the end of the month when pensions and bread money arrive. Practically all IDPs have "bakalya" debts of variable amounts which occasionally reach up to 300 000 manats. In our records, only two families expressed some worries about their ability to repay their debt on time. The "bakalya" debts together with the operational debts of the traders can be considered as structural because of their regularity, continuity over time and systematic nature.

The second kind of debts lacks this structural characteristic. These debts are contracted in a context of emergency and concern primarily some urgent medical crisis. Such crisis can have a catastrophic effect on the stability of family budgets based on the relationship: structural debt - regular government payments. Faced with the need to urgently borrow money for a medical emergency the family inevitably turns towards its relatives and close friends for help. These generally respond positively, they do help and like Imam Ali take no interest. The family later makes a serious effort to pay back in irregular small installments. Debt practices related to medical emergencies are best understood in the full context of the global health conditions affecting IDPs."

**Obstacles to local integration (2006)**

- Obstacles to local integration include fixation on return, separate schools, separate health facilities and perception of tension with host community
- Individual instances of marriage to members of host community

**UNHCR, December 2006:**

"Compared to refugees from third countries, IDPs are better integrated into the local community and attempts have been made to keep them together as community groups in settlements near to their place of return. In some places IDPs have separate schools and health facilities as part of their settlement and separate Executive Committees (Ex Com)."

**UNIFEM, July 2006:**

"For the IDP women who took part in this Assessment, the idea of returning to their original homes is one they hold very dear to their hearts. Although researchers did not set out to emphasize the question of return, the women brought it up again and again, whatever the topic ostensibly under discussion. The women's obvious preoccupation with the question of return prompted researchers to raise it explicitly as part of focus group discussions. They asked IDP women what they would do if given the opportunity to return, and what they would do to create that opportunity. "We want our land back," the women said. "We want to return to our hearths."

Even participants who had grown up as IDPs, who had little or no memory of their family home, expressed a strong desire to return. "I have never seen my land," said one. "But the suffering my mother experienced and the dream she lives for keep the spark of hope alive within me. I am waiting to meet my home.

Given the harsh conditions in which they have lived for so long, this desire to return – not just to the place they knew as home, but also to all it represented about their lives "before displacement" – is hardly surprising...

IDP women reported feeling like "strangers" in their host communities. They said they felt abandoned, unneeded and unprotected. When asked the reason, many replied that it was because no one cared about them. Others linked it to separation from their original homes. Still others could not point to any specific reason; their feeling of abandonment was just one more expression of the psychological trauma of displacement.

Responses by IDP women indicate that they are still suffering from post-traumatic stress. They displayed anxiety, hesitation, passivity, excessive verbosity and other signs of post-traumatic stress. They also expressed a wide range of fears, from financial instability and unemployment to a resurgence of violent conflict. Such anxieties impede IDP women from being able to integrate smoothly into either the life of their own community or the larger socio-political life of the country. This self-imposed exclusion can only reinforce the sense that they are strangers in a strange land.

There is envisaged in popular opinion some tension between IDPs and the neighbouring local communities. Conversations with local and IDP women revealed that this view does have some truth to it, but it is not held universally.

In general, focus group participants seemed tolerant of the IDPs within their midst and generally accepted them. Some described personal links with IDPs, including marriage. Others said they saw no difference between IDPs and their local neighbours. And many said they sympathized strongly with IDP women, whom they see as both economically and psychologically depressed. "We are one nation," one woman said. "It does not matter [whether you are a local resident or an IDP]."

Despite these encouraging signs, however, researchers did see evidence of strain. Participants of one focus group completely avoided the topic of local-IDP relations, suggesting that it was an area of some tension. One IDP woman insisted that local residents blame IDPs for taking over their land and for consuming funds that could be used to solve the problems of the local

population. Others accused IDPs of behaving aggressively towards the local population in the regions where they have settled. And one participant acknowledged that some local residents do “look down on IDPs”.

An IDP woman confirmed this statement. “I am married to a local,” she told interviewers. “Even now, my sisters-in-law remind me that I am a migrant with no dowry, and often humiliate me before other members of the family and before my husband.”

Responses in both focus groups and household interviews did, however, make clear the relative mutual isolation of these two groups: nearly two thirds of IDP women and three quarters of local women said their circle of communication is basically limited to relatives, and fewer than 10% of the IDP women interviewed said that they communicate directly with local residents. Not only does this isolation potentially encourage IDP women to exaggerate the degree to which they are resented by the community, and allow local women to ignore the problems of their neighbours, it also prevents local and IDP women from working together to solve common problems and to support each other towards common goals.”

**The Brookings Institution - University of Bern Project, 16 May 2006:**

“For IDPs who cannot return, or choose not to, it is the government’s responsibility to assist them to integrate locally. In Azerbaijan, in recent years, the government has begun to help IDPs integrate, which is a welcome change from its previous policy of resisting efforts to improve their living conditions, fearing that this would signal abandoning the goal of return and regaining control over Nagorno-Karabakh and surrounding areas from which the displaced originate. Today, the government sees the displaced less as political pawns for pursuing national objectives than as citizens who need help to regain their lives. The government has also begun to recognize that eventual returns need not be incompatible with current resettlement efforts...Durable solutions for the Azeri displaced must therefore involve increasing food security for them as well as new and better situated housing. In addition, attention must be paid to their employment opportunities through micro-credit loans and training workshops, as well as access to land in rural areas. In short, a proper balance of continued humanitarian aid plus development programs must be established.”

**Balikci, Asen, May 2004:**

“IDPs have an ideology of war victims. In Baku, they form a ghetto society to a considerable extent physically and socially segregated from the majority population. They consider their presence in Baku as temporary and sincerely hope to return some day to their presently occupied native lands...”

**WFP's survey shows deterioration of IDPs' self-reliance capacity (2001)**

- Comparison with survey in 1998-1999 suggest that food security of IDP has not improved
- The percentage of displaced households who are not able to meet their food and non-food needs has increased from 74 to 90 percent
- Only 22 percent of the displaced households have some kind of income
- IDPs have exhausted their coping mechanisms, in particular by selling their few assets
- IDPs have been unable to use kitchen gardens for their own consumption
- WFP food aid has become increasingly critical in preventing malnutrition among IDPs
- Allocation of land to IDPs will not be enough to relieve IDPs from aid dependency

**WFP household food economy survey conducted in October 2001:**

"In comparison with the previous survey conducted in late 1998-early 1999, the main findings of this survey are as follows:

The average size of a household (HH) has increased from 4.9 to 5.6 persons per family while the average number of food recipients remains at 4.9 persons per HH. Twelve percent of HH members do not receive food aid, linked to the fact that WFP stopped new registration three years ago.

The food security situation has not improved, as families have to share the same ration with more members such as newborn babies and people returning after completing their education or military service. Thus, the average period WFP ration covers has decreased from 18 to 16 days in two months.

The number of female food recipients has increased from 31 to 33.8 percent, and the percentage of women controlling food at the HH level has increased to 99 percent, compared to 96 percent in the 1998-99 survey.

The percentage of the HHs who are not able to meet their food and non-food needs has increased from 74 to 90 percent. At the same time, the percentage of the HHs able to meet their food needs only, has dropped from 44 to 19 percent.

Only 22 percent of the HHs have some kind of income, with an average salary of 125,000 manat per month (equivalent to US\$26).

The cost of an estimated minimum food basket required by a family of five is about US\$ 82 per month, including meat/poultry/fish. The non-food requirements are estimated at an additional US\$ 30 per month. The average monthly HH income is approximately US\$ 46 and includes the following items: total salary of those HHs with some kind of income; total earnings of those with pension; total earnings of those with other irregular income such as casual labor; and total government subsidies such as for bread, child and fuel.

Although meat/poultry/fish are an important part of the diet in Azerbaijan, more than 47 percent of the IDPs cannot afford them. For those HHs who can afford to eat meat/poultry/fish, they buy about 1.6 kg per month, which is much less than the normal Azeri family would eat in one week.

As coping mechanisms, around 40 percent of the HHs sold belongings that they bought from their place of origin, and more than 90 percent sold their privatization vouchers.

Although 20 percent of the HHs have a kitchen garden, just over one percent manage to utilize it for their own consumption. The main reasons include:

- lack of water due to two consecutive years of drought;
- water that used to be subsidized by the government is no longer free; and
- increases in the prices of seeds and fertilizers.

Although 58 percent of the HHs reported that they have poultry and/or some livestock, only 11 percent earn an additional income from selling them (average of US\$ 7 per month)." (WFP November 2001, executive summary)

**WFP November 2001, p. 5:**

"In general, this survey proves that the living conditions of the IDPs have deteriorated over the last three years. Having been away from their home for such a long time without any means to sustain themselves, the IDPs have exhausted the few assets that they used to possess. In addition, they are rapidly running out of coping mechanisms, as shown by the following signs:

less utilization of the kitchen gardens, decrease in livestock sales, depletion of saleable belongings/vouchers, and others.

The majority of the IDPs still live in makeshift shelters (for example, camps, unfinished buildings, schools, rail wagons, dugouts, etc.) and still have non access to land. Their employment opportunities are extremely limited, particularly when local communities hosting the IDPs are themselves faced with the deteriorating economy, and they are more vulnerable to any negatives changes. The average monthly income remains nearly the same as three years ago at about US\$ 46 (it was US\$ 43 in 1998-99), hence the importance of WFP food aid has become increasingly critical in preventing the IDPs from malnutrition."

**WFP 3 April 2002, paras. 61-62:**

"The Government was slow in allocating IDPs land that was potentially profitable in the context of nationwide privatization. Agricultural production has risen in recent years, but land provision to IDPs, even in the rare cases where land is fully utilized, is insufficient to address to chronic unemployment caused by the post-Soviet collapse of industry. Sustained investment in new industries is the only way in which the majority of IDPs will be relieved of aid dependency.

The Government is optimistic that oil revenues in the next four to five years will grow sufficiently to allow an economic improvement that will benefit the entire population. Capacity to absorb new revenues may be initially low, but support to the social sector should rise, allowing international agencies to withdraw as the Government takes on increasing responsibility for social support. Azerbaijan will continue to be a net food importer, but support for IDPs should increase, whatever the political resolution of their predicament."

## **Public participation**

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### **Internally displaced are not politically well organised or connected (2006)**

- Political activity of IDP women limited to voting
- Former public-decision makers among IDP women
- IDP women think political work incompatible with domestic responsibilities

**UNIFEM, July 2006:**

"Researchers found that IDP women, like their local counterparts, are politically passive and tend not to seek out positions of leadership; their political activity is usually restrained to voting. The women did, however, express interest in leadership roles and said at the same time that municipalities have not consulted them on resolution of any questions at the local level. These responses indicate that IDP women need support and encouragement in running for and holding public office. Researchers also found that IDP women lack awareness on legal matters ranging from women's human rights to questions of business and land-ownership. While efforts have been made to raise women's awareness in these areas, more is needed to meet all the needs of the community."

"Focus group discussions showed, however, that IDP women are not a homogenous group when it comes to awareness of their human rights. Researchers noticed that some of the women seemed to be confusing rights and obligations, as did the woman who told her focus group: "Women know their rights, they know they must bring up their children and think about the family's future." And while some women interviewed had a relatively strong understanding of their

human rights and protections under the law, researchers found that even this group showed gaps in their knowledge of both the law and violations thereof. When issues such as trafficking in women and girls, prostitution and exploitation of children were raised, discussion became sluggish. The women claimed never to have heard of such cases. The interviews made clear that systematic human rights education is needed on a large scale among IDP women to develop their legal awareness and become better able to both identify human rights violations and act to prevent and remedy such violations. Past efforts to increase women's awareness of and ability to advocate for their human rights have made some inroads, as the women themselves made clear. The State Committee for Women's Issues, UNIFEM and a number of NGOs have all undertaken legal education programmes targeting women. Two women's advocacy networks were formed, and continue to be supported by UNIFEM, as a result of such efforts: *Coalition 1325* and *the National Network of IDP Women*. Upholding the principles of CEDAW and UNSCR 1325, both the Coalition and the Network work to link peace building with women's political participation and translate that political outreach to specific local and national actions. At present, *Coalition 1325* is the unique forum in which members of different strata of society come together to work on common issues. The *National Network of IDP Women* is comprised of IDP women from different occupied regions of Azerbaijan as well as inhabitants of Azerbaijani origin from Nagorno Karabakh. Existence of such a network provides an excellent opportunity for IDP women to speak with a united voice and be heard on issues of peace, security and women's rights. In Azerbaijan, the overall participation of women in decision-making remains very low. Experts say that like most local women, most IDP women do not play a very active political role. While IDP women do vote in elections, this is generally the extent of their political participation. They do not seek to participate as leaders in local governance and decision-making structures, nor do they seek more active roles in political campaigns. Instead, experts interviewed say most IDP women concentrate on their domestic responsibilities and their role as caregivers within the family sphere.

There are, however, former public decision-makers and highly educated specialists among IDP women who have enough experience to take on the role of leaders in the community. And 50% of IDP women surveyed (compared to only 31% of local women) said they would be interested in being a member of parliament or the head of a public organization. With so many women claiming interest in public governance roles, the question is why more have not put themselves forward when opportunities arise. Very few women stood as candidates in the municipal elections held in December 2004: women made up only 4.08% of the total number of candidates, and 5.01% of those elected.

Based on statistics of the Information Center of Central Election Commission of Republic of Azerbaijan, female candidates comprised 10.85% of the total number of the candidates during the Parliamentary Election held in 2005 in Azerbaijan. 13.04% of those were elected as MPs. One member of *Coalition 1325* and another one of the *National Network of IDP Women* were among the elected MPs...

The reasons both IDP and local women gave for their lack of interest in public leadership roles were also revealing, and could shed some light on the reason there are so few women in public office. Many of the women said they think public work is incompatible with their domestic obligations, and 12% said they had no faith in themselves or their abilities. Nearly a quarter gave no particular reason for their lack of interest; they admitted that their answer was not the result of long introspection and did not seem to want to delve into the gender stereotypes that might underlie their lack of interest. While these answers indicate that many women see political participation as a relatively low priority in their lives, they also suggest that this is not a deep-seated attitude... The last municipal election saw very low participation of IDP women voters. And a comparison of voting patterns among IDP women before and after their displacement shows that there has been a significant decline in their voting activity. Moreover, while IDP women are generally said to make up more than 50% of IDP voters, only 0.5% of IDP women who responded to the household survey said they actually went in person to the polling stations in the last



municipal elections. Many delegated their vote to the head of the household (in nearly all cases a man), a common phenomenon among local women as well. And only half of IDP women surveyed said choosing which candidate to support is a decision they make independently; nearly a third said they consult their spouse before deciding which way to vote. This suggests that women's priorities, needs and concerns may be underrepresented among voters' demands, and that decision-makers may therefore be less attuned to and less interested in the needs and priorities of their female constituents... The vast majority (94%) of IDP women interviewed in household surveys also said that they were not members in any public organization, and nearly two thirds said they do not participate in any community activities. 3.1% of respondents said their social activity consisted of participating in UNIFEM-organized events. The women did express strong opinions, however, that municipal powers did very little to respond to the needs of IDPs and stressed that: "whatever the municipal body does, it must be with our participation". This suggests that the women do want to be part of local governance, despite their present apathy, and underlines the importance of programmes to encourage greater involvement by IDP women in local power structures. "

**ICG, 13 May 2004, p.30:**

"The displaced persons from Nagorno-Karabakh and the surrounding territories voice their discontent on a regular basis but they are not politically well organised or connected. The statements from senior Azerbaijan officials on the use of force to liberate occupied lands are meant for domestic consumption. While the internally displaced are a potential threat to the government if their living conditions do not improve, steps have recently been taken to close a dozen refugee camps and move the displaced into new settlements as part of an effort to defuse the issue.[218]"

[Footnote 218] 525th Gazette, 'All refugee camps to be closed down this year, according to a special project submitted to presidential administration', 6 January 2004. 'Let U.S. recall that five of the twelve camps opened for refugees and displaced persons following the Armenian invasion have been closed down and refugees from Fuzuli and Cabrayil Districts have been moved to new settlements. Seven other refugee camps in Barda, Saatli, Sabirabad and Imisli Districts will be closed down this year'.

### **Overview of electoral participation of IDPs in Azerbaijan (2004)**

- Overall, national laws provide protection for IDP's participation rights, though IDP's rights to political participation are not specifically mentioned in national legislation, including the Law on the status of Refugees and Forcibly Displaced Persons
- Legally, IDP's may also face difficulty in exercising their right to vote due to restrictions on freedom of movement carried over from the Soviet era
- Absentee voting is generally available to IDPs, allowing them to vote for candidates in their areas of origin
- IDPs in Azerbaijan have faced difficulties in exercising their right to vote due to problems including inaccuracies in voter lists, restrictions on the ability of candidates of opposition parties to interact with displaced communities, and language barriers
- All elections held between 1995 and 2003 monitored by the OSCE were generally found not to meet international standards
- OSCE election reports refer to IDPs electoral participation however they do not go in depth into the obstacles and concerns potentially faced by IDP's in fully exercising their participation rights

**Brookings Institute SAIS, November 2004, pp.14-18:**

*“The electoral participation of IDPs in Azerbaijan is set against difficulties in the overall electoral process. Absentee voting is generally available for IDPs, enabling them to cast votes for candidates in their areas of origin. However, unclear procedural provisions adversely affect absentee voting arrangements, and it remains unclear the extent to which IDPs can fully and freely vote for candidates representing their current places of residence. In addition, inaccuracies with voter lists have impinged on IDPs’ right to vote. Candidates, in particular from opposition parties, have also experienced restrictions on their interaction with displaced communities. Furthermore, the recent promotion of the Latin script has posed a language barrier for IDPs who wish to engage in the political process.*

[...]

**IDPs AND ELECTIONS**

A 2002 analysis by Azeri legal experts of Azerbaijan’s laws in light of the Guiding Principles on Internal Displacement [...] found that national laws, on the whole, provide protection of the electoral rights of IDPs in the sense that all citizens of Azerbaijan are guaranteed the right to vote. Domestic legislation protects the political rights of all citizens and prohibits discrimination on any ground. There is, however, no explicit mention of IDP voting rights. Moreover, in outlining the rights and obligations of refugees and displaced persons, the Law on the Status of Refugees and Forcibly Displaced (Persons Displaced within the Country) Persons [Footnote 55] speaks mainly to ensuring education, health, and employment, but does not articulate the right to political participation.[Footnote 56]

A further significant legal issue is the restriction on freedom of movement emanating from the *propiska* system of residency permits. A carry-over from Soviet times, this system means that citizens can only establish residency or change their place of residence with permission from the authorities. [Footnote 57] Consequently, it ties their right to vote to approved locations.

