



STATEMENT BY THE DELEGATION OF THE REPUBLIC OF AZERBAIJAN

Special Human Dimension Committee Meeting “The Human Rights and Fundamental Freedoms of IDPs and Refugees”

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Dear Madam Chair,

Distinguished delegates,

Let me first thank the German Chairmanship, as well as the Finish Chairmanship of the Human Dimension Committee and all those who helped in organising this important event. I hope that our today’s meeting will contribute to finding a way to address problems of refugees and IDPs. With your permission I want to start my intervention with the daring words of the former UN High Commissioner for Refugees and likely the next UN Secretary General Mr Antonio Guterres: “Europe is no longer united; Europe is divided...There is no such a space as a Europe acting together to grant protection to those in need and this is causing enormous suffering to people and a terrible image for Europe in the world”.

Indeed, over the last years, the situation in the world has rapidly changed and we all witness that, unfortunately, these changes are not all in a positive direction. The world did not become more secure. On the contrary, the growing acts of terrorism, conflicts, radicalism, violence and unprecedented mass migration disturb the states and societies, and cause enormous sufferings to individuals. Mass migration from the war-torn Middle East and North Africa and the scenes of death of innocent people, including women and children, en-route to Europe are blood freezing. People try to escape the danger and seek better fortune in other places far away from home but very often instead of understanding and compassion face xenophobia and discrimination. Therefore, I believe that under present circumstances one of the urgent roles of countries, governments and politicians is to put aside the political interests and make consolidated efforts for reducing tensions and creating solid grounds for co-operation, mutual understanding and respect.

International protection of IDPs

The main principles of international protection of refugees are contained in the 1951 Convention Relating to the Status of Refugees and its Additional 1967 Protocol. Those people, who have crossed an internationally recognised border, can be shielded by norms set out by the international refugee law. The same principle, however, cannot be accorded to IDPs, whose protection in international law up to recent times has not been sufficiently promulgated and defined. The existing international law, while providing substantial coverage for the internally displaced, has significant areas in which it fails to provide sufficient protection. There is no single binding document that could be applied to IDPs. The only reference is the UN Guiding Principles on Internal Displacement. Moreover, there is no any international agency with an exclusive mandate on IDPs.

The above-mentioned, however, should not be understood that international law is unable to uphold human rights of the internally displaced. On the contrary, there are a lot of international and regional instruments, which could be deployed on behalf of internally displaced. In contrast to humanitarian law, human rights law takes care of economic and social set of human rights, which must remain respected even in times of war. It is noteworthy also that human rights can provide adequate coverage to IDPs at all stages of forcible displacement, namely during displacement, stay, return and reintegration, and even contain relevant guarantees protecting persons before forcible displacement takes place, what humanitarian law definitely cannot.

National solution

As a country which suffered through the last 25 years from the problem of forcible movement I wish to share with you some of my country's experience. The number of Azerbaijani refugees and IDPs from the Armenia – Azerbaijan Nagorno Karabakh conflict is more than one million. Given its 9,7 million population, Azerbaijan has one of the largest per capita IDP and refugees burden in the world.

Over the years, the Government of Azerbaijan with international community has provided significant resources towards the improvement of overall living conditions for this group of population. This has resulted, first of all, in better housing conditions and a significant decline in the poverty rate among the IDPs and refugees. In 2007 the last IDP camp in the country (12 camps in total) was eliminated. 90 new modern residential complexes were built for IDPs. 46 thousand families or 230 thousand people were provided with the new housing. IDP families are exempted from all utility fees. In order to address social problems of refugees and IDPs, a total amount of USD 6 billion was spent in the last 20 years.

Our achievements in fostering social, educational, medical and economic sustainability of the displaced persons were noticed and commended by many international partners, for instance by W. Swing, IOM Director General, who visited Azerbaijan in September last year.

Despite the enormous efforts made by the Government, the full solution of IDP problems is still very difficult to achieve. About 400 000 IDPs continue to live under difficult conditions in old and unsuitable houses.

The complete restoration of the human rights of IDPs and refugees requires a resolution of the conflict. The Azerbaijani Government has developed a comprehensive repatriation programme called the “Great Return”. This programme is designed to enable IDPs to realise their rights to return to their homes in dignity and safety as soon as the conflict is over.

International response

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

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

Prospects

Despite the above-mentioned positive developments in the protection of refugees and IDPs in Azerbaijan, both old and new problems are affecting their rights. Stronger efforts are necessary to provide IDPs with livelihood opportunities and decrease dependency on government transfers.

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

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

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

Recommendations

The OSCE/ODIHR, CPC and its other executive agencies should strengthen their focus on the activities in the field of protection and promotion of human rights of IDPs and refugees. I hope that the next OSCE Chairmanship will also pay serious attention to this issue and continue the initiatives and efforts in this direction.

There should be stronger co-operation, exchange of views and experiences between the OSCE and the governments of the countries that most suffered from the forcible displacement.

The protection and promotion of Individual rights are very important. But it is not less important to address the violations of rights of a huge group of vulnerable population, such refugees and IDPs. Their rights should be respected, including the right to return. Therefore, OSCE and other international organisations should conduct balanced and fair policies towards the fulfilment of human rights of all and everybody.

Conclusion

In conclusion, let me underline the following. We are all concerned by the alarming increase of refugees and IDPs globally. Indeed, the migration process is something that is very difficult to manage. But for something to be manageable, you have to manage it meaning that you need to have all instruments in place and working effectively.

As seen from the above, the primary responsibility for IDPs and refugees rests with national governments. What is urgently needed is to tackle the root causes of forced displacement, the most primary of which is armed conflicts. Governments and international organisations should stick to the principles of territorial integrity, sovereignty and inviolability of internationally recognised borders of states.

It is also vitally important to strengthen the role of and cooperation with international organisations and institutions, such as OSCE/ODIHR, UNHCR, UN Special Rapporteurs, CoE, ICRC, IOM through exchange of information, joint projects and activities, seminars and conferences.

As you may know, on 19 September there will be a special high level meeting on refugees and migrants within the framework of the UN GA 71st Session. We fully support this initiative and look forward to its political declaration and follow-up.

Thank you very much and I am open to questions.