



## THE ISSUE OF AZERBAIJANI INTERNALLY DISPLACED PEOPLE AND ARMENIAN REFUGEES IN KARABAKH KARABAĞ'DA AZERBAIJANLI YERİNDEN EDİLMİŞ KİŞİLER VE ERMENİ MÜLTECİLER SORUNU

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### Anahtar Kelimeler

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### Özet

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Karabağ sorunu, 1990'lerden günümüze eski Sovyet coğrafyasında devlet ve ulus inşası sürecini derinden etkileyen donmuş çatışmalardan biri olmuştur. Sovyet Sosyalist Cumhuriyetler Birliği'nin (SSCB) dağılmasının ardından bağımsızlığını kazanan Azerbaycan ve Ermenistan'da Karabağ meselesi, toplumlar arasındaki düşmanlık algısının derinleşmesi ve liderlerin yükseliş ve düşüşlerinde belirleyici faktör olmuştur. Bakü ve Erivan için sıfır toplam bir oyun olan Karabağ'da her türlü yenilgi "aşağılanma", her türlü başarı ise "kutlanması gereken en büyük zafer" olarak görülmüştür. Karabağ meselesi Azerbaycanlılar açısından asla taviz verilmemesi gereken bir egemenlik ve toprak bütünlüğü mücadelesidir. Ermenistan açısından ise, tarih boyunca bölgede çoğunlukta olduğunu iddia eden Ermeni nüfusunun varlığına doğrudan bir tehdittir. Birinci Karabağ Savaşı'nda (1991-1994) Ermeni işgali nedeniyle Karabağ'ı terk eden 600.000 civarında Azerbaycanlı yerinden edilmiş kişi (ÜİYEK) bulunmaktadır. 2020'deki İkinci Karabağ Savaşı'ndan sonra sayıları 100.000 civarında olan Karabağ Ermenileri, Karabağ'dan kaçarak Ermenistan'da bir mülteci akınına sebep olmuştur. Bu iki grup, Karabağ'da iki ülke arasındaki toprak bütünlüğü, egemenlik ve self-determinasyon tartışmalarının görünen yüzünü oluşturmaktadır. Kuşkusuz Azerbaycanlı ÜİYEK'ler ve Ermeni mülteciler, savaşın toplumlar üzerindeki yıkıcı etkilerini gözler önüne sermektedir. Karabağ'dan kaçarak Ermenistan'a sığınan Karabağ Ermenilerinin statüsüne ilişkin güncel tartışmalar bulunmaktadır. Bu çalışmada, uluslararası hukuk ile zorla yerinden edilmeye ilişkin siyasi söylem arasındaki farklılıklar konu edinilmektedir. Karabağ sorunundan dolayı ÜİYEK ve mülteci olan kişilerin statülerinin benzeşen ve ayrışan yanları tartışılmış ve bu statülerin, özellikle bireyler açısından önemi vurgulanmıştır.

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### Abstract

From the 1990s to the present, the Karabakh conflict has been one of the frozen conflicts that deeply affected the state and nation-building process in the former Soviet geography. In Azerbaijan and Armenia, which gained independence after the collapse of the Union of Soviet Socialist Republics (USSR), the Karabakh issue has been a determining factor in deepening of perceptions of hostility between societies and the rise and fall of leaders. Any loss in Karabakh, which was a zero-sum game for Baku and Yerevan, was seen as "humiliation" and any success was seen as "the greatest victory that should be celebrated". The Karabakh issue is a struggle for sovereignty and territorial integrity that should never be compromised for Azerbaijanis. For Armenia, it is a direct threat to the existence of the Armenian population, which has claimed to be the majority in the region throughout history. There are around 600,000 Azerbaijani internally displaced persons (IDPs) who left Karabakh due to the Armenian occupation in the First Karabakh War (1991-1994). After the Second Karabakh War in 2020, around 100,000 Karabakh Armenians fled Karabakh, causing a refugee influx in Armenia. These two groups constitute the visible face of the discussions on territorial integrity, sovereignty and self-determination in Karabakh between these two countries. Undoubtedly, Azerbaijani IDPs and Armenian refugees reveal the devastating effects of war on societies. There are current debates regarding the status of Karabakh Armenians, who escaped from Karabakh and took refuge in Armenia. This study focuses on the divergences between international law and the political discourse on forced displacement. The statuses of IDPs and people who became refugees due to the Karabakh conflict were discussed with their similarities and differences

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and their importance especially for individuals is emphasized.



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## I. INTRODUCTION

Karabakh is one of the regions where frozen conflicts, which have been widely discussed since the 1990s, are most intensely experienced in the former Soviet geography. The ceasefire agreement signed between Azerbaijani and Armenian forces in 1994 stopped large-scale clashes. However, due to border violations, this region has become vulnerable to the possibility of being dragged into great chaos by a new spark at any moment. Instability in the South Caucasus has pushed regional or global actors, especially Russia, to take a role in the solution process of the Karabakh issue. In addition to hard security issues, trans-border soft security threats, especially forced displacement, as seen in the Karabakh example, reveal the permeability of the borders of the neighboring states. As a matter of fact, the Second Karabakh War, which began on September 27, 2020, and lasted 44 days, and the ceasefire agreement brokered