Parliamentary Election, 12 November 1995: The 12 November 1995 parliamentary election was held on the basis of a new election law, which had been passed earlier that year. According to the OSCE/UN Joint Electoral Mission in Azerbaijan, the law generally met international standards despite being vague and insufficiently detailed in certain aspects.[Footnote 58] In this election, displaced persons from Nagorno-Karabakh and adjacent areas also under Armenian military control voted in special polling stations for candidates from their home districts.[Footnote 59] It is unclear, however, whether IDPs had the choice of voting instead for a candidate from their current place of residence. There is also little information about the adequacy of the registration process for IDPs. Overall, the OSCE/UN mission reported numerous infractions and concluded that poor implementation of the election law led to a generally flawed parliamentary election that did not meet international standards.[Footnote 60]

Presidential Election, 11 October 1998: In the presidential election of 11 October 1998, the OSCE noted an improved overall electoral process, shaped by a new citizenship law, the official abolition of censorship and a review of the 1995 electoral law. Again, the OSCE concluded that significant sections of this law were vague and did not suffice to guarantee democratic elections. In particular, concerns were expressed about political influence on the Central Election Commission (CEC), [Footnote 61] as well as unclear provisions governing the maintenance of voter lists.[...]

The conduct of this election again fell short of international standards, according to the OSCE. While some districts showed noteworthy improvement from the last election, other districts remained plagued by voting irregularities and procedural infractions.[Footnote 63]With regard to the participation of displaced voters in this election, no information was provided. The OSCE,

however, conveyed serious concerns with respect to the updating of voter registers, [...] a problem which may have had a serious effect on IDP participation.

Parliamentary Election, 5 November 2000: The parliamentary election held on 5 November 2000 was overshadowed by widespread election irregularities of such an extent that balloting had to be repeated in 11 constituencies on 7 January 2001. [Footnote 65] According to the OSCE, 250,000 displaced voters were registered and entitled to vote in this election. Displaced voter lists were compiled with information gathered from the Ministry for Refugees and Displaced Persons<sup>66</sup> together with local authorities “in exile” (local authorities displaced from IDPs’ areas of origin). [Footnote 67] Absentee polling stations were organized throughout Azerbaijan to accommodate IDP voting, and displaced voters cast their ballots for candidates from their places of permanent residence. [Footnote 68]

It is noteworthy that no absentee balloting needed to be repeated due to irregularities. [Footnote 69] However, the fact that the CEC did not issue detailed instructions on the procedures to be put in place for absentee balloting was a point of concern. According to the OSCE, this oversight “reduced the transparency of the process, led to an ad-hoc administration of the process, and prevented observers from following the registration and voting in IDP constituencies.” [Footnote 70] In particular, it is unclear whether IDPs had the option to vote for seats in their present place of temporary residence as an alternative to voting, by absentee ballot, for candidates in their area of permanent residence.

Following the election, on 14 November 2000, IDPs held political demonstrations in Baku and charged that the governing party had cut their supply of electricity owing to their support for the opposition Musavat party in the election, and they demanded that it be restored. [Footnote 71]

Furthermore, a study by the International Organization for Migration (IOM)’s Participatory Election Project (PEP), which based its findings on discussions with IDPs and a range of relevant actors, found several problems in relation to IDP participation in elections. [Footnote 72] For one, the IOM/PEP report identified the increased Government use and promotion of the Latin alphabet as a barrier to IDP voting. At the time the IDPs were displaced the Cyrillic alphabet was widely and formally used; since that time they had little opportunity to adapt to the change to the Latin alphabet. They therefore experienced difficulties in comprehending public information about elections from such outlets as the Government and the media. As such, IDPs were at a disadvantage in the political process.[...]

Members of opposition political parties also raised concerns about the ability of opposition parties to campaign in IDP communities. [...] They also questioned the transparency of the electoral process and pointed out that IDP voting and registration was not open to local monitoring and as such could not be validated for authenticity and accuracy.[...]

In an IOM visit to an IDP camp at Sabirabad, [Footnote 76] a group of forty IDPs (all men) did not convey any difficulties participating in the national elections and did not communicate concerns about the then up-coming 2003 presidential election. The IDPs informed IOM representatives that various party members had campaigned in their camp, that they had received leaflets about the election and that voting had taken place at 15 polling stations in previous elections in the presence of international observers. In addition, besides being knowledgeable in election procedures, several IDPs also reported having acted as members of the local Constituency and Polling Station Committees. Furthermore, some IDPs reported having access to various forms of media including radio, television, and newspapers, although the IOM reported that none of these forms of media were in evidence during their visit to the camp. Overall, the only concerns that were vocalized by the IDPs were that they did not feel qualified to run for public office, and that they wanted to return home. It must be noted that this meeting was in the presence of and facilitated by an official from the local Executive Authority. [Footnote 77]

Presidential Election, 15 October 2003: The 15 October 2003 presidential election, the OSCE concluded, also did not meet international standards, and signified a lack of political commitment for genuinely democratic elections. [Footnote 78] This was despite the fact that Azerbaijan had adopted a substantially improved election law on 27 May 2003. Developed with the assistance of the Council of Europe's Venice Commission and the OSCE, the new election law was deemed to now provide a unified framework for the conduct of referenda and presidential, parliamentary and municipal elections. [Footnote 79] The new election law did not, however, provide for sufficient oversight over the inclusion of IDPs in voter lists and indeed on election day, frequent inaccuracies were found with the voter lists. Furthermore, IDP voters were registered in constituencies on an *ad hoc* basis rather than according to a procedure regulated by law. [Footnote 80] Absentee voting arrangements were again made available for displaced voters from areas under Armenian control. [Footnote 81]

In the end, however, IDPs continued to experience difficulties in freely and fully exercising their right to vote. Many reported being coerced to back Government party candidates, while opposition party candidates were repeatedly prevented from campaigning and meeting with IDPs. [Footnote 82] Moreover, one scholar concluded that IDPs "remain a powerless force in domestic politics and few opposition parties have managed to reach out to these voters," [Footnote 83] as the governing New Azerbaijan Party had virtually excluded IDPs from domestic politics and prevented their involvement in the peace process with Armenia.

### **III. MONITORING**

Since IDP issues have a high profile in Azerbaijan, attention to IDP voting also figures in election monitoring. OSCE election reports concerning Azerbaijan typically make some reference to the electoral participation of IDPs, though this analysis could benefit from deeper examination of the obstacles and concerns noted. The 27 May 2003 election law significantly increased the rights of national and international election observers. Although numerous problems with accreditation continued to be reported, some 40,000 were reported to have domestic election monitors observed the 15 October 2003 presidential elections. In some polling stations, however, the work of these observers appeared to have been seriously obstructed. The extent to which they paid attention to IDP voting, furthermore, was unclear."

**See the full report and recommendations, "[Internally Displaced People's Voting Rights in the OSCE Region](#)", Brookings SAIS, November 2004**

**For more information on the electoral process in the country, and IDP's participation see also the [OSCE Azerbaijan Election Reports](#)**

**See also, "[Crushing Dissent: Repression, Violence and Azerbaijan's Elections](#)", 23 January 2004**

#### **Footnotes**

[Footnote 54] Imran Valiyev and Elkhan Asadov, "Report on the Guiding Principles on Internal Displacement and the Law of the Republic of Azerbaijan," in: Roberta Cohen, Walter Kälin, Erin Mooney (eds.), *The Guiding Principles on Internal Displacement and the Law of the South Caucasus: Georgia, Armenia, Azerbaijan*, Studies in Transnational Legal Policy, No. 34, Washington, DC: American Society of International Law, 2003, pp. 267-336.

[**Footnote 55**] *Ibid.*, pp. 315-317. According to national legislation, the term Forcibly Displaced Person refers to “any person who has moved to another place being forced to leave his/her permanent residence within the territory of the Republic of Azerbaijan in connection with military aggression, natural or technological disaster.” Law of the Republic of Azerbaijan on the Status of Refugees and Forcibly Displaced (Persons Displaced within the Country) Persons, Chapter I, Article 1.

[**Footnote 56**] Law of the Republic of Azerbaijan on the Status of Refugees and Forcibly Displaced (Persons Displaced within the Country) Persons, Chapter II, Article 6.

[**Footnote 57**] US Department of State, Bureau of Democracy, Human Rights and Labor, “Country Reports on Human Rights Practices 2003, Azerbaijan,” 25 February 2004.

[**Footnote 58**] For example, the presence of officials or police at polling stations was left entirely unregulated. OSCE/UN Report of the OSCE/UN Joint Electoral Mission in Azerbaijan on Azerbaijan’s 12 November 1995 Parliamentary Election and Constitutional Referendum, January 1996.

[**Footnote 59**] The one exception was that no election took place for the seat for Khankendi, the capital of Nagorno-Karabakh.

[**Footnote 60**] OSCE/UN Report of the OSCE/UN Joint Electoral Mission in Azerbaijan on Azerbaijan’s 12 November 1995 Parliamentary Election and Constitutional Referendum, January 1996.

[**Footnote 61**] OSCE/ODIHR, *Law on the Election of the President of the Republic of Azerbaijan*, OSCE/ODIHR Comments, 22 August 2000, p. 4.

[**Footnote 63**] OSCE/ODIHR, *Presidential Election in the Republic of Azerbaijan: 11 October 1998*, 11 November 1998, pp. 5-6.

[**Footnote 65**] OSCE/ODIHR, *Republic of Azerbaijan: Parliamentary Elections 5 November 2000 and 7 January 2001, Final Report*, 15 January 2001, p. 1.

[**Footnote 66**] The Ministry for Refugees and Internally Displaced Persons has primary responsibility for IDP populations in Azerbaijan. It drafts legal acts regulating the legal status of IDPs, takes decisions with respect to granting IDP status, and makes recommendations regarding social issues that affect IDPs.

[**Footnote 67**] OSCE/ODIHR, *Republic of Azerbaijan: Parliamentary Elections 5 November 2000 and 7 January 2001, Final Report*, p. 8. This number is contested. According to Berit Lindeman approximately 220,000 IDPs were registered on these voter lists, out of a total of 569,000 officially registered IDPs. Berit Lindeman, *Azerbaijan: Parliamentary Elections 2000 Including Repeat Elections*, Norwegian Resource Bank for Democracy and Human Rights Working Paper, 2001, p. 7.

[**Footnote 68**] OSCE/ODIHR, *Republic of Azerbaijan: Parliamentary Elections 5 November 2000 and 7 January 2001, Final Report*, p. 8. Under Azerbaijan’s mixed electoral system, parliamentary seats are allocated on the basis of single seat constituencies as well as national proportional representation. IDPs could participate as absentee voters in both the single and proportional contests.

[**Footnote 69**] OSCE/ODIHR, *Republic of Azerbaijan: Parliamentary Elections 5 November 2000 and 7 January 2001, Final Report*, pp. 8 and 15.

[**Footnote 70**] *Ibid.*, p. 8. See also Lindeman, *Azerbaijan: Parliamentary Elections 2000 Including Repeat Elections*, p. 5.

[**Footnote 71**] Radio Free Europe/Radio Liberty, “Displaced persons demand Azerbaijan President’s resignation,” 15 November 2000.

[**Footnote 72**] IOM/Participatory Elections Project (PEP), *Electoral Displacement in the Caucasus: Georgia and Azerbaijan, Action Plan II*, Final Report, June/July 2003, pp. 31-43.

[**Footnote 76**] Sabirabad is located approximately three hours from Baku.

[**Footnote 77**] IOM/PEP, *Electoral Displacement in the Caucasus*, p. 33.

[**Footnote 78**] OSCE/ODIHR, *Republic of Azerbaijan: Presidential Election 15 October 2003*, 12 November 2003, p. 1.

[Footnote 72] 80 Heidi Sødergren, *Azerbaijan: Presidential Elections October 2003*, Norwegian Resource Bank for Democracy and Human Rights Report 6/2004, January 2004, p. 6.

[Footnote 81] OSCE/ODHIR, *Republic of Azerbaijan: Presidential Election 15 October 2003*, p. 4.

[Footnote 83] Fariz Ismailzade, *Azerbaijan's Presidential Elections: Party Platforms and Prospects for a Unified Opposition*, Caucasus Initiative, Center for Strategic and International Studies, 17 July 2003, p. 4.

### **IOM survey raises concerns about IDPs ability to fully participate in political processes (2003)**

- Most political parties noted that they were not able to campaign in IDP communities
- Concerns were also expressed at the inability to monitor voting in IDP communities, in particular with regard to voter registration in IDP camps
- Political parties generally directed campaigns to advocate for returns of IDPs to their homes, rather than to advocate for an improvement in displaced populations living conditions
- The use of Latin alphabet in government and other transactions is being pushed by the government which has left many IDPs, among whom the Cyrillic alphabet is widely used "linguistically disadvantaged", especially the older generation and women
- There were differing opinions on the ability of IDPs to access media and on the high numbers of IDP voter turnout

#### **IOM, 19 September 2003, pp.34-35:**

##### **"IDP-Specific Election Issues**

During the course of the discussions with Azeri counterparts, several issues recurred as topics of concern related to IDPs and elections.

##### *Electoral Access to IDP Communities*

Most political parties expressed frustration in not being able to campaign in IDP communities. Exceptions were YAP and the Popular Front – Traditionalist, with their representatives stating that the party does campaign in IDP communities. Campaigning aside, concerns were expressed about the inability of local actors to monitor and observe registration and voting in IDP communities and its consequent impact on election transparency and confidence.

##### *Voter Registry*

Concerns were expressed about the overall integrity of the voter registry and the obstacles that political parties faced in obtaining access to it. Since voter registration in IDP communities is not observed, many concerns were expressed about the accuracy of IDP camp registration. Military, prisoner, and registration abroad were also cited as points of exposure for the integrity of the voter registry. The number of economic migrants whose names appear on the voter registry is not certain. If a measurable percentage of the electorate are abroad as economic migrants for extended period, opportunities for voter impersonation are opened.

##### *Political Party Advocacy*

While political parties agree on the need to improve the community conditions for IDPs, the campaign rhetoric is directed more to advocate for returns of IDP to their homes. The victimization of the IDP is presented from the perspective of highlighting Armenian aggression rather than to dramatize the IDPs' plights and efforts to improve their conditions.

##### *Cyrillic to Latin Alphabet*

The government of Azerbaijan is conducting a program to increase the use of the Latin alphabet in government, commercial, and personal transactions. When most of the current IDPs were thrust into displacement in the early 1990s, the Cyrillic alphabet was widely and officially used. In their current state of displacement, IDPs do not have the same access to this conversion process as others who are regularly receiving information and media. This disadvantage is felt particularly by the older generation and for women in general. As a result, many IDPs are linguistically disadvantaged because of their lack of Latin alphabet skills.

#### *Electoral Dilemmas*

Two issues with IDPs and elections remain dilemmas: 1) voter turnout in IDP communities; and 2) IDP access to the media. Opinions expressed in meetings widely diverged and a consensus or rational composite of the situation could not be assembled on one mission alone. With both issues, there was a wide disparity of opinions. In the cases of turnout, some of those interviewed believed that the turnout was traditionally high while others expressed disbelief about the officially reported turnout figures. Likewise, some of those interviewed believed that IDPs had adequate access to television, radio, and print media while others pointed to the lack of electricity in IDP camps alone as a factor that limits access to electronic media.”

***Extracted from IOM's report based on field surveys and research in the country. For the full report which includes recommendations, see "[Electoral Displacement in the Caucasus: Georgia and Azerbaijan](#)", 19 September 2003***

# DOCUMENTATION NEEDS AND CITIZENSHIP

## General

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### **IDPs face difficulty in securing documentation (2006)**

- IDPs who have returned to areas no longer controlled by Armenian forces face difficulties in securing identification documents and IDP status certificate
- All IDPs must travel to the capital city, Baku, in order to obtain IDP status certificate
- Provision of IDP status should be conducted at the local level

### **NRC, November 2006:**

#### **"Obtaining documents and legislation**

There are problems of IDPs in liberated villages of Fuzuli region related to the obtaining documents, including ID cards. These problems are created by the executive authorities responsible for provision of documentation. It is not occasional that it has been mentioned in the order of the President of Azerbaijan Republic on urgent measures related to the Parliamentary Elections that, Ministry of Internal Affairs should provide ID cards to all citizens. From here it is clear that there are still citizens who do not have ID cards, majority of them are IDPs. There is Law of Azerbaijan Republic on citizens' ID Cards, which regulates obtaining ID cards. If we pay attention to the Article 1 of the Law, we would see that ID card is a document identifying personality of the citizen of Azerbaijan Republic on the territory of Azerbaijan Republic. There are two types of ID cards (article-2):

- 1) ID card provided to citizen before reaching age of 16;
- 2) ID card provided to citizen after reaching age of 16.

According to the Article 3, the series and No of the card, citizen's surname, name, name and surname of parents, place and date of birth, gender, blood group, place of residence, title of the organ issuing the card, and the date of issue is stated in the ID card of the citizens under age 16; in the ID card of the citizens above age 16 besides the abovementioned information marital status, military rank, height, color of eyes, personal signature and photo is stated, besides, instead of name and surname of the parents, father's name is stated. ID card is provided by the appropriate state body within 10 days at the request of the citizen or his/her representative on the bases of certificate of birth, photo of the person above age 16, receipt about the payment of duty in the necessary cases document certifying citizenship. The ID card should be changed when citizen reaches the age of 25, 35, 50 or his/her name, surname, father's name, marital status, or any other information in the card changes, or the card becomes unfit for use or is lost. The state duty is not paid for obtaining ID card for citizens under age 16. State fee for obtaining ID card for citizens above age 16 is one conventional unit – 5500 manats. According to the legislation responsibility is provided for officials for arbitrary refuse from provision of ID cards for persons by officials, request for documents not required in the law and procrastination, as well as spoling, theft, illegal preparation, falsification, and illegal use of the ID cards. For example, according to the Article 332 of the Azerbaijan Republic Code on Administrative Violations arbitrary refuse from provision of passport or ID cards to persons by officials, request for documents not required in the



law and procrastination is punished with fine in the amount from 80 conventional units (5500 manats) to 90 conventional units.

There are also multiple problems in obtaining documents providing IDP status. Thus, during 12 years just about 42% of IDPs have IDP status certificate, the rest 58% still do not have this document and face various obstacles and requirement of additional documents. Provision of IDP certificates is conducted in a centralized form. Thus, State Committee on Refugees and IDPs is situated in Baku, IDPs residing in regions should come to Baku to obtain the document. This is very expensive for IDPs, because one visit is not enough. Because of such problems, IDPs avoid obtaining this document. According to the Charter (Basic Regulation) of the State Committee on Refugees and IDPs, adopted by the Presidential Decree No 187, on February 1, 2005: the State Committee is in charge of determining the status of persons applied for refugee or IDP status based on the law of Azerbaijan Republic on "Status of refugees and IDPs" and delivers documents to those persons certifying their status. And deprives them of the status. It is seen from the Charter that only one organ provides IDP status, this organ is State Committee on Refugees and IDPs. It would be better if provision of the status to IDPs would be conducted on the local level, not centralized."

# ISSUES OF FAMILY UNITY, IDENTITY AND CULTURE

## General

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### **The experience of displacement has affected gender roles within the family structure (2006)**

- Displacement has compelled many internally displaced women to assume new or at least increased responsibilities
- Men are heads of household and make most decisions
- Gender divisions in family common throughout country
- Some displaced persons consciously decide to have fewer children

#### **UNIFEM, July 2006:**

"Azerbaijani families are traditionally very close, and the passing of values from one generation to the next is of great importance. In the unstable world inhabited by IDPs, family is an even more vital source of support. It is generally frowned upon to discuss private matters outside of this circle, despite the popularity of family-related problems as a topic of conversation in Azerbaijani society.

Focus group discussions did reveal that there are clear and unyielding gender roles governing family life, made in the classic patriarchal mold. One woman quoted a folk proverb to illustrate the gender dynamics in Azerbaijani families: "If the world is a house, then children are its light; and if a son is its foundation, a daughter is its ornament." While the proverb aptly illustrates the privileged position men hold within the family circle, it glosses over the women's heavy burden of work inside the home. Focus group participants acknowledged that while men are generally considered to be the heads of the households and, in most cases, provide the larger part of the household income, women bear nearly the whole burden of caring for the family – including the ill and the elderly – and maintaining the home.

Gender roles can be understood by examining how first-grade things, like food, are distributed within the family. Such actions are often ritualized. For instance, when focus group participants were asked to whom they normally give the best portion of food, nearly 60% replied that they give it to their husbands, 30% to their children, and only 3-4% said they give it to the elderly or keep it for themselves. It is evident from the women's responses that they all play a service-oriented role, and that for the most part they privilege men.

Yet most of the women also said they agree with the thought of one of the focus group's participants on "delineation of the roles of man and woman, father and mother, son and daughter within Azerbaijani family", and they have no desire to change it. "I do not think it is discrimination," insisted one woman. Only a few dissenting voices – all the more noticeable because of their scarcity – called for greater equality between men and women in family life than tradition at present allows...

The gender divisions within the family seem to be widespread in Azerbaijani society. Recent figures show that economic inactivity is higher among women than men for all age groups from 25-29 years to 55-59 years. It is assumed that, since the average marriage age for women in Azerbaijan is 23.7 years, most of the economically inactive women are married. And women

make up all of those who are economically inactive due to home care, child care or care for the sick and elderly. 30.3% of the economically inactive population, and 44.2% of economically inactive women, are engaged in home care, child care or care for the sick and elderly. Their economic inactivity may be because of choice, lack of opportunities, or the result of gender stereotypes that discourage women from working outside of home once married, especially in rural areas.

Although the women generally supported the notion of family life guided by traditional gender roles, they did emphasize that women face specific problems as a result of these strictly regimented roles. And while the nuclear family is considered the basic unit of household life, extended family can play a large role – not always for the good. Female roles within the family circle are clearly stratified, for example, with the wife on one level and her female in-laws – her mother-in-law in particular – on another. Focus group participants stressed that mothers- or sisters-in-law can make women's lives extremely difficult, if not dangerous. One woman said that her husband, provoked by his mother and sister, often beat her while she was pregnant, and that her child was born "ill" as a result. Another woman noted, "In families, mothers-in-law, husbands and other relatives are not pleased when a pregnant woman often visits doctors." Nor are female in-laws necessarily any more sympathetic than male family members to the heavy workload on the shoulders of a young wife in an extended family. And tradition keeps many of these women silent in the face of abuse. As one woman said: "Not only did I have to be a daughter-in-law, but also do all the housekeeping as though I were a servant. I could not object to anyone. My husband beat me unmercifully when he came home in the evening. My rights in this family were violated not just as a woman, but as a human being. And I had no right to complain."...

The true extent of early marriage in Azerbaijan is difficult to determine since such marriages are usually kept hidden. Early marriage is another problem that girls can face as a result of unbalanced gender roles. In Azerbaijan, only girls 17 and older are officially allowed to marry. Gender disparity is evident even in the official marital age: for boys, it is 18. And while most focus group participants said 22 or 23 is the best age for a woman to marry, they acknowledged that it is not unusual for brides to be much younger. In one group, some women even pointed to a case in which the bride was a girl of 13. "It is common in our region," said one woman. "Girls are given early for marriage." The number of early marriages has sharply increased throughout the Commonwealth of Independent States (CIS), but there are no accurate statistics measuring this phenomenon since most of these marriages – illegal according to national law – are registered only in mosques or churches. In Azerbaijan, the registry of marriages in mosques, or *kebin*, is currently permitted only if a legal state marriage certificate is produced, thereby making it more difficult to bypass the state and have girls marry early. The age at which women or girls marry can, however, be inferred by analyzing birth rates: in Azerbaijan, the birth rate for women aged 15-19 has increased, this is the only age group in which fertility is increasing. Moreover, the number of children born out of wedlock is also on the rise in Azerbaijan, especially in rural areas. It is hypothesized that this increase is due to a rise in early marriages, which have not been registered by law. The highest rates of children born out of wedlock – ranging from 17-28% of the total number of live births – are found in the following regions: Lankaran, Astara, Balakan, Samukh, Masally, Jalilabad, Goranboy, Imishli and Gadabay, and it is thought that the highest number of early marriages also occur in these regions.

Early marriage often occurs where poverty is endemic, particularly where there is a tradition of dowry, and may at times be the only means of survival available to both the girl and her family. But while early marriage can be economically beneficial, it can be difficult or even dangerous for the young bride. Many girls abandon their education once they are married in order to take up household duties, particularly where gender roles in the home are rigidly divided, as they traditionally are in Azerbaijan. If she is later obliged to look for work - for instance if her husband dies, is disabled or loses his job - a young bride's lack of education can become a significant handicap, preventing her from finding a well-paying job. At the same time, early pregnancy

increases health risks for both mother and child. And early marriage can also mean a lack of legal protection in case of divorce, particularly if the marriage is never legally registered. The link between poverty, education and early marriage works the other way as well: Poor families are often forced to keep their children out of school or provide only some of their children with an education. Prevailing gender roles can mean that boys' education is prioritized, leaving girls less able to compete for well-paid jobs, and leaving them with fewer choices for their future. One of those choices is early marriage.

#### **Balikci, June 2004:**

Throughout these peregrinations the family, usually comprising three generations, behaved as an autonomous social unit. It seems that from the moment when the native village was abandoned until the arrival in Baku, the family head took the decisions about where to move and where to settle. In our sample with the possible exception of one case there is no instance of two or three closely related nuclear families moving together as a group. Each family acted independently and followed a different route selected on the basis of rapidly changing circumstances. And for the ten families with relatives in Baku, the help they received was short lived. The Baku relatives helped somehow the newly arrived in their search for a room, preferably in a hostel, and there the help ended. The autonomy of the family acting as an independent socio-economic unit was a constant factor throughout the internal displacement process.

In our family composition survey we have taken into consideration only family members living in the room under observation. Married siblings and various collaterals residing elsewhere have generally been excluded from our sample. With this limitation in mind, we can notice that 20 families consist of two generations and 18 families of three generations. Married female descendants do not reside in their parents' room. They live at their husbands' place. Residence is rigorously patrilocal. No elders reside alone. Elders usually reside with one of their married sons. Even in this case, it is the elder man who is legally and practically the head of the family. Unmarried daughters always reside in their father's room. After the death of their mother, it is the unmarried daughters who look after their elderly father. Assuming that an elderly couple has three married sons, only one will remain in the family room, the other two will have to move out to some other accommodation. This move is determined mainly by the exiguity of the original family room, simply there is not enough space in a 18 m<sup>2</sup> room for several nuclear families to cohabit. However, finding rooms for married sons and daughters is an extremely difficult task...

The second trend concerns the reduction of family size in the displacement context. In many cases we enumerated collaterals residing outside the family room. In one case nine married siblings resided in different places in Baku, in another eight, in still another six and three additional groups of five married siblings are included in our genealogies. With a single exception these 38 members of very large families had only two children each. This reduction in the number of children born after displacement rests on a conscious choice. As an elder informant explained: "We had a good life in our native village. I had cattle and sheep, a good house and a good job, free education for my children and free medical care. We like children and we had large families, we didn't care, we thought that the good time will last forever. Then came Gorbachov who destroyed the country and the Armenians completed the destruction ... now in this miserable situation the young understand about modern life with its difficulties, they talk about children among themselves and decide to have only one or two..."

Strangely enough, according to our data, close relatives like married siblings do not live in the same building, they are usually located in different hostels or unfinished buildings in different part of the city. Again, the family behaves as an anonymous residential unit. There are exceptions however. One man had an exceptionally large room in a hostel while his sister with her family was living in a dark basement. He divided his room in two with a makeshift partition in order to accommodate his sister's family. And there is the unique case of an extended family occupying a

basement in a semi-finished building. The family is from Agdam town and consists of five brothers and one sister, all married with children. The eldest brother was already established in Baku before the war. The second brother arrived soon after the Armenian occupation of Agdam, followed by the other brothers and the sister. They all stayed initially in the small house of the eldest brother, about 30 people. Together they searched for accommodation, discovered this empty basement and moved in together after rebuilding the premises."

UN Commission on Human Rights 25 January 1999, para. 38, 39:

"38. Within the family, the experience of displacement has affected gender roles. According to the traditional family structure in Azerbaijan, men are responsible for providing income while women act as the principal family care-givers by undertaking all household chores, cooking and caring for the children, in addition to whatever economic activity they may have been engaged in. Displacement has compelled many internally displaced women to assume new or at least increased responsibilities for financially supporting the family, because of the death, disablement or unemployment of the men in the family."

39. The changes in gender roles, however, are not fully reflected in the social structures of internally displaced communities. A difference was noticeable between the internally displaced populations visited in urban and rural areas. In urban areas, men and women alike were represented in the groups of internally displaced who came forth to meet with the Representative; indeed, the women tended to be the most outspoken and assertive in communicating the community's concerns. By contrast, in several of the camps it was predominantly, and sometimes exclusively, men who assembled in public areas to meet with the Representative; the women remained close to their homes, although efforts were made by the women comprising his delegation to consult with these women on an individual basis. Even when gatherings of camp populations were mixed, the men and women tended to be clustered separately."

### **Community links have proved resilient, but they are not always respected (1999, 2006)**

- Members of some families have been separated and resettled in different areas
- Whenever possible, families remained together or rejoined after displacement

#### **NRC, November 2006:**

"Legal problems [of some of those resettled in Agdam region]:

· Families compactly settled in tented camps and formed communities and relatives have been separated and placed separate areas (concerning violation of Guiding Principles 28, 22(c))."

#### **UN Commission on Human Rights 25 January 1999, para. 35:**

"35. In several of the public buildings, camps or other settlements, large numbers of internally displaced persons from the same community or region can be found. In some places, this concentration has lent itself to community structures recreating themselves. In a camp near the town of Barda, for example, the camp population of more than 6,000 persons have settled and organized themselves on the basis of their area of origin. One manifestation of this trend is in education, where parallel school systems have been established for students and teachers from each of the four main home communities represented in the camps."

36. The phenomenon of community structures remaining intact is particularly evident among the internally displaced Kurds. At the Kelbajar Winterland Camp located at the Auberon site south of Barda and at the Lachin Winterland Camp in the Agjabedi district, the Representative visited

communities of internally displaced Kurds from Kelbajar and Lachin respectively who had settled on lands to which they traditionally migrated on a seasonal basis. These Kurdish communities are semi-nomadic peoples who would spend the spring and summer months grazing animals in the mountainous regions around Kelbajar and Lachin, both of which are located between Nagorno-Karabakh and Armenia in what is now occupied territory, and then migrate with their animals to less mountainous regions in central Azerbaijan in the winter months. Shelters (which in the case of Lachin Kurds consisted of dugouts on a dusty plain) for the population and their livestock, as well as other structures and cemeteries, had existed in these areas for years. The historic migration pattern of this community is well recognized, to the extent that it was reflected in the system of land distribution to regional authorities. The Auberon site settled by the Kelbajar Kurds, for example, had been allotted to the Kelbajar Executive Committee in 1972, even though geographically the land is located outside of its administrative district. With the outbreak of conflict and the concomitant displacement of these communities, the seasonal settlement of the Kurdish communities in central Azerbaijan took on a permanent nature.

37. Whenever possible, families remained together or rejoined after displacement. However, economic circumstances have often compelled the separation of families, as men of working age leave the family in search of a livelihood in the cities or as far afield as Russia where there exist opportunities for seasonal employment."

#### **IDPs have a collective group identity (2004)**

##### **Balikci, June 2004:**

"We mentioned that in Baku, IDPs represent basically a ghetto society characterized by absolute poverty and structurally marginal to the resident majority. IDPs have a strong "we" feeling, a specific IDP identity which appears to include two important elements. The first represents the notion of "loss" illustrated by poverty, passivity, marginality and the second the notion of "hope" related to the traditional homeland (past and future) and carrying the promise of bliss. Openly, the IDPs reject the idea of remaining forever in Baku and integrating in a definitive way. Hasan bay the komandant said: "There are here some who have made it in Baku with their golden hands and they wouldn't like to return to their homeland but we look down at them, we despise them, we hate them, and anyhow, they are very few of them..." In a different moment the same informant commented: "I have three sons and a good place here on the ground floor with a garden, when our village will be liberated I'll return immediately to my old house but I'll leave my eldest son here, it is good to have a son in Baku..."

#### **Missing persons: family members still uncertain of their whereabouts (2006)**

##### **ICRC, 2006:**

"Thousands of families remained without news of the fate or whereabouts of relatives missing as a result of the Nagorny Karabakh conflict...By the end of the year, the ICRC's list of missing persons from Armenia, Azerbaijan and Nagorny Karabakh contained 3,478 names"

# PROPERTY ISSUES

## General

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### **Illegal occupation by refugees and IDPs of properties belonging to Armenians and other ethnic minorities still unaddressed (2004)**

- The fact that many Armenians and Russians were protected by their Azeri relatives helped to keep the scale of this problem relatively small

#### **UN ESC, 26 November 2004, para.28:**

"The Committee is concerned about the illegal occupation by refugees and internally displaced persons of properties belonging to Armenians and other ethnic minorities."

#### **IHF 2000, p. 62:**

"The main problem of the Armenian, Russian and other Slav minorities remained the illegal seizures of their apartments by Azeri refugees from Armenia and displaced persons from Nagorno Karabakh, or by criminals, as well as other criminal activities related to their real estate. An act prohibiting the removal of refugees from the apartments remained in force. The fact that many Armenians and Russians were protected by their Azeri relatives helped to keep the scale of this problem relatively small.

[...]

Attempts of the Society of Homeless People of Azerbaijan to defend the rights of Armenians in courts or assist them in other ways were met with negative media coverage."

### **Property restitution mechanism still does not exist (2007)**

- Mechanism needed for property restitution
- Low home ownership among IDPs, as compared to general population

#### **ICG, 11 October 2005:**

"...the 1997-1998 Minsk Group drafts do not explicitly guarantee all refugees and displaced persons the right to freely return to their homes of origin or formalize their right to the property they were deprived of or to be compensated for what cannot be restored...Especially since some privatization of land and property has begun - especially in Lachin - it is essential to codify the right to property."

#### **UNIFEM, July 2006:**

"The local women interviewed had economic problems of their own, but they nevertheless made a point of saying that they were better off than IDP women. One of the main reasons they gave was that they own property whereas usually IDP women do not..."

Property ownership is indeed one area where the lives of IDP and local women diverge drastically (see Diagram 1). 80% of the local women interviewed own their houses or other property, whereas of the 190 IDP women interviewed, only 11.5% owned their own property. The most common form of private property among the local women is housing, but they also own land,

small businesses and dachas; some may use their property only in the summer as a place to vacation, others not at all. Housing is also the most commonly owned property for the IDP women, but their land-use is very different to that of their neighbors. Whether or not they own the land, they rely on it for sustenance, sowing crops, breeding cattle and raising poultry to feed their families and supplement their meager incomes. Lack of land ownership for IDP women thus has a double impact: being dependent on the state for their housing deepens the sense of impermanence and instability that permeates their lives; and since their livelihood is so closely connected to the land, such feelings of instability would be all the more stressful."

**UNHCR, October 2005:**

"As a World Bank study of displaced populations in Europe and Central Asia concluded, housing is perhaps the greatest difference between local populations and displaced persons. Not only are housing conditions significantly better for the local population but home ownership is also greater among the non-IDP population. In Azerbaijan, home ownership among IDPs is extremely low (15% according to the 2002 World Bank data), particularly when compared to that of local families (83%)."

**Allocation of land insufficient for IDPs (2006)**

- IDPs do not own land that government allocated to them
- Land often infertile and/or far from current residence
- IDPs lack agricultural inputs

**UNIFEM, July 2006:**

"Government statistics show that IDPs have been given 60,000 hectares of land from state and municipal land funds for their temporary usage. The Government also created 760 farms which provide livelihoods for 47,000 IDPs. Ali Hasanov, "Information on about one million Refugees and Internally Displaced Persons formed as a result of ethnic cleansing policy in Armenia and occupation of 20 percent of territories of Azerbaijan by Armenian armed forces (1988-2005)", Baku, Azerbaijan, 2005, p.120 Official sources suggest, however, that much of the land is used inefficiently simply because IDPs lack the capital they need to obtain credit in order to establish factories, develop small and medium sized businesses or implement micro-projects in any field – agricultural or otherwise. Experts blamed the lack of land ownership among IDPs combined with an undeveloped system of credit for the economic problems that plague the IDP community as a whole, and therefore IDP women as well. This issue was raised in every focus group discussion conducted for the Assessment."

**UNHCR, October 2005:**

"Access to land is also limited among IDPs, despite Government efforts to allocate land to those living in rural areas, including IDPs who have moved to the new, Government-sponsored settlements. According to studies, only a minority of IDPs own (9-17%) or have access to (22% outside Baku) land, while almost half of non-IDP citizens own or have access to land. Even those who have access to land are constrained, in terms of agricultural production, by the distance from their homes to the allocated land, the poor soil conditions in parts of the central Kura-Arak valley and floodplains, and the lack of agricultural inputs. In view of the small plots and poor lands allocated to IDPs, they tend to consume less home-produced food than the locals."

The 2004 WFP survey found that 50% of the IDPs stated that they have been allocated a piece of land, yet only half of them are using it. The Government allocates half a hectare of land plus USD 200 per family. One of the problems is the distance from the house to the allocated land, the size of the allocated plots and the poor quality of the soil, as the allocated land is usually left



over from the privatization process. During the mission's meeting with the Ombudsman, she also noted the inadequacy of the land plots allocated to IDPs.

In a few instances, some IDPs were able to bring significant moveable assets, in the form of livestock, into displacement. These IDPs are the ones that traditionally used winter pasturelands in regions outside the occupied areas. More specifically, these are IDPs originating from Lachin region and currently settled in the so-called Lachin winter lands. Also, they have been able to settle in grazing lands over which they had usufruct rights prior to the displacement. However, on average and when compared to the local population, IDPs tend to have less livestock (as shown in the 2002 World Bank poverty assessment)."

# PATTERNS OF RETURN AND RESETTLEMENT

## Return

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### Many IDPs prefer to return to their original place of residence (2006)

- Many IDPs are waiting to return to their original place of residence

#### **UNIFEM, June 2006:**

"For the IDP women who took part in this Assessment, the idea of returning to their original homes is one they hold very dear to their hearts. Although researchers did not set out to emphasize the question of return, the women brought it up again and again, whatever the topic ostensibly under discussion. The women's obvious preoccupation with the question of return prompted researchers to raise it explicitly as part of focus group discussions. They asked IDP women what they would do if given the opportunity to return, and what they would do to create that opportunity. "We want our land back," the women said. "We want to return to our hearths."

Even participants who had grown up as IDPs, who had little or no memory of their family home, expressed a strong desire to return. "I have never seen my land," said one. "But the suffering my mother experienced and the dream she lives for keep the spark of hope alive within me. I am waiting to meet my home." "

#### **UN Commission on Human Rights 25 January 1999, paras. 98, 99:**

"Return undeniably is the solution preferred by the majority of the internally displaced, as well as their Government. Time and again, internally displaced persons, in urban and rural areas alike, told the Representative that they wished, above all, to return home. At the same time, those expressing this desire acknowledged that a precondition for their return is a durable peace."

### Return to Fizuli after the departure of Armenian forces (2000-2002)

- Projects included reconstruction of houses, support to income-generation activities and community mobilization
- Areas of return heavily damaged by hostilities
- Returnees face legal difficulties regarding property and documentation

#### **NRC, November 2006:**

##### **"Return created legal problems by itself**

In 1994 Azerbaijan Republic could certain territory of Fuzuli region. By means of military operation 22 occupied villages have been liberated. The infrastructure of these villages, houses and other property of population has been destroyed by Armenian and Russian armed forces. IDPs while returning to their houses faced various problems including property rights, acceptance of judicial personality and other direct legal problems. Fuzuli is one of the large regions of Azerbaijan. Presently big part of its territory is occupied."

### **STATISTICS ON FUZULI REGION 2005**

No	General information	
1.	General territory	139000 ha
2.	Population	106000 people
3.	Living on the territory	54000 people
4.	No of IDPs from other occupied regions (in Fuzuli)	150 families, 620 individuals
5.	No of schools	80
6.	Schools presently functioning on the territory of Fuzuli	39
7.	Medical institutions	15
8.	Hospitals	6

**IFRC May 2002, p. 7:**

"A Pilot Fizuli Rehabilitation and Repatriation Project started in March 1999 with funding support from TACIS, ECHO, the Japanese Red Cross, the Norwegian Government and Red Cross, and the Swiss Government through the Swiss Red Cross Society. The project facilitated the return of about 170 IDP families settled in the southern camps to their places of origin in the liberated Shukurbeyli village of Fizuli district ... As of October 2001, a similar rehabilitation/repatriation project funded by the Norwegian government through the Norwegian Red Cross, SDC (Swiss Agency for Development and Cooperation) and the Swedish Red Cross was launched in another 'liberated' village of Fizuli district. The new project is designed to facilitate the return of some 140 IDP families originating from the village of Alkhanli, who currently live in the southern camps."

**IFRC 31 January 2002:**

"The International Federation of Red Cross and Red Crescent Societies (IFRC) has been implementing the initial phase of the Alkhanli Repatriation and Rehabilitation Project. The Project started in October 2001..."

All activities within the Project pre-implementation phase have been co-ordinated with ANAMA (Azerbaijan National Agency for Mine Action). To date, preparations are being completed to start up the reconstruction of the first batch of houses (40 houses out of 140) scheduled to March 2002. Reconstruction of the houses will make possible the return of 40 internally displaced families currently settled in the Southern Camps (seven camps in Sabirabad, Saatly and Bilasuvar) to their places of origin in Alkhanli village.

Regretfully, according to a notice sent by ANAMA on 21 January 2002 all mine clearance activities in Alkhanli have been brought to a halt due to the lack of funding. Taking into consideration the above, the International Federation will be most likely forced to close down the Project originally designed to facilitate the return of 140 IDP families as soon as the reconstruction of the first 40 houses is completed."

**Thomson 2000:**

"Those who have had the opportunity to return to liberated homelands - a relatively small number of IDPs, thus far - face a staggering task of reconstruction. To co-ordinate this task, a number of international development agencies are supporting a programme for resettlement and rehabilitation. To implement the goals of the programme, US \$ 117 million will be required; as of January, 2000, donors had given or committed a total of \$ 76 million, with the most acute funding deficit being in the provision of shelter. The fact that only 10% of the damage to liberated territories will be addressed by the first initiative makes clear the magnitude of the tasks ahead."

The United Nations Development Programme (UNDP) assisted the Government of Azerbaijan in establishing ARRA [Azerbaijan Rehabilitation and Reconstruction Agency] to organise and

coordinate all reconstruction-related activities in war-damaged areas. This includes providing support for the voluntary resettlement of approximately 36,000 IDPs; rebuilding housing, infrastructure, health care facilities and schools creating employment; and establishing relationships with potential donors and partners.

Those who have returned to the Fizuli area found their liberated villages to be heavily damaged - homes, schools, hospitals and all other forms of social and physical infrastructure were left either barely standing or were completely destroyed. Thus, the initial phase of the project involved the reconstruction of homes and a combination hospital/educational facility. To provide employment for returnees, contracts with construction companies stipulated that at least 90% of the workforce must be comprised of IDPs.

By January, 2000, more than 1,800 houses had been occupied after rehabilitation by ARRA and international NGOs - funded by UNHCR, the Exceptional Assistance Programme (under TACIS) of the European Union, the European Community Humanitarian Office and Unocal - in liberated villages throughout the Fizuli region. In Horadiz alone 350 homes have been rebuilt by ARRA, along with a school, kindergarten, hospital, bank, drugstore, public bathhouse, administrative building and communication and sewer systems. More than 500 jobs were created through these activities. The town, which had a population of over 7,000 prior to the war, is now again home to 2,500 people.

Yet much of the settlement remains in ruins. It is an eerie feeling to walk through what was, only five years ago, a war zone, and to see the broken remains of buildings which now are little more than barely-standing shells. Though returnees receive salaries of US \$60-80 dollars monthly while employed in reconstruction, it is clear that the income generation and empowerment activities which constitute the second phase of the rehabilitation programme are desperately needed if families are to be able to achieve financial independence.

UNDP funds valued at just over one billion manats (US \$228,000) have been dispersed as micro-credits among 423 families in Horadiz and surrounding villages by World Vision, an American NGO that has been subcontracted by ARRA to initiate business activities among returnees."

### **Government reluctant to allow reintegration as this may undermine the goal of return and a political settlement (1999)**

- The Government has been reluctant to allow their reintegration for fear of undermining the goal of return or the prospects of a political settlement
- For the Government and the majority of the internally displaced, return remains the overriding aim

### **UN Commission on Human Rights 25 January 1999, para. 109, 100:**

"109. For the large number of internally displaced persons originating from the 20 per cent of Azerbaijani territory still under occupation, where return is not possible at present, alternative solutions must be sought. The Government, however, has been reluctant to allow their reintegration, for fear that this will undermine the goal of return and even the prospects of a political settlement, on which this goal depends. In this regard, the concentration of the internally displaced in camps, settlements and public buildings seems to serve as a means of leverage in the conflict negotiations, providing tangible evidence of the impact of the war on Azerbaijan and the pressing need to regain the territories lost. It seems that from the Government's perspective, the resettlement and reintegration of the internally displaced would appear as a serious

concession in the political negotiations as it would remove the humanitarian imperative for regaining control of the occupied territories in order to allow return.

[...]

100. In accordance with Guiding Principle 28, the authorities are expected to facilitate the reintegration of returned or resettled internally displaced persons. While doing so appears to the authorities to be an anathema because of the overriding goal of return, some progress in the search for alternative solutions has been made recently. Most notably, the Government has conceded to the concept of 'long-stayers', that is, that there are among the internally displaced some who are unlikely to return even if peace did materialize and who should thus receive more than strictly temporary shelter and assistance. Agencies also reported that the Government's reluctance to allow or sponsor income-generation activities has relaxed somewhat."

## **Resettlement**

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### **Resettlement of the IDP population continues; living conditions still inadequate (2006)**

- Housing conditions improved for some IDPs in resettlement areas, but living conditions still inadequate
- Settlements not always equipped with community infrastructure
- Some settlements located close to ceasefire line, endangering physical security of IDPs
- IDPs not consulted on resettlement process
- IDPs do not own the homes they are given in resettlement areas

#### **Government of Azerbaijan, 21 November 2006:**

"On the basis of three Decrees issued by the President of Azerbaijan in 2001-2002, the State Oil Fund allocated 73 million USD to construct 32 settlements in 18 cities and regions, 6411 individual houses..."

In June 2004, the construction of a new settlement for 412 IDP families in the north-western city of Mingachevir was completed in the framework of project funded by the Japanese Fund for Poverty Reduction...

A presidential decree issued on 1 July 2004 launched the implementation of the State Programme on improvement of living conditions and employment of refugees and displaced persons. The programme is aimed at improving the living conditions of IDPs, such as building of new settlements that are better suited to cater for basic needs of electricity and clean water. It is anticipated that this programme will help close down all remaining camps as well as will reduce numbers of people finding temporary shelter in railway carriages and schools....[T]he construction of 12 settlements in Aghdam region and 1 in Agjabadi region of Azerbaijan has been already completed and 4 more tent camps eliminated.

100 refugee and IDP families have been provided with the dwelling houses in Nachichevan Autonomous Republic of Azerbaijan.

In general, in the course of 2001-2006 at the expense of funds allocated by the State Oil Fund, the construction of 10,585 houses, 45 settlements..."

#### **NRC, November 2006:**

"Presently, 78 settlements for IDPs has been constructed on the territory of Agdam region. Three of them are on the territory of Guzanli village (Guzanli -1, Guzanli -2 and Gasimbeyli), two on the territory of Khindiristan village (Baharli and Teze settlements), two on the territory of Ahmedagali village (Banovshalar-1 and Banovshalar -2), two in Uchoglan village (Alibeyli-1, Alibeyli-2).

The resettlement has been carried out only in the Alibeyli-1 and Alibeyli-2 settlements. Resettled IDPs are moved there from Arab-1 tented camp in Barda region and tented camps in Agjabedi region. There have been constructed 107 houses in each settlement. 587 persons have been settled in Alibeyli-1. Unfortunately, number of IDP families in Alibeyli-2 hasn't been clarified yet...

The territory for new settlements has been chosen by the government, IDPs did not participate in this activity. Participation of IDPs in the planning process hasn't been provided...

Presently, 8 settlements have been built on the territory of Agdam region, these settlements are situated very close to the firing line. There are such settlements which are 3 km far from the front line. If the cease fire will be violated these settlements will be under the threat and can be battered by the long-range (18-20 km) and other types of arms. These people, i.e. IDP strata will always live in threat of displacement and will not be able to organize their life until big peace will be achieved...

Legal problems:

- Families compactly settled in tented camps and formed communities and relatives have been separated and placed separate areas; (concerning violation of Guiding Principles 28, 22(c))
- Incomplete repair works and absence of utilities;( concerning violation of Guiding Principles 8 and 18).

In general, legal problems of IDPs on the territory may be divided into 3 points:

1. Issues related to displacement and settlement (improvement of housing conditions, violation of domestic and international norms during displacement and security)
2. Issues related to legal recognition (social maintenance, obtaining documents, judicial disputes, complaints on actions and inaction of officials)
3. Registration according to the place of residence and obtaining status.

### **Summary about the situation of IDPs in Agjabedi region and their legal problems**

There are 7145 (31048 individuals) IDP families compactly residing on the territory of Agjabedi region. From them 4391(18110 individuals) live on the territory of Agjabedi, 2754(12938) at the Lachin Winter Enclosure. According to the State program the Turk Gizilay tented cam which has been established in 1992 in Agjabedi should be eliminated and IDPs residing there should be resettled to the new settlements. There are more than 4000 population residing in the Turk Tented camp and it has been planned to move most of them to the new settlement in Agdam. The resettlement to Alibeyli-1 and Alibeyli-2 settlements started in September. 160 IDP families – 670 IDPs from Turk Tented camp have been moved to the Alibeyli-1 settlement consisting of 270 houses. It is expected to move the rest of IDPs till the end of the year.

The resettlement is conducted with violation of certain provisions of the Guiding Principles (principle 22, 23):

- IDPs are not provided with necessary transportation for moving to the new places. Each family receives 50-60 thousand manats for 40-45km, it is not enough to transport their property.

- In one month after the academic year started schoolchildren moved to the new settlements faced incomplete building of school and lack of teachers.
- There are many problems concerning employment. Majority of the resettled population is unemployed and do not no what to do.
- New district polls haven't been established for the parliamentary elections.

#### **The following are problems of IDPs settled in Agjabedi**

- There are widespread cases when provision of allowances for IDPs is terminated when IDP goes abroad and these allowances are not restored after the person returns.
- In 1993 World Vision composed list of IDPs and children born after that year, people who returned from the military service are not included to the list.
- 40% of IDPs still did not obtain IDP certificate. They explain it as follows: it requires time and money to obtain this document and it presently does not matter.
- Bribery in the field of health care create problems for IDPs in benefiting from privileges.
- Bribery in obtaining documents, registration of marriage, registration of death create problems for IDPs in benefiting from privileges.
- Arbitrariness of officials creates problems in the social field (provision of pension, wrong counting, payment etc.).
- Although there are 2800 families settled in Lachin Winter Enclosure, construction of just 37 houses is provided in the State Program. Others are left out of the program. In general, there are 15 000 registered IDPs in Agjabedi region.
- Besides, during meetings with IDPs residing in forests, on the roadsides, farms etc, we have been informed that they do not obtain enough information. They are residing far from the centre, do not have electricity that is why they can not watch TV and even read newspapers. IDPs in the camps also complained about the lack of information."

#### **Council of Europe, Parliamentary Assembly, 13 April 2006:**

"The Assembly welcomes the fact that Azerbaijan, Armenia and, to a lesser extent, Georgia have now embarked on programmes for the local integration of their refugees and displaced persons. These programmes have the twofold advantage of enabling these communities to regain their dignity by living in decent conditions and by working, which allows them to contribute to the development of the regions that have taken them in, and of preparing them for voluntary return under the best possible social, health and psychological conditions. There are still, however, many obstacles to the success of these programmes: poverty is endemic, particularly in rural areas, and malnutrition a cause for concern; unemployment is still very high; access to means of production and to property is problematical; the infrastructure, especially of collective centres or areas hosting larger numbers of displaced persons, is often in deplorable condition, which is an additional obstacle to development; schools are still being used to shelter refugees and displaced person, whereas they should be used for children's education, and the health services are still inadequate. In these circumstances, it is impossible to continue providing humanitarian assistance and to care for refugees and displaced persons without international aid."

#### **IWPR, 14 September 2006:**

"As the Azerbaijani government completes the process of shifting thousands of refugees and internally displaced people from tent camps to newly-built settlements, many complain that their new living conditions are grossly inadequate.

From a distance, the purpose-built settlements of Alibeyli-1 and Alibeyli-2 in the Aghdam district of western Azerbaijan look promising, with houses painted pink and lampposts lining an earth road.

However, first impressions can be deceptive. The people who have moved in here complain of damp walls, peeling plaster and unpainted ceilings. There is not a single tree in the entire settlement...

Yet, despite the large funds being spent, many refugees say no proper planning has gone into the new settlements.

Mehbali Kerimov, originally from the town of Aghdam, now under Armenian occupation, told IWPR, "When moving to this settlement [Alibeyli-1], I had to sell all my livestock. They built four walls in a total desert and forced us to move in here. They've given us no land, no financial assistance, and no jobs for us to earn a living." ...

Chaman Mukhtarova, the headmistress of Alibeyli-1's school, said the village had no sanitation, and her school did not have a gymnasium.

"They've built a medical centre, but it has neither water nor electricity. What's more, it has no doctor," said resident Sadagat Hasanova. "It's been almost a year since we moved here, and never a once have we been given medical assistance. Pregnant women have no choice but to give birth at home, there aren't even any medicines to relieve their pain."

Another new settlement, the village of Ergi lies very close to the Armenian-Azerbaijani ceasefire line. The road leading to Ergi is not easily passable by offroad vehicles, let alone ordinary cars, and with no telephone lines, there is a sense of isolation from the outside world.

To get water, the refugees have to queue up at outside standpipes, one for every four houses. The village school needs major repairs, even though it was only built four years ago, while the yard of the medical centre is so overgrown that it's difficult to imagine that the place is ever visited by doctors or patients.

Jamil Iskanderov, who lives in Ergi said, "Yes, we've been given a one-off grant to help cultivate the land. But most of the plots we're offered are close to the front line, and there's no water there either. That is why the local folk cannot work the land."

The refugee committee, which built settlements like Ergi and the two at Alibeyli, paints a rosy picture of progress. But Himayat Rizvangizi, who heads Himayadar (Guardian), a non-governmental charity, says her group's monitoring of the situation has shown up major discrepancies with official accounts. According to Himayadar, refugee families are packed densely into the new houses, with many people of both sexes sharing rooms.

Rizvangizi said only seven of the projected 17 settlements have been finished and occupied to date, and none of these has sanitation or telephone lines. Only two of the six schools have sports facilities, and only one has a computer room.

While the refugee committee says the new villages have 195 kilometres of asphalt roads, the Himayadar group disagrees, saying that four of the seven existing settlements have no roads at all, and the other three only have asphalt on their central streets. When the committee says there are 13 bath-houses at settlements, Himayadar says there are just five.

Asked to account for these discrepancies, Sanan Huseinov, who is head of international relations for the state refugee committee, said his agency was not responsible for the quality of the building work, and redirected IWPR to the government's fund for IDP social development.



Arif Aliev, who coordinates construction work for the IDP fund, conceded that there were “minor shortcomings” in the building of the settlements. “For example, all the bathrooms have been built to plan, but some of them lack taps,” he said.

Aliev said the construction work had been put out to tender, and the work awarded to the firm that offered the lowest price. “We did what we could. In the real circumstances of Azerbaijan it was impossible to do more,” he said.

But the displaced people insist the authorities have an obligation to improve things.

One refugee, Rafiga Gulieva, who lives in the Ayag Gervend settlement, said her house was damp, there were cracks in the walls and the windows were coming out of their frames.

Under an agreement with the IDPs, the refugee committee is obliged to carry out repair work but Gulieva said their requests for help had gone unanswered.

The agreement also stipulates that once Azerbaijan regains the occupied territories and the refugees return home, the houses they are living in must be restored to their original state and handed back to the committee. “That means that if my house gets ruined, I will have to build a new one for the refugee committee at my own expense,” complained Gulieva.

Residents also complain about a basic lack of public services, saying there is no public transport or rubbish collection in their villages.

Independent economic expert Allahyar Muradov said that when the government failed to provide the IDPs with land, it should at least provide basic services and help them find employment.

“Every month the refugee committee earmarks billions of manats to pay for communal services in the settlements. Who is keeping track of the money?” he asked.”

***The displaced families who have been granted new houses still retain their IDP status, which continues to entitles them to various privileges, such as subsidized public utilities and lower taxation (NRC 15 April 2003)***

#### **Government resettlement scheme: beneficiaries include more than 3,000 families in camps (2001-2002)**

- Two decrees in 2001 allocated resources from the State Oil Fund to the resettlement of some 3,000 displaced families
- Each family will be allocated a house of 5m<sup>2</sup> pr family member, with a land plot and various inputs for agricultural activities
- Various infrastructures, such as roads, schools, health and community centres will also be built in the new villages
- The government has still not decided which assistance will be provided to displaced who can return to their villages of origin
- The government acknowledges that the new villages are permanent, although return remains an option for the future
- Government's attention focuses mainly on IDPs in rural areas and tend to overlook urban IDPs

**IFRC 9 April 2003:**

"[...] 3485 families from the Belasuvay camps, 4 of the 7 camps, and more than half of the Southern camps population will be resettled into two new villages that are now under construction and funded from the Azerbaijan State of Oil fund. Each family will be allocated a house of 5m<sup>2</sup> per family member. Each family will also receive 1 cow or goat, 1 ha land for agriculture, 1 ha land for pasture, a grant of USD300 and a possibility of a loan of USD500.-

Under construction in each village are schools, health facilities, community centres, infrastructure such as post office and municipality office. Roads will be paved and water tap access less than 25m from each house. All houses have a small garden surrounded with one meter iron fence. Outdoor toilet facilities are with each house and sewage channels. Each family will have ownership of these houses.

These new settlements are allocated to families that previously came from Jabrail and Harama. Families living today in the camps that will be closed, and originating from other villages located in an area that has been liberated will not be granted the above as they are expected to return to their village of origin (22 villages in all). Authorities have not yet decided if any assistance will be given to these families but for many the homes are still in ruins and basic infrastructure such as water and irrigation has not been restored.

Similar resettlement community as Harama and Jabrail has already been opened last autumn near Ganza where camps were closed and IDPs resettled."

**UNHCR 28 February 2003:**

"The IDP settlements the GoA is constructing draw from the settlement model of UNHCR. In some cases such as in Harama (Fizuli), they are actually an extension of UNHCR-financed settlement. However, whereas UNHCR's settlements had to still carry a nominal stamp of 'temporariness', the Government officials state quite openly that the settlements now being built are permanent. However, according to the authorities, when the peace comes and the return of IDPs becomes possible, 'the families will return, although some family members, such as eldest son with his family, will stay in these IDP settlements'."

**UNHCR 17 September 2002:**

"In mid-2001, the President of Azerbaijan issued two decrees aiming at improving living conditions of the IDPs and 'refugees' [As the ethnic Azeri persons who fled Armenia early in the conflict over Nagorno Karabakh are automatically granted Azerbaijani citizenship law, these persons are not considered refugees in UNHCR terms.] from Armenia by allocating a total of some US\$ 35 mio for construction of IDP and 'refugee' settlements. The funds were allocated from the State Oil Fund (SOF). In practical terms, this would mean construction of settlements for some 1,700 ethnic Azeri 'refugee' families in Geranboy region of Azerbaijan. In addition, 1,300 family-houses will be built in Aghdam and Fizuli regions for the IDPs originating from the parts of these regions still under occupation. The construction started in December 2001 and is to be completed in the course of 2002. These presidential decrees mark an important change in the medium term policy of the Government of Azerbaijan (GoA) towards the IDPs in particular. UNHCR has for several years advocated for, through showing an example, local medium-term integration of the IDPs, who still almost a decade after their displacement languish in make-shift conditions that offer no prospects for normal life and self-sustenance. The decrees are a clear sign that the GoA recognizes UNHCR's concerns and makes an effort to put in wider practice the concepts advocated by UNHCR. In 2002 therefore there is no reason for UNHCR any longer to allocate its resources for setting up integrated *rural* settlements for IDPs.

However, in the urban context of Baku and Sumgait in particular, situation is very different. An estimated of 100,000 IDPs live in sub-human conditions in dilapidated or half completed public buildings, such as former school and factory dormitories, sanatoriums, etc. The GoA has

requested UNHCR to concentrate its resources in the coming years to improving conditions of the IDPs residing in the urban areas."

## **Obstacles to return and resettlement**

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### **Many factors stand in the way of return (2007)**

- Lack of conflict resolution remains main obstacle to return to occupied areas and Nagorno-Karabakh
- High level of damage of villages is obstacle to return
- Informational void on resources needed for rehabilitation of villages

### **ICG, 11 October 2005:**

"For Azerbaijan, after the withdrawal of Armenian forces from the occupied districts the most important task is to create conditions in those districts for the return of displaced Azeris. Almost all the over 500,000 are committed to return to their pre-war homes...the task of organising return will be daunting. Towns that previously existed in the occupied districts - Agdam (28,200), Kelbajar (8,100), Jebrail (6,200) and Fizuli (23,000)<sup>1</sup> - have been systematically levelled. Even electrical wiring, pipes and other infrastructure have been removed for sale as scrap. Efforts over much more than a decade will be needed to rebuild and rehabilitate homes, infrastructure and the economy...

### **Return to districts surrounding Nagorno-Karabakh**

Azerbaijan has always strongly asserted and Armenia never denied the right of IDPs to return to the seven districts around Nagorno-Karabakh. Both sides agree IDP return will be a key component of any peace deal...The greatest difficulty will be to assure conditions for Azerbaijanis to return to Nagorno-Karabakh itself...

### **Return to Nagorno-Karabakh proper**

All previous drafts are weak on IDPs' right to return to territory within the former oblast. The three 1997-1998 texts state that the parties will facilitate return in the "zone of separation", meaning the districts around the oblast. The July 1997 and November 1998 drafts give displaced from Shusha and Shahumian the right to return to their homes but no mention is made of other settlements in Nagorno-Karabakh. Thus, they do not uphold the right of some 20,000 Azeri displaced from other parts of the entity to regain their property.

Azerbaijani authorities have been first and foremost interested in securing the right of Karabakh Azeris to return to Shusha, rather than all Karabakh Azeris towns and villages...

Nagorno-Karabakh authorities accept in principle the Azeri right of return...The rights of Karabakh Azeris in Nagorno-Karabakh would have to be clearly defined in any settlement.

### **...International assistance programs**

No major donor has allocated new funding for the return and resettlement of displaced person to Nagorno-Karabakh and the surrounding districts. If there is an agreement, however, resettlement, reconstruction and development of the war-affected areas will require rapid disbursement of significant aid. No major agency, with the exception of the ICRC, has been working in Nagorno-Karabakh and the occupied areas. International organisations are thus only partially aware of needs and resources."

**The Brookings Institution-University of Bern Project, 16 May 2006:**

"...data is needed about areas of return in order to estimate the damage to infrastructure and land and the resources needed for rehabilitation. This could help IDPs to decide whether to return to border villages and be aware of the obstacles they will need to overcome."

**UN Commission on Human Rights 25 January 1999, paras. 98, 99:**

"Time and again, internally displaced persons, in urban and rural areas alike, told the Representative that they wished, above all, to return home. At the same time, those expressing this desire acknowledged that a precondition for their return is a durable peace. It is thus perhaps not surprising that the internally displaced so closely follow the peace process, as demonstrated by their citation of specific initiatives undertaken by OSCE towards the resolution of the conflict and their knowledge of relevant United Nations Security Council resolutions on the matter. In this connection, on numerous occasions during the mission Government officials and internally displaced persons alike referred to the lack of attention to the conflict by the Security Council in recent years, interpreting this as a signal of abandonment by the United Nations of concern for their plight. While the United Nations long has supported the lead taken by the OSCE Minsk Group in the conflict negotiation process, the ongoing stalemate has led to suggestions for the United Nations to play a more direct role in the peace process. In fact, for some time now, the United Nations has advocated that humanitarian concerns be integrated into the peace process. With mass displacement being such a defining element of the conflict, equitable solutions for the great number of refugees and displaced persons in Armenia and Azerbaijan will be essential if peace, whenever it comes, is to endure.

[...]

To be sure, even in the absence of peace, some return is occurring in formerly occupied areas and otherwise war-damaged regions in the districts of Fizuli, Terter and Agdam that have come back under government control. Return as a potential solution thus currently divides the internally displaced population into two groups: those from the formerly occupied or war-damaged areas where the possibility for return now exists; and, making up the majority of the displaced, those originating from territory that remains outside government control and for whom the prospects for return are less certain."

# HUMANITARIAN ACCESS

## General

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### **NGO activities are constrained by domestic registration and taxation system (1998-2005)**

- In Azerbaijan, NGOs are subject to a mandatory registration process and to a high level of taxation
- In 2003, NGO registration became simpler and subsequent increase in number of registrations
- Arbitrary denial of registration continues

#### **HRW, 15 June 2005:**

"Although the government amended and simplified the laws on registering NGOs in 2003, and there has been an increase in the number of NGO registrations, the authorities continue to arbitrarily deny registration to some independent NGOs. For example, in September 2004, the Ministry of Justice rejected the application for registration of the Azerbaijan Foundation of Democracy Development and Human Rights Protection, on technical grounds that the organization says were not specified in the law on NGOs...The Oil Workers Rights Protection Committee has tried to register six times since 1996, and again received a rejection, reportedly on minor technical grounds, in March 2005."

#### **UN Commission on Human Rights 25 January 1999, para. 55, 95:**

"55. [I]nternational humanitarian organizations attempting to address the needs of the internally displaced have faced other operational constraints. Specifically, the legal and administrative environment in which NGOs are required to operate impedes their effective functioning and the fulfillment of their full potential. NGOs are subject to a mandatory registration process, which is cumbersome and lacks transparency, and to a high level of taxation. Creating an operating environment more supportive of the work of NGOs in Azerbaijan is important not only for the work of the NGOs themselves, but also for international agencies which rely on NGOs as implementing partners. As part of the follow-up process to the CIS Migration Conference, UNHCR (in cooperation with the Open Society Institute and the Washington-based International Centre for Not for Profit Law) has been assisting the Government in drafting a new law regarding NGO activity in order to conform with commonly accepted principles and practices elsewhere in the world. The law is expected to delineate the types of associations and foundations eligible for classification as charitable, set out the procedures for registration and regulation of charitable activities, and define the responsibilities of the Government towards NGOs."

[...]

"95. In terms of access to income-generating activities, while the Government is receptive to income-generating projects for the displaced, "local NGOs [which play an important role in sponsoring micro-credit programmes] are constrained from doing so by national legislation requiring that an institution must have the equivalent of US \$5 million in order to engage in lending activity. To enhance the access of the internally displaced to credit, the Government is encouraged to create a more conducive environment for the micro-credit programmes of NGOs."

#### **UNHCR September 2001, p. 205:**

"The Law on Registration of Legal Entities has been a stumbling block for the development of a national NGO-sector in Azerbaijan. The law is currently being amended, and UNHCR and the Council of Europe has intervened with the Government, offering legal advice and technical expertise to amend the law to an acceptable international standard."

### **NGOs complain about new legal regime regarding grants and social contributions (2002-2003)**

- New "Law on Grants", in effect from January 2003, requires humanitarian organizations to pay 27 percent of employee wages to social funds
- It also requires organizations to notify authorities of grants they receive
- Despite some concessions made by the government, many believe that these new provisions will have an impact on projects on the ground

***More recent information could not be found among the sources consulted.***

#### **EurasiaNet, 24 February 2003:**

"Non-governmental organizations in Azerbaijan are attempting to force revisions in new legislation that they contend hampers their ability to function, and possibly may lead to lay-offs. Some NGO representatives believe the current organizing effort may strengthen the non-governmental sector over the longer term, even if the legislation produces short-term hardship.

The new Law on Grants, adopted by parliament in December, requires organizations to pay 27 percent of their employee wages into a fund for social insurance and pension contributions. It also requires all groups that give or receive grants to notify authorities of these grants. Advocates worry that this measure could crimp NGOs' work and enable the government to monitor and harass particular groups. The legislation came as a stinging blow to organized activists, who believed they had won a battle against registration requirements in the summer of 2002.

[...]

NGO employees picketed in central Baku protesting against the new measures on January 22. They have already won an assurance that the payroll tax will only affect agreements and grants that are signed after the law came into effect in January. This means that, in theory, organizations can budget for the additional contributions – if they can find donors to support the social-insurance cost. The government has also agreed to exempt projects supported under a bilateral agreement with the United States. Although this will benefit many projects, it will also mean administrative hassles for organizations that receive support from the United States and from other entities. Such organizations will have to pay contributions on some, but not all, of their funding.

[...]

Some NGO advocates express concern about the social insurance fund payments. While the government says the social insurance fund will serve the same altruistic goals that the organizations embrace, many fear the new provisions will compel organizations to lay off workers. Qasimov points out that the obligation can impose severe costs on organizations. Either employees' salaries will have to shrink, or donors will have to make bigger grants to NGOs. He adds that any reduction in salaries will mean that some of the best-qualified people may start looking for other jobs. Roughly 1,000 people work for NGOs in Azerbaijan.

[...]

The notification requirement is also a source of concern among many NGO representatives. Authorities have sought to quell such concerns, saying the existing requirement differs from the measure contemplated in 2002 by not mandating governmental registration of all grants. [...]. The new law, government officials say, will increase transparency by publicizing NGOs' funding sources. "It's just notification, not registration," says Nazim Isayev, deputy head of the social-

political department in the presidential administration, who has worked on government-NGO relations for several years."

[www.eurasianet.org](http://www.eurasianet.org)

**See also "Azerbaijan: Taxing time for NGOs", *Institute for War and Peace Reporting*, 17 April 2003**

## NATIONAL AND INTERNATIONAL RESPONSES

### National response

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**Overview: national authorities continue to adopt measures to assist IDPs, but outstanding issues remain (2001-2006)**

#### **National assistance and programmes**

The government has adopted an increasingly more present role in the provision of care and assistance to IDPs. For instance, in 2005 USD 30 million was provided by the international community and USD 210 million at the expense of the Government of Azerbaijan in order to address the needs of IDPs (US DOS 8 March 2006, sec. 2d). In 2001, 2002 and 2004, presidential decrees were issued to improve shelter and socio-economic conditions for IDPs. Funds were allocated from the State Oil Fund to construct apartments, schools, midwife first aid points, kindergartens, bathhouses, a hospital, medical treatment, community centres, communication houses, and public infrastructure including roads, water pipelines, overhead electric lines, water pipelines for irrigation purposes, telecommunication centres.

Since 2001, the government has also provided IDPs with a number of subsidies and exemptions from taxes, utility and public transport costs. IDPs also receive assistance from the government. For example, as of 2005, IDP families without a gas supply were provided with 40 liters of kerosene allowance per family for the winter season. Although seen as bringing the IDP regime closer to other social vulnerable groups, there is concern that these measures continue to perpetuate a dependency of IDPs on external aid, and fail to support IDPs' coping mechanisms (UNHCR February 2003). In addition to food assistance from various international organizations, the government grants monthly food subsidies to IDPs, which have recently been raised to 30,000 AZM (6 USD) (Government of Azerbaijan, 3 February 2005).

With the support of the IMF, the World Bank and the Asian Development Bank, the government of Azerbaijan released a National Poverty Reduction Strategy, which targets IDPs as a vulnerable group. The strategy is being implemented over two years 2003-2005 and has included food assistance, the construction of new settlements, resettlement of 412 IDP families, improved infrastructure around settlements to ensure adequate access to water and sanitation and employment generating activities. Though the strategy also includes the implementation of an annual survey on the IDP population, no such survey has yet been undertaken (Government of Azerbaijan, 26 May 2004).

A presidential decree issued on 1 July 2004 instated the Second State Programme on IDPs, "State Programme on improvement of living conditions and employment of refugees and displaced persons". The programme is planned to improve the living conditions of IDPs, such as the building of new settlements that have better provision of the basic needs of electricity and clean water. It is anticipated that this programme will also eradicate all remaining camps as well as reduce numbers of people finding temporary shelter in railway carriages and schools. In late 2006, plans for construction of new settlements for 4179 IDP families from Sabirabad and Saatly and 5 new settlements in Bilasuvar region had begun, and mine clearing was about to come to an end in the areas allocated for the construction of another IDP settlement in the Fuzuli region. During 2003-2004, five of twelve IDP camps were closed down and semi-permanent housing built for the IDP families living in those camps. Under the Mingachevir Programme, a project funded by



the Japanese Fund for Poverty Reduction, the construction of a new settlement for 412 IDP families was completed in 2004. Importantly, the 2004 decree also plans to increase self-reliance among IDPs through the provision of increased employment opportunities to IDPs and the development of income-generating activities.

Azerbaijani resettlement programmes have however often been limited to access to housing, and the UN has emphasised the importance of providing durable solutions to IDPs, which also take into account social, economic, legal and security needs. There is also concern that IDPs have not been adequately involved in resettlement plans (UNCT, August 2003, p.11; Working Group on IDP issues, 5 August 2004).

Despite the measures that the Government of Azerbaijan has taken to improve the lives of IDPs, efforts have so far only partly addressed the needs and priorities of IDPs. Possible remedies to this include the government fulfillment of recommendations related to IDPs provided by the United Nations and Council of Europe, and careful monitoring of the implementation of national legislative acts (NRC, November 2006). Extensive consultations with displaced and host communities could also improve the design and implementation of government programmes (The Brookings Institution - University of Bern Project, 16 May 2006).

Another important factor to be taken into consideration where government assistance to IDPs is concerned, is the size of Azerbaijan's budget. While the size of the economy may triple within the next 5 years as various oil sector investments begin to bear fruit, poverty rates remain high and economic opportunities are unevenly spread. The main development challenge is ensuring the windfall from the oil sector benefits the population evenly, without undermining macroeconomic stability (ADB, January 2006). However, a significant amount of this windfall has gone to the defense budget. According to Deputy Minister of Defense Jabbarov, the defense budget accounts for 15 percent of all government spending in 2006, and exceeds \$1 billion (RFE/RL, 21 November 2006). Furthermore, in early 2007 the government implemented price hikes for basic items, including fuel, water, electricity and public transportation. Other prices, for example of bread, rose as a direct consequence. The price-hike controversy is set against the backdrop of staggering economic growth driven by the rapid expansion of energy exports (EurasiaNet, 16 January 2007).

***See the full text of the National Programme on Settlement of the Problems of Refugees and IDPs, which was adopted by [Presidential Decree No. 865](#) (dated 17 September 1998) (Unofficial English translation provided by the UNDP Baku)***

***See also: [Progress Report, State Programme on Poverty Reduction and Economic Development, Government of Azerbaijan, 2005.](#)***

***See also "[The Azerbaijan government's resettlement and reconstruction programme](#)", 31 May 1998***

***See also [National Programme on Settlement of the Problems of Refugees and IDPs, Presidential Decree No. 865](#) (17 September 1999)***

***See also the [State Programme on Poverty Reduction and Appendix 1 to the State Programme](#), p. 33 for details on measures and actions planned on behalf of IDPs and refugees. A progress report was issued on 26th of May 2004, See pp.82-84 of the "[Draft Annual Progress Report 2003 of the State Programme on Poverty Reduction](#)"***

**Governmental Institutions dealing with IDPs**

According to UNHCR, government coordination on IDP affairs had improved after the Deputy Prime Minister, who serves as Chair of the State Committee for Refugees and IDPs, had taken control (UNHCR, 2005). However, coordination can still be improved simply because of the many governmental and international organizations working with IDPs. Government agencies should also actively monitor the implementation of the 2004 State Programme to improve the living conditions of IDPs (The Brookings Institution - University of Bern Project, 16 May 2006).

A number of government bodies are involved in addressing the needs of IDPs. The State Committee for Refugees and Displaced Persons (SCRDP) is the primary institution dealing with IDPs, which with regional Executive Committees, renders direct assistance to IDPs. The Executive Committees have representatives in large settlements of IDPs. Ministries of Health, Labour and Social Affairs, as well as parliamentary commissions for social policy and human rights also address IDP needs. In 1999, the Department of Repatriation was created as part of the SCRDP to coordinate repatriation of the displaced, in the event of peace.

The implementation of legislation relating to the displaced is overseen by the Department of Refugees and Forced Migrants. The distribution of international humanitarian assistance is overseen by the Republican Commission on International Humanitarian Assistance (UN Commission on Human Rights, 25 January 1999, paras.46-50; Mercy Corps, 4 December 2001; Coordination Meeting Report, 19 July 1999; Green 1998, p.265).

***See also [Brief information about the number of IDPs and refugees in the Republic of Azerbaijan and the government structures involved in the solution of their problems, Government of Azerbaijan, 14 November 2002](#)***

### **Government uses oil money to fund assistance to the displaced (2006)**

- In 2006, the State Oil Fund totaled about 1.6 billion USD and about 120 million USD were used to address the needs of IDPs and refugees
- In 2005, 44 million USD were used from the State Oil Fund to assist IDPs and refugees

### **Government of Azerbaijan, 21 November 2006:**

"In total, in 2006, 240.9 million USD were provided to target IDPs' social problems (91 million USD from the state budgetary resources, 119.9 million USD at the expense of the State Oil Fund resources and 30 million USD from the international humanitarian and development agencies."

### **EurasiaNet, 20 September 2006:**

"Officials have promised that a fair share of the profits will be devoted to raising living standards in the country...The government's main vehicle for the promotion of prosperity is the State Oil Fund, which was established in 1999. The fund, according to an official statement covering the first half of 2006, now totals almost \$1.6 billion, up over 10 percent since January 1...According to figures provided by the Oil Fund, it took in roughly \$412.3 million in revenue during the first half of 2006, and spent about \$288.4 million during the same period."

[www.eurasianet.org](http://www.eurasianet.org)

### **RFE/RL, 7 November 2006**

"...Azerbaijan increasingly stands out in the region. It alone has been able to give up EU financial aid, which totaled some 400 million euros before a steep hike in energy revenues made it redundant. Baku also avoids controversy by speaking in general terms of its wish to pursue "Euro-Atlantic" integration, while refraining from demanding EU or NATO membership."

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**The Brookings Institution - University of Bern Project, 16 May 2006:**

"In the case of Azerbaijan, with its oil wealth, the government since 2001 has begun to use state oil funds, in addition to its regular budget, to improve the conditions of IDPs ... Monitoring, however, will be needed to ensure that the funds are used effectively and represent a sufficient portion of assets ... As these revenues grow, the UN's aid can be expected to decrease..."

**US DOS, 8 March 2006, Section 2d:**

"According to the government, it also allocated \$44 million (202 billion manat) from the country's oil fund to improve living conditions for IDPs and refugees [in 2005]. During the year [2005] the government constructed new settlements in Agdam, Agjabedi, and Bilasuvar under a 2004 presidential decree to improve living conditions for refugees and IDPs. The State IDP and Refugee Committee's estimated expenditures were \$82 million (377 billion manat). IDPs received monthly food subsidies of \$6 (30 thousand manat) from the government."

**Mercy Corps July 2002:**

"In May 2002 the President of Azerbaijan issued two decrees to improve socioeconomic and shelter conditions of IDPs. These steps were taken within the state program to improve socioeconomic circumstances of IDPs. The first decree aims to provide food to 157,258 IDPs. Within this decree the State Oil Company will grant \$550,000 on a monthly basis to the State Committee for Refugees (SCR).

The second decree is designed to resettle 3719 IDP families (15,500 IDPs) from five refugee camps in Bilesovar and provide them with shelter and economic assistance. In the frame of this decree the president has allotted \$39,500,000 from the Oil Fund of Azerbaijan to the State Committee for Refugees. It its turn the SCR will establish six settlements in Haramli region of Fizuli and thirteen settlements in Bilesovar district in the area between state border with Iran and the Azizbayov channel. Each settlement is designed for 200 families. New settlements are planned to be ready by the end of 2003. The government plans to cover all transportation costs of resettled IDPs and provide them with financial, land and other means in support of agricultural activities in the new settlements."

**See also:**

*Christian Science Monitor, "Azerbaijani oil: a mixed blessing," 30 December 2005*

*Radio Free Europe/Radio Liberty, "Azerbaijan's state oil fund to finance housing for displaced persons", 14 June 2002*

## **International response**

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**Overview: selected international and non governmental initiatives in response to plight of IDPs (2006)**

A number of United Nations actors and other specialized agencies, are present in Azerbaijan, including [UNIFEM](#), [UNFPA](#), [UNHCR](#), [WFP](#), [UNDP](#), [UNICEF](#), [IOM](#), [UNDPI](#), and [WHO](#) as well as financial institutions, such as the [IMF](#) and the [World Bank](#). Current donors to humanitarian assistance for IDPs in the country include the United States, Germany, Japan, Great Britain, Cyprus and the European Union. Additionally, many international non-governmental organisations implement programmes to address the needs of IDPs in the country, including [World Vision](#), [Mercy Corps](#), [OXFAM](#), [IRC](#), [UMCOR](#) and the [NRC](#).

The international community continues to implement a number of initiatives in the country; however it has progressively reduced its attention to IDPs despite the needs on the ground. A state representative notes that humanitarian assistance for refugees and IDPs dropped from 120 million USD in 1994-1995 to approximately 30 million USD in 2005 (US DOS, 8 March 2006, Section 2d). This decrease has been due to a number of factors including the "frozen" nature of the conflict, greater involvement of the government on behalf of IDPs, as well as "donor fatigue" – all of which have contributed to fewer programmes designed to assist IDPs specifically (USCR 2002; UNHCR, September 2004; IWPR, 12 October 2001; UNCHR, 25 January 1999, paras.113 and 116). For example, UNHCR reduced its activities on behalf of IDPs in 2003 due to lack of donor support (UNHCR, February 2003). In October 2006, the Special Rapporteur on the Right to Food expressed concern that a shortage in funding, designated to provide food assistance to over 135,000 IDPs, would seriously undermine the already precarious nutritional status of the displaced (UN Special Rapporteur on the Right to Food, 12 October 2006).

The existence of high levels of poverty, unemployment, and health-related problems not only among the internally displaced, but among the general population led the international community to shift its response from relief assistance to long-term development goals (UN, 2001 pp.2-3). In line with recommendations made by the UN Representative on IDPs, a number of internationally supported projects aim to strengthen national capacity-building and the promotion of self-reliance among the displaced. In 2004, the UN reaffirmed its support with a new framework agreement, the UN Development Assistance Framework Document (UNDAF), planned for 2005-2009 in agreement with the Government of Azerbaijan (UN, 8 April 2004). The UNDAF defines development goals to which UN agencies in the country will contribute during 2005-2009 as well as defines the collaborative response of the UN agencies, government and other respective organisations. The document identifies two national priorities: 1) "the creation of a system of governance that ensures an enabling environment for development, poverty reduction, and respect for rights and freedoms" and 2) "... meeting the basic needs of all people for health and education" (UNCT, April 2004). In line with donor interest and an analysis of the vulnerability of the whole population to poverty, UN programmes will adopt a more holistic approach. As is noted in the UNDAF agreement: "Whereas the CCA (Common Country Assessment) addressed the challenges related to human displacement as one of its main categories for analysis, the UNDAF reflects recent research indicating that poverty and vulnerability affect the population of Azerbaijan as a whole. The Government has clearly identified the segment of the population that is displaced; the current challenge is to target vulnerable people among both the displaced and the general population. This change in focus is consistent with changes in donor interest." (UNCT, April 2004, p.6)

#### **Assistance from UN and other specialized agencies**

The United Nations High Commissioner for Refugees (UNHCR) was among the first international organisations to arrive in Azerbaijan. In 1992, it launched an emergency relief operation, at the request of the government to address the needs of IDPs. As of 1996, the UNHCR began to shift its activities from emergency relief to more durable solutions in the areas of health, shelter, education and income generation. UNHCR has also assisted in facilitating the return of IDPs to accessible areas of origin. It has worked in close cooperation with the government and has implemented a number of initiatives designed to assist the IDP population including shelter assistance, community-based primary education programmes, community mobilisation programmes implemented in IDP schools in Baku and Sumgait, distribution of non-food items to IDPs in different regions, and micro-credit programmes. In 2002-2003, the agency began to scale down its work with IDPs and concentrate on the protection of asylum seekers and refugees. However, it continues to promote durable solutions for IDPs and provide technical expertise to relevant state authorities (UNHCR, September 2004; UNHCR February 2003; UNHCR December 2002, p. 230; UNHCR December 1999; UNHCR September 1999; UNHCR, December 1999). In

2007, UNHCR plans to speak out for the rights of IDPs, including the right to better living conditions, and support the government in the development of a plan for IDP return (UNHCR, November 2006, p.249).

**See also [UNHCR's website](#) , and "[UNHCR Operations in Azerbaijan, 2002-2003](#)" pp.33-34.**

The World Food Programme (WFP) began operating in the country in late 1993 to maintain the nutritional status of the internally displaced persons (IDPs) affected by the conflict and the on-going economic crisis. Between 1994-1999, WFP provided 52,000 tons of food aid to 215,000 beneficiaries under its emergency operation (EMOP). EMOP was followed by protracted relief and recovery operation (PRRO) in July 1999-2002 (WFP 3 April 2002, paras. 11-13). In January 2003, WFP began implementing a new relief and recovery operation (January 2003-December 2005) designed to support 165,000 of the 300,000 IDPs and other vulnerable people in rural areas, with a gradual reduction to 122,000 in the third year. It continues to serve a target population in 23 of Azerbaijan's 58 districts. In 2006, 135,000 IDPs regularly received a basket of fortified food commodities which caters to half the nutritional requirements of an individual, though the food supply to the beneficiary was broken at times due to shortage of funding (WFP, April 2006). From 1994 to 2005, WFP distributed about 130,000 tons of food at a total cost of 100 million USD (WFP, April 2006). The programme objectives are "to contribute to maintaining acceptable nutritional status among IDPs and other vulnerable groups, provide an incentive for school attendance and prevent primary schoolchildren, especially girls, from dropping out, contribute to improving IDPs' living conditions, strengthen their coping capacities and create assets through training and income generation..." (WFP 3 April 2002, p. 3; WFP 14 March 2003, October 2004).

**See also [WFP's website](#)**

UNIFEM has encouraged IDP women's participation in peace building through a number of initiatives implemented under its regional programme, "Women for Conflict Prevention and Peace building in the Southern Caucasus". The aim of the programme is "to increase the capacity of IDP and refugee women to contribute towards and be an active part of the conflict resolution and peace building processes". UNIFEM, together with the Azerbaijani State Committee for refugees and IDPs, conducted more than a dozen skills building workshops for IDP women on conflict resolution, peace building, and prevention in 2002-2003 (UNIFEM, 5 August 2003 ). In 2004-2005, the inclusion of women in the peace building processes continues to be one of UNIFEM's top priorities, including with Security Council Resolution 1325 which promotes the role of women in establishing peace and security worldwide. In keeping with the aim of its regional programme, UNIFEM published a study entitled "The Status of IDP Women in Azerbaijan" in 2006.

**See also [UNIFEM Azerbaijan's website](#) [Internet]**

UNICEF is implementing a project to inform adolescents and young people about high risk behaviour and its consequences. The project is focused on young people at high risk, including IDPs, refugees and other marginalized populations (Azerinews, 9 January 2005). UNICEF and WFP also collaborated in raising the quality of education, school attendance, and family nutritional status. A low-cost family-based early child care and development programme strengthened 34 child development centers in 14 IDP/refugee settlements for 2,570 children, with more than 250 of their female caregivers receiving Food for Work (Office of the UN Resident Coordinator, 3 February 2005).

Since 1999, a number of agencies, including UNDP, UNHCR, the European Union, WFP and the World Bank, have worked with the government to facilitate the voluntary repatriation of IDPs to the liberated areas. The 117 USD Programme (1999-2000) for the resettlement and reconstruction of the liberated areas was designed to support the return of 36,000 IDPs. The programme also included demining, victim assistance and mine-awareness. The process started in 1996 with a UNDP-funded pilot project in the severely damaged settlement of Horadiz in the Fizuli district. The World Bank UNDP, UNHCR, the European Union, and WFP have jointly

committed to financing projects in support of this national program. The program encompasses shelter reconstruction and rehabilitation, employment generation, and rehabilitation, employment generation, and rehabilitation of health care facilities, schools, power and water supplies, transportation facilities, and communication links in the Fizuli, Agdam, and Terter districts. (UNDP, 1999, pp. 52-53; UNDP, 31 December 2000; IRFRC, 6 February 2001)

The International Federation of the Red Cross (IFRC) continued to support IDPs in 2004-2005, mainly by contributing to improve the health of vulnerable groups, including the internally displaced, mainly in the southern camps and the general population in the urban centres of the country, including Baku, Sumgayit, Sabirabad, Mingachevir, Lankaran and Ganja. Its activities for IDPs were focused on health education and prevention. The IFRC's programmes have yielded positive results, including mobilisation of IDP women, who following seminars on personal hygiene and sanitation, mobilised the camp population and organised street cleaning in the camps (IFRC, 2005, IFRC 30 June 2004, IFRC 22 April 2004). Prior to this, the IFRC managed IDP camps in the south, mainly in Belasuavar, Satli and Sabirabad, which were set up in 1992. The IFRC also undertook other key activities to support the self reliance capacity of displaced people, such as psychosocial rehabilitation projects for children in camps and return areas, strengthened the role of women's committees, rehabilitation of houses, and micro-credit schemes (IFRC 22 April 2004, IFRC 21 August 2002). Information on IFRC activities with IDPs in 2006 could not be found among the sources consulted.

**See also [IFRC Azerbaijan website](#)**

The International Committee of the Red Cross (ICRC) focuses its work on missing persons and detainees in connection with the conflict. It has also implemented mine awareness and humanitarian law programmes. It was one of the first non-indigenous organisations working in Nagorno-Karabakh (Greene 1998, p.267). In the Nagorno Karabakh region, it mainly provides support in the health sector and is also building areas where children can play without risk of injuries by

landmines (ICRC, 2005; ICRC 30 June 2002, p. 268; ICRC December 2002, p. 222).

**See also [ICRC Azerbaijan website](#)**

Azerbaijan received some 400 million euros as financial aid from the European Union, but the increase in oil revenues soon made this aid redundant (RFE/RL, 7 November 2006).

#### **Assistance from international financial institutions**

The Asian Development Bank (ADB) reaffirmed that IDPs remain a priority in its programme for Azerbaijan in 2005-2006. ADB loans support four sectors: IDPs, agriculture and rural development, social infrastructure and transport. ADB assistance to the Azerbaijani government to address the needs of the internally displaced has so far been focused on resettlement and rehabilitation of community infrastructure, such as schools. It funded a pilot project where 412 IDP

families living in public school buildings in Mingechevir were resettled and the schools that they had previously been living in were rehabilitated. The 2.5 million USD project was supported by the Government of Japan (2.5 million USD) and the Azerbaijani government (US\$100,000). The project was implemented by the international NGO, World Vision. In 2006, ADB announced that it will continue to support improvements in the living conditions of IDPs, but that this would be integrated into other poverty interventions where possible (ADB, January 2006). In 2005-2006, ADB will continue to support better housing conditions, improvement of educational opportunities and the creation of livelihood income-generating opportunities for IDPs. Five loans have been planned over the next two years. In 2005, the ADB will focus on provision of basic social infrastructure for IDPs, and plans to carry out one or more of three activities: "(i) continued support for the

improvement of IDPs' housing conditions and the construction of new settlements (ii) improvement of education opportunities of IDP children and young adults, and (iii) support for



immediate livelihood and income-generating opportunities” (ADB 24 August 2004, July 2004, 3 October 2004, 14 November 2002, December 2001).

**See also ADB’s “Country Strategy and Program Update 2005-2006”**

The World Bank adopted a new Country Assistance Strategy (CAS) for 2003-2005 that is designed to support the government’s State Program on Poverty Reduction and Economic Development (SPPRED), a programme that identifies IDPs as a particularly vulnerable group (Government of Azerbaijan, 2003). The World Bank has allocated loans towards creating better living conditions for IDPs. It has allocated 20 million USD and an additional 10 million USD for the “Rehabilitation of Liberated Territories” Project to assist relocation of IDPs and rehabilitation within the liberated territories (WB, 2004; WB, 15 July 2004). The WB is also providing funds to assist IDPs gain economic self-reliance via micro credit loans for agriculture and small production. The WB Country Partnership Strategy reflects the objectives of the State Program for Poverty Reduction and Sustainable Development (SPPRSD) for 2006-2015, and rests on four pillars, one of which is improving living conditions and economic opportunities for internally displaced people (WB, 8 December 2006).

**See also World Bank-Azerbaijan site**

#### **Assistance from the private sector**

Additionally, a number of international oil companies operating in Azerbaijan have funded projects for internally displaced people. The International Federation of the Red Cross received assistance from several international oil companies, including EXXON to support its humanitarian work. ENI Group/AGIP, an Italian oil company funded UNHCR settlement projects for IDPs in western and central Azerbaijan (IFRC, 31 December 2000; UNHCR July 2000). National and international organisations continue to receive monetary support from oil companies. The International Rescue Committee (IRC) is implementing a project to reduce IDPs and refugees dependency on external aid in the southern regions of Azerbaijan, with agricultural projects supported by EXXON (Azernews, 22 April 2004). British Petroleum (BP) is financing a project, implemented by a local NGO, HAYAT, to improve social conditions for IDPs in Khirdalan, near Baku (BP, 27 May 2004). More recent information on the support of oil companies for the improvement of IDP living conditions could not be found among the sources consulted.

#### **Assistance from international and national NGOs**

**More information on humanitarian activities by sector can be found on [Azerweb the website of the humanitarian community in Azerbaijan](#)**

Following the conflict, more than forty international NGOs actively assisted IDPs in Azerbaijan (Green 1998, p. 267). A number of NGOs continue to implement programmes in the country.

In January 2004, a Working Group on IDP Issues was established by 10 NGOs: the Norwegian Refugee Council-Azerbaijan, Center for Legal and Economic Education, Azerbaijan Young Lawyers Union, Azerbaijan Community Development, Training, Research and Resource Center, Buta Children Humanitarian Foundation, Potential Union of Sumgayit Experts, Children Rights Protection League, Association of the Young Azerbaijani Friends of Europe and Aran Regional Humanitarian Organisation (NRC, 5 August 2004).

Since 1998, Mercy Corps has overseen a 51 million USD programme, funded by USAID, “to increase community development efforts to integrate, resettle and provide economic opportunities and health care to internally displaced persons and conflict-affect populations within 23 cities and rayons in Azerbaijan” (Mercy Corps 2005). **See also [Mercy Corps Azerbaijan’s website](#).**

In 2002, World Vision began implementing the “Integration of Internally Displaced Persons in Mingachevir Program (IIMP)” in Azerbaijan, in collaboration with the government’s State

Committee on Refugees and Internally Displaced Persons (SCRI). The programme includes the construction of new houses for 412 families who were living in temporary housing, including schools and dormitories. Phase II of the project includes the renovation of four school buildings where IDPs were living (World Vision, 29 October 2003). World Vision also undertakes other humanitarian activities, including distribution of winter clothes and shoes to internally displaced children (World Vision, 15 December 2004). **See also [World Vision's website](#)** .

OXFAM has been present in Azerbaijan since 1992. The organisation continues to implement projects in the country, covering health care, poverty reduction, and civil society development, aimed at reducing the dependence of refugees and IDPs on humanitarian aid (OXFAM, August 2004, November 2004, December 2004). **See also [OXFAM's website](#)** .

International Medical Corps (IMC) has been in Azerbaijan since 1998 and is committed to maintaining programs in Azerbaijan as long as people need assistance and until the IDP situation is resolved. In its current programs, IMC addresses the urgent health care needs of the IDP population and has conducted HIV awareness programmes for IDPs, refugees and health workers based in clinics in IDP settlements (UNHCR, December 2006). **See also [IMC Azerbaijan's website](#)**. The UMCOR clinic provides medicines and primary health care for IDPs free of charge (UNHCR, December 2006). **See also [UMCOR's Azerbaijan website](#)**.

The Norwegian Refugee Council programme aims to help protect and promote IDPs human rights and to contribute to long-term solutions for IDPs through humanitarian assistance. NRC activities include rehabilitating homes and schools, village development, loan programmes to help create jobs and income for IDPs (FMR, May 2004). **See also [NRC's Azerbaijan Programme website](#)**.

***For further detail, please see the [website of the UN in Azerbaijan](#)***

***The international response has also taken the form of conclusions and recommendations of international bodies which Azerbaijan is a member. See Policy and Recommendations section of National and International Response for details.***

## **Legal framework and national policy**

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### **Overview: legislative framework outlining rights of IDPs**

- Under Azerbaijani law, IDPs are called 'Forcibly Displaced Persons'
- The special status of IDPs (FDPs) is described in the Law of the Republic of Azerbaijan on 'Status of Refugees and Persons Forcibly Displaced inside the Country'
- The law declares that the State Committee of the Republic of Azerbaijan on Refugees and Forcibly Displaced Persons is responsible for the registration of FDPs
- In order to be officially recognized as an FDP and benefit from the provisions made by law, it is necessary to apply to this Committee to be registered as an FDP
- A person loses the FDP status if he/she returns to the place of his/her former residence or is provided with other apartment in the same region or if such relocation is impossible and he or she is provided with a proper apartment by a special decree of the state
- Information about other special provisions in Azerbaijani law regarding internally displaced people's rights to freedom of movement, provision of housing, education, income generation, social security and health may be found in the IOM guide referenced below



**IOM, September 2004, pp.38-39:**

"Since the start of the conflict over Nagorno-Karabakh, different legal provisions have been designed to address the different problems that arise from mass displacement. In addition to these legislative acts directly regulating the legal status of IDPs in Azerbaijan, the rights and obligations of IDPs are equally reflected in other normative acts of the Republic of Azerbaijan that govern the legal status of IDPs insofar as citizens of Azerbaijan. The Constitution stipulates that the State shall guarantee the equality of everyone in the exercise of his or her rights and freedoms without any distinction based on race, nationality, religion, language, sex, origin, convictions, political or social belonging.

A comparison of international standards with national legislation reveals that IDPs as defined in international standards are called Forcibly Displaced Persons (FDPs) in national legislation (equating IDPs to FDPs. This can be observed in the title and Article 1 of the law on 'On the Status of Refugees and Persons Forcibly Displaced inside the Country'. (Editorial note: This chapter will follow the terminology used in national legislation, and will therefore speak about Forcibly Displaced Persons). It is not only the terminology that differs, but also the content of the definition.

National legislation defines a 'Forcibly Displaced Person' as a person who, as a result of military aggression or natural or technological disasters on the territory of the Republic of Azerbaijan, has been forced to leave the place of his or her permanent residence and settle in another part of the country.[89] An Azeri citizen, who, due to these reasons, was forced to abandon his or her permanent place of residence in another country and entered the Republic of Azerbaijan, may be awarded the status of FDP.[90] The Law further provides that 'persons who have abandoned their permanent places of residence as a result of ethnic conflict and human rights violations in the Republic of Armenia or other States and have entered the Republic of Azerbaijan without settling there permanently are also regarded as FDPs'.

Furthermore, other legal acts also clarify what is meant by a 'forcibly displaced person'. For instance, the Law on Social Protection of Forcibly Displaced Persons specifically defines a forcibly displaced person, as a different law defines, is a person who has abandoned his or her permanent place of residence on the territory of the Republic of Azerbaijan and moved to another part of the country as a result of foreign aggression, occupation of a part of the country of constant bombardment.

As mentioned before, FDPs are full citizens of Azerbaijan and should therefore enjoy the same protections as any other citizen of the country.

[...]

### 7.3.1 STATUS AND REGISTRATION OF DISPLACED PERSONS

The special status of people forced to leave their places of residence is described in the Law of the Republic of Azerbaijan on 'Status of Refugees and Persons Forcibly Displaced inside the Country'. This law declares that the State Committee of the Republic of Azerbaijan on Refugees and Forcibly Displaced Persons is responsible for the registration of FDPs. In order to be officially recognized as an FDP and benefit from the provisions made by law, it is necessary to apply to this Committee to be registered as an FDP. The Committee must take a decision granting or denying FDP status within 3 months from the date of registration of an application for FDP status.

A person loses the FDP status if:

- he or she returns to the place of his or her former residence or is provided with other apartment in the same region;
- such relocation is impossible and he or she is provided with a proper apartment by a special decree of the state.

There are also a number of other special provisions in Azerbaijani law regarding internally displaced people's rights to freedom of movement, provision of housing, education, income generation, social security and health."

***For further information please download the full guide, "[Informed Migration Guide](#)" which goes into more detail on the provisions affecting IDPs, or contact the IOM Azerbaijan Office ([www.un-az.org/iom](http://www.un-az.org/iom)) to request a copy.***

### **Legal framework protecting IDPs and defining their social benefits (1992-2001)**

- Azerbaijan was the first of the former Soviet States to adopt a national law on internally displaced persons in 1992
- Law on refugees and IDPs was adopted in May 1999, together with a new law on the social protection of IDPs and people with equivalent status
- A February 1998 presidential decree on human rights contains several provisions pertaining to displaced persons
- In practice, refugees and displaced persons reported having to pay for services that were supposed to be free to them under the law

***A new law on the status of refugees and forcibly displaced (persons displaced within the country) persons was adopted on 21 May 1999. See full text of the [1999 law](#) and the [Decree of the President of the Republic of Azerbaijan on the Implementation of the Law "on Status of refugees and forcibly displaced persons"](#), 8 July 1999 (unofficial English translation provided by UNHCR Baku) [[Internal links](#)]***

#### **Government of Azerbaijan, 21 November 2006:**

"In the course of the last three years 12 decrees and instructive orders were issued by the President, 1 legislative act adopted by the Milli Madjlis (Parliament) as well as the Cabinet of Ministers of Azerbaijan approved 39 decisions and instructive orders relating to addressing the problems faced by the IDPs. Up to now, 45 decrees and instructive orders were issued by the President, 23 legislative acts and 202 decisions and instructive orders adopted respectively by the Milli Madjlis (Parliament) and the Cabinet of Ministers."

#### **UN Commission on Human Rights 25 January 1999, para. 41:**

Law on the Status of Refugees and Displaced Persons, 29 September 1992

"Recognition by the Government of Azerbaijan of its responsibilities towards the internally displaced is reflected in the national legislative framework. Azerbaijan was the first of the former Soviet States to adopt a national law on internally displaced persons. Although the Law on the Status of Refugees and Displaced Persons, adopted on 29 September 1992, does not expressly refer to 'internally displaced persons', they are covered by the term 'displaced person', which applies, article 1 stipulates, inter alia, 'to persons having to leave the place of their habitual residence and go to another place on the territory of Azerbaijan."

***See full text of the [1992 Law on the Status of refugees and displaced persons](#) (unofficial English translation provided by UNHCR BO Baku) [[Internal link](#)]***

#### **Social protection:**

**Monthly Inter-Agency Meeting April 2000:**

"[I]n the summer of 1999, the Government ratified a Law on Social Protection of IDPs and People with Equal Status. The Law, along with other relevant measures, envisaged providing IDPs with credits. In compliance with the instruction of the President of the Republic, the Cabinet of Ministers has been working out guidelines for the disbursement of credits to IDPs. However, the credit-givers have not been identified yet due to the current economic and financial constraints, and this fact is impeding completion of the document. A Task Force was set up recently to speed up the preparation process, and the final document is expected to be submitted within 10-15 days. The interest rate for the credits is still uncertain, though it is supposed that the rate will not be higher than that provided by international NGOs. The Law also exempts the internally displaced population from taxes."

**UNHCR 7 March 2001:**

"[T]he Law on Social and Economic Rights of IDPs of May 1999 does not appear to be fully implemented. UNHCR is planning to monitor the implementation of this law and, in partnership with other international and national actors, will raise awareness on the social and economic rights of IDPs and advocate for an effective implementation of this Law."

**UNDP 2000, p. 60:**

"Privileges for IDPs

- In accordance with the Special State Programme, IDPs are given plots for cultivation and pastures in rural areas. These lands are paid through state and municipal funds.
- Loans are given at lower interest rates.
- The government facilitates independent employment and encourages commercial and entrepreneurial activities.
- IDPs are not required to produce any previous employment record when they apply for jobs. During staff reduction programmes, they are given certain privileges.
- If they want to set up an independent business or engage in any entrepreneurial activity, they can get bank loans on favourable terms and conditions.
- If they are unable to work the state pays them social allowances which are equal in amount to the salary they would have received, irrespective of their years of service.
- IDPs are also assured certain privileges if the state privatizes machinery, institutions or enterprises in the occupied territories.
- In their areas of residence they are provided with free health services by medical establishments.
- They are exempt from paying tuition fees to the state's higher and secondary specialized schools and in secondary professional and technical educational establishments
- The costs of shifting from one residence to another is paid for by the state.
- IDPs are exempt from paying for the use of public utilities like water supply, gas, electricity and telephones.
- They are exempt from paying tax and state duties for driving licenses, technical passports, plate numbers or technical reviews of cars purchased before the 1st of July 1994.
- The average wages of IDPs, who worked in budget organizations which are not functional because of unavoidable reasons, are still paid for by the state
- IDP children are provided with free textbooks and teaching aid in all secondary schools."

**USCR 2002, Azerbaijan:**

"In May 1999, the government passed a law on the 'social protection of forcibly displaced persons and persons equated to them' which – on paper – grants refugees, internally displaced persons, and formerly deported Meskhetian Turks the same access to health care, primary and secondary education, and social services as citizens. However, in practice, refugees and displaced persons reported having to pay for the services – including schooling and medical care – that were supposed to be free to them under the law."

**U.S. DOS 4 March 2002, sect. 2d:**

"The Government depends on international assistance to care for refugees and IDP's. The Government provided a minimal allowance to IDP's in the form of a bread allowance of \$4 (18,000 manats) per month per family as well as an additional \$2(9,000 manats) per month for each child. Many IDP's complained of 10 percent 'processing fees' by local officials, further reducing their already meager resources."

**WFP 3 April 2002, para. 16:**

"The Government of Azerbaijan considers the IDP question a top priority, for humanitarian and national security reasons. The September 1998 Presidential Decree, which focused on the displaced population, led to new levels of trust and cooperation between the Government and international organizations. The Government does what it can to provide a generous package of services to IDPs, including exemption from payment of utilities bills, a monthly cash subsidy and child allowance. The bread subsidy was tripled in 2001. Overall, 4.1 percent of the state budget for 2000 was allocated to refugees and IDPs, three times the 1998 amount."

**UNHCR 17 September 2002:**

"By the end of 2001, another presidential decree had also been adopted, this time for abolishment of special social privileges (tax exemptions and free public utilities) of the IDPs and Azeri 'refugees'. The same decree also established minimum social benefit amounts to be paid to IDPs, Azeri 'refugees' and certain other special groups that were affected by the Nagorno Karabakh conflict. These decrees seem to have been aimed in normalizing the status of IDPs by bringing them closer to the rest of the population in terms of social benefits while at the same time reconfirming their special situation. They also abide to the orientations promoted by the IMF concerning subsidized utilities and tax collection."

***See full text of the [Law on "Social Protection of Forcibly Displaced Persons and Persons equated to them"](#), 21 May 1999 and the [Decree of the President of the Republic on Implementation of the Law on "Social Protection of the Forcibly Displaced Persons and Persons equated to them"](#), 8 July 1999 [Internal link]***

***Other provisions:***

**IOM Migration Web, 1997:**

"At the regional level, Azerbaijan has signed the Agreement on Assistance to Refugees and Forced Resettlers, and has ratified the Agreement on Priority Measures to Protect Victims of Armed Conflicts as well as the Convention on the Rights of Persons Belonging to National Minorities."

**UN Commission on Human Rights 25 January 1999, para. 44:**

"Another relevant piece of legislation is the presidential decree on human rights issued in February 1998 in commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights and which contains several provisions pertaining to displaced persons. The decree calls upon the Cabinet of Ministers to formulate proposals for more effectively ensuring the economic and social rights of several particular groups of persons, including refugees and forced migrants. The Ministry of Foreign Affairs is charged with ensuring that applications are made to appropriate international organizations with a view to redressing the rights of refugees and forced migrants violated as a consequence of the conflict, and to obtaining compensation for damage suffered. In this connection, the law further stipulates that representatives of the Government in various international forums are to reinforce efforts for the restoration of the rights of persons displaced by the conflict."

## **Government Decree to remove obstacles to relief and development activities (June 2000)**

- Plan of Action confirms recommendations made by the Azeri President at a conference on "strategic directions towards development" (May 2000)

### **Monthly Inter-Agency Meeting, July 2000:**

"On 30 June 2000, the Cabinet of Ministers issued a Decree # 128 to adopt an Action Programme which aims to follow up the recommendations and instructions made by his Excellency President Heydar Aliyev in his statement at the 18 May Conference on IDP/refugee issues entitled "Strategic Directions Towards Development". The Action Programme will, hopefully, help remove all bureaucratic obstacles impeding the relief and development organizations in addressing the needs of IDPs and refugees in the country."

*See the full text of [Decree 128, 30 June 2000 \(English translation\)](#)*

## **Policy and recommendations**

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### **Council of Europe resolution and recommendations (2005-2006)**

- In 2006, the Council of Europe's Committee of Ministers issued recommendations to all member states on protection of internally displaced persons
- In 2005, the Council of Europe's Parliamentary Assembly called on Armenia and Azerbaijan to submit constructive proposals for settlement of the conflict to each other via the OSCE Minsk Group
- The Assembly also suggested the parties consider using the UN's International Court of Justice

### **COE, 5 April 2006:**

"...Recommends that governments of member states be guided, when formulating their internal legislation and practice, and when faced with internal displacement, by the following principles:

1. The United Nations guiding principles and other relevant international instruments of human rights or humanitarian law apply to all internally displaced persons, including persons displaced from their homes or places of habitual residence due to natural or man-made disasters;
2. Internally displaced persons shall not be discriminated against because of their displacement. Member states should take adequate and effective measures to ensure equal treatment among internally displaced persons and between them and other citizens. This may entail the obligation to consider specific treatment tailored to meet internally displaced persons' needs;
3. Particular attention shall be paid to the protection of persons belonging to national minorities and to the protection and assistance requirements of the most vulnerable groups in accordance with relevant international law standards;
4. Protecting internally displaced persons and their rights as well as providing humanitarian assistance to them is a primary responsibility of the state concerned; Such responsibility entails requesting aid from other states or international organisations if the state concerned is not in a position to provide protection and assistance to its internally displaced persons; This responsibility also entails not to arbitrarily refuse offers from other states or international organisations to provide such aid;

5. Member states shall, in accordance with their obligations under Articles 2, 3 and 5 of the European Convention on Human Rights, take appropriate measures, on the one hand, to prevent acts that may violate internally displaced persons' right to life, to physical integrity and to liberty and security and, on the other, to effectively investigate alleged violations of these rights...Internally displaced persons shall not be sent back to areas where they would face a real risk of being subjected to treatment contrary to Articles 2 and 3 of the European Convention on Human Rights;
6. Member states shall, in accordance with Article 8 of the European Convention on Human Rights, take appropriate measures to facilitate the reunification of families which are separated by internal displacement...
7. Internally displaced persons shall be provided with all documents necessary for the effective exercise of their rights as soon as possible following their displacement and without unreasonable conditions being imposed;
8. Internally displaced persons are entitled to the enjoyment of their property and possessions in accordance with human rights law. In particular, internally displaced persons have the right to repossess the property left behind following their displacement. If internally displaced persons are deprived of their property, such deprivation should give rise to adequate compensation
9. Member states should take appropriate legal and practical measures to enable internally displaced persons to effectively exercise their right to vote in national, regional or local elections and to ensure that this right is not infringed by obstacles of a practical nature;
10. With a view to limiting the adverse consequences of internal displacement, member states should develop preventive measures such as strategic plans, to be implemented in the event of crises which could lead to internal displacement;
11. Internally displaced persons should be properly informed, but also consulted to the extent possible, in respect of any decision affecting their situation prior to, during or after their displacement; Internally displaced person have the right to return voluntarily, in safety and in dignity, to their homes or places of habitual residence, or to resettle in another part of the country in accordance with the European Convention on Human Rights; Conditions for proper and sustainable integration of internally displaced persons following their displacement should be ensured..."

**COE Parliamentary Assembly, 25 January 2005:**

"Armenia and Azerbaijan should actively submit constructive proposals to each other via the OSCE's Minsk Group for achieving a settlement of the Nagorno-Karabakh conflict, the Assembly said today – and if that fails, they should consider using the UN's International Court of Justice. More than ten years after the conflict began, 'considerable parts of the territory of Azerbaijan are still occupied by Armenian forces', the parliamentarians pointed out – adding that occupation of foreign territory by a member state was a grave violation of that state's obligations to the Council of Europe. They called on Azerbaijan to establish contacts with the political representatives of both communities from Nagorno-Karabakh, without preconditions, regarding the future status of the region. The Assembly also offered its help in creating a 'parliamentary dimension' to the Minsk Process."

**See Council of Europe [Recommendation 1690 \(2005\)](#) and Council of Europe [Resolution 1416 \(2005\)](#)[Internet]**

**See also:**

**["Analysis: Council of Europe calls for talks between Azerbaijan, Karabakh leadership"](#), RFE/RL, 26 January 2005**

**["Situation of refugees and displaced persons in Armenia, Azerbaijan and Georgia"](#), report by the Committee on Migration, Refugees and Demography, 4 June 2002**

***Recommendation 1570 (2002) adopted by the Parliamentary Assembly of the Council of Europe, 27 June 2002***  
***Reply to the Parliamentary Assembly by the Committee of Ministers, 14 February 2003***

#### **UN Treaty Bodies: conclusions and recommendations regarding IDPs (2004-2005)**

- The Committees makes numerous recommendations and suggestions, of which a few are included below
- The Committee on the Rights of the Child recommends displaced children are educated together with children from local communities
- The Committee on the Elimination of Racial Discrimination notes discrimination of displaced persons in employment, education, housing and health and urges opportunities be equally available for all citizens
- The Committee on Economic, Social and Cultural Rights encourages the State to ensure all disadvantaged persons, including IDPs, have access to social assistance and recommends to the state to undertake measures to ensure the right of IDPs to adequate housing, food and water, health services and sanitation

#### **UN Committee on the Rights of the Child, 17 March 2006, paras. 18, 32:**

"18. The Committee notes with concern that the compilation of statistics on children suffers from a lack of coordination and regular collection, especially with regard to most vulnerable groups of children, i.e. disabled children, internally displaced persons (IDP) and refugee children as well as children in conflict with the law.

[...]

32. The Committee recommends that the State party continue developing and implementing an effective decentralized system of birth registration and take other measures to facilitate birth registration, in particular for children born from displaced persons, inter alia, by ending the practice of informal fees with a view to achieving registration of all children in the State party by 2010...

58.f) Ensure that refugee and displaced children are placed in schools in the local communities in order to facilitate their integration.

[...]

59. ...the Committee remains concerned that 35 per cent of about 600,000 IDPs and 200,000 refugees are children and that they live in very poor conditions, lacking basic sanitary and hygienic services, potable water and educational facilities among other things.

60. The Committee recommends that the State party, taking into account the Committees 2005 general comment on the treatment of unaccompanied and separated children outside their country of origin:

a) Address the special needs and rights of displaced and refugee children in the State party, and in particular strengthen its efforts to ensure adequate housing and access to essential services..."

#### **UN Committee on the Elimination of Racial Discrimination, 14 April 2005, paras. 12:**

"12. The Committee expresses its concern that asylum-seekers, refugees, stateless persons, displaced persons and long-term residents residing in Azerbaijan experience discrimination in the areas of employment, education, housing and health (article 5).

The Committee urges the State party to continue taking necessary measures in accordance with article 5 of the Convention to ensure equal opportunities for full enjoyment of their economic, social and cultural rights by asylum-seekers, refugees, stateless persons, displaced persons and long-term residents residing in Azerbaijan. The Committee requests the State party to include, in its next periodic report, information on measures taken in this regard, and draws attention of the State party to its general recommendation XXX on discrimination against non-citizens."

**UN Committee on Economic, Social and Cultural Rights, 26 November 2004, paras. 48, 52 and 54:**

"48. The Committee recommends the State party to undertake measures to ensure that social security benefits are adequate. The Committee further recommends the State party to ensure that targeted social assistance depending on family income is guaranteed to all disadvantaged and marginalized persons including refugees and internally displaced persons, and that such assistance does not fall below the subsistence level. The Committee also encourages the State party to consider ratifying ILO Conventions No. 102 on minimum social security standards, No. 117 on social policy (basic aims and standards) and No. 118 on equality of treatment (social security).

[...]

52. The Committee strongly recommends the State party to continue to take effective measures through, *inter alia*, allocation of increased resources, to ensure protection of fundamental economic, social and cultural rights of the refugees and internally displaced persons, in particular with regard to adequate housing, food and water, health services and sanitation.

[...]

54. The Committee recommends the State party to take corrective measures to ensure that Armenians and other ethnic minorities whose properties are illegally occupied by refugees and internally displaced persons be provided with adequate compensation or offered alternative accommodation, in accordance with the guidelines adopted by the Committee and its General Comment No.7. The Committee also recommends that the State party to take necessary measures to guarantee the right to housing to all persons residing under its jurisdiction, and to address the problem of the lack of adequate social housing units in the most expedient manner possible, particularly in Baku. In this connection, the Committee wishes to draw the attention of the State party to its General Comment No. 4 on the right to adequate housing. The Committee further requests the State party to provide, in its third periodic report, detailed information on the number and nature of forced evictions and on the extent of homelessness in the State party."

**NGO Working Group on IDP issues: recommendations to government (2004)**

- The NRC and 9 member organisations established a Working Group on IDP issues on 30 January 2004
- The recommendations listed below are in response to the Presidential Decree of July 2004, instating a new programme to improve the living conditions and increase employment among IDPs
- The recommendations reiterate the importance that the programme be in accordance with the Guiding Principles on Internal Displacement
- The recommendations also underline the importance of including IDPs in the resettlement and relocation processes, the importance supporting micro-credit initiatives, and improved cooperation with international and local humanitarian actors

**NRC-Baku, 4 August 2004:**



*RECOMMENDATIONS of the Norwegian Refugee Council and the member NGOs to the Working Group on IDP issues to the Cabinet of Ministers and the State Committee on Refugees and IDPs on implementation of the “State Program on improvement of living conditions and increase of employment among IDPs and refugees”*

Adoption of the Presidential decree on the 1st of July 2004 approving “the State Program on improvement of living conditions and increase of employment among IDPs and refugees” is a significant sign for increase of the state attention and care to IDPs in the country. Providing IDPs with adequate living conditions, improving infrastructure in the places of settlement and creating employment opportunities are the preconditions for sustainable solution of their problems.

The Norwegian Refugee Council and 9 member NGOs of the Working Group dealing with IDP issues established by the NRC initiative on 30 January 2004, highly appreciate the State Program and declare their readiness to cooperate for its implementation. We do hope that the experience and competence of NRC and its implementing NGOs in assistance and protection of IDPs and refugees gained as a result of many years of work in Azerbaijan will be widely used in the implementation of the State Program.

For the purpose of increasing effectiveness of implementation of “the State Program on improvement of living conditions and increase of employment among IDPs and refugees” and for the full protection of interests and rights of the IDPs, the Norwegian Refugee Council and the organizations member to the Working Group on IDP issues promotes the following proposals to the consideration of the responsible bodies for implementation of the State Program.

## **1. BASIC PRINCIPLES**

1.1 Ensure implementation of the State Program in accordance with the UN Guiding Principles on Internal Displacement and the normative legal acts of Azerbaijan Republic.

1.2 Create conditions for involvement of representatives of IDP communities in planning and implementation stages of the State Program.

1.3 Provide possibility to IDP communities covered in the State Program to participate in decision making process on the issues concerning their situation and lives.

## **2. SELECTION OF NEW PLACES FOR SETTLEMENT AND RELOCATION**

2.1 Facilitate involvement of IDPs or their representatives in the process of selection of the places for new settlements.

2.2 Take adequate measures to provide those to be relocated with full information on the conditions and procedures of relocation.

2.3 Ensure the following conditions during resettlement and relocation of IDP families:

- Guarantee the principles of voluntariness, security and dignity during resettlement and relocation of IDPs;
- Suitability and adequacy of the new resettlement places for inhabitation and agricultural purposes;
- Provision of involvement of IDP communities covered by the Program in planning and implementation of the relocation process;
- Full guarantee of security to returnees and relocated IDPs during return to liberated areas and resettlement in new places of inhabitation.

### **3. INCREASE OF EMPLOYMENT**

- 3.1 Create conditions for micro credit organizations to borrow governmental loans based on the favorable rate.
- 3.2 In order to increase effectiveness of activities of micro credit organizations and enhance their financial indicators, improve the relevant legislation.

### **4. COOPERATION WITH INTERNATIONAL AND LOCAL HUMANITARIAN ORGANIZATIONS**

- 4.1 For the purpose of better coordination of efforts directed towards implementation of the State Program, identification of local needs and consolidation of work for the solution of existing problems, organize cooperation of the appropriate governmental bodies and structure with the international and local humanitarian organizations (through holding regular meetings and dialogues, establishing joint commissions, compilation of joint reports etc.
- 4.2 Involving international and local humanitarian organizations in implementation of activities considered in the State Program (construction, rehabilitation, micro credit services, work in IDP communities etc.) and using their experience.

#### Organizations member to the Working Group on IDP issues:

1. Norwegian Refugee Council – Azerbaijan
2. Center for Legal and Economic Education
3. Azerbaijan Young Lawyers Union
4. Azerbaijan Community Development Training, Research and Resource Center
5. Buta Children Humanitarian Foundation
6. Potensial Union of Sumgayit Experts
7. Children Rights Protection League
8. Association of the Young Azerbaijani Friends of Europe
9. Aran Regional Humanitarian Organization"

### **Recommendations by the UN Special Representative on IDPs following his mission to Azerbaijan (1998-1999)**

- Intensified efforts to settle the conflict are urgently required
- Ensure IDPs basic needs for food, shelter, clothing and medical services are met
- Projects addressing longer-term development needs should be pursued, but in parallel with the continued provision of basic humanitarian relief to those in need
- Educational services and, especially, economic opportunities for the internally displaced need to be improved
- Improve coordination between national and local authorities addressing the needs of the IDPs and safeguard the right to freedom of movement by ensuring the removal of remnants of the propiska system
- Needs assessment in the occupied areas as contingency planning for possible eventual return
- Efforts of conflict resolution and reconciliation should be strengthened
- Alternative durable solutions, such as resettlement and reintegration of the displaced, require greater attention and support

**UNCHR, 25 January 1999, Section V:**

" The following recommendations are made:

(a) There is a need to find a lasting and peaceful solution to the conflict. While the maintenance of the ceasefire for several years now is significant, it is only through a lasting settlement of the conflict that durable solutions can be found for the hundreds of thousands of persons, in Azerbaijan and Armenia, uprooted by the conflict. The prospects for a peaceful resolution of the conflict and for durable solutions for the displaced rest in the hands not only of the Government of Azerbaijan and the authorities of Nagorno-Karabakh, but also depend upon the position taken by Armenia and other powers in the region. Intensified efforts to settle the conflict are urgently required;

(b) In the interim, the tragic plight of the internally displaced must be addressed in a comprehensive and effective manner, with particular attention being paid to ensuring that their most basic needs for food, shelter, clothing and medical services are met. Serious gaps in these areas remain, as the substandard living conditions of many in weather-worn tents, railway carriages and overcrowded public buildings most starkly make evident. Serious problems of malnutrition, other health problems, and problems of sanitation also exist;

(c) A full shift in the approach of the international donor community from relief assistance towards development is premature. To be sure, projects addressing longer-term development needs should be pursued, but in parallel with the continued provision of basic humanitarian relief to those in need and especially to the most vulnerable groups among them, such as the elderly, the disabled and women heads of household, who are likely to continue to need humanitarian assistance regardless of the pace of development. To smooth the transition from dependency to self-reliance, food-for-work programmes, which could usefully be expanded, merit the support of the Government;

(d) Educational services and, especially, economic opportunities for the internally displaced need to be improved. Skills-training programmes, meaningful income-generating activities and opportunities for micro-credit need to be expanded among displaced communities, with the full participation of women;

(e) While resource constraints at present may limit the Government's ability to meet the material needs of the displaced, there are several initiatives involving little or no financial implications which the Government could undertake to improve its response. These include: improving coordination among and between national and local authorities addressing the needs of the internally displaced; reforming legislation governing NGO activity, especially in relation to taxation and their lending activities, in order to create an environment more supportive of NGO work; safeguarding the right to freedom of movement and choice of residence by ensuring the removal of remnants of the propiska system; and ensuring that internally displaced persons are not discriminated against or otherwise negatively affected by the process of land privatization currently under way;

(f) In the light of the stalled momentum in the peace negotiations and, as a result, the dimming of prospects for imminent return, there is a need for a new needs assessment among the hundreds of thousands of internally displaced at present unable to return. As repeatedly noted above, the Representative found that basic needs in the areas of food and potable water, shelter, and medical and sanitation services are not being adequately met. These basic needs must be addressed, through joint efforts of the Government and the international community, with the utmost haste;

(g) For the effective carrying out of all of the above recommendations, there is a need for a meeting to be convened among representatives of the Government, international agencies, NGOs and the donor community at which they would jointly formulate a strategy, develop specific programmes and establish a clear division of labour among themselves in order to address these needs of the internally displaced effectively in the short-, medium- and long-term. Building upon the support for this suggestion expressed during the mission by all parties, and in the light of the pressing needs of the displaced, this meeting should be held without further delay;

(h) Needs assessment in the occupied areas is also required, as contingency planning for possible eventual return. The scale of destruction reported in these areas suggests that considerable reconstruction assistance will be required if return, when possible, is to be sustainable. The cooperation of the Government in making international access to these areas possible is strongly encouraged;

(i) For those areas where return is now possible, a comprehensive mine assessment survey and subsequent mine-clearance programme is imperative. Internally displaced persons should neither be allowed nor encouraged to return to areas which have not been cleared of mines. Strengthened donor support for building national mine-clearance capacity is required. At the same time, the mine-awareness campaign of ICRC should be continued;

(j) Also relating to the safety and sustainability of return, efforts of conflict resolution and reconciliation should be strengthened. A number of local NGOs, especially women's groups, are undertaking important activities in these areas which deserve increased support. If there is large-scale return eventually, such efforts will be essential for promoting the peaceful reintegration and rebuilding of communities;

(k) In the return process, it is essential that the voluntariness of return is assured. While return is evidently the preference of the displaced and the Government alike, the tenacity with which the authorities pursue this goal underscores the need for safeguards to ensure that the return of the displaced truly is voluntary. UNHCR assistance in monitoring the voluntariness of return is required. In this connection, the displaced should be given accurate information concerning the conditions in areas of return;

(l) While continuing to support the ideal of return, alternative durable solutions, that is to say, resettlement and reintegration of the displaced, require greater attention and support. The Government has recently begun to take important steps in this direction, by means of its acceptance of the concept of 'long-stayers', its allowing more permanent shelter for these populations and its willingness to begin supporting some skills-training and income-generating projects. Building upon these initiatives, greater government support is required for promoting self-reliance among the displaced and for durable solutions other than return, which for many remains an elusive goal;

(m) In parallel to promoting greater self-reliance among the displaced, the Government must assume greater responsibility for addressing their plight. To be sure, the magnitude of the displaced population and difficult economic circumstances currently limit the ability of the Government to address fully the needs of the internally displaced by itself and, as a result, continued international assistance is required. In addition to direct assistance to internally displaced persons in need, international support for strengthening the capacity of the Government to discharge its responsibilities towards the displaced should be strengthened and should receive the full support of the Government."

## UN Security Council Resolutions (1993)

*Four UN Security Council Resolutions have been adopted in relation to the conflict (Resolutions 822, 853, 874 and 884) (all adopted in 1993).*

See [1993 UN Security Council Resolutions on Nagorno-Karabakh](#)

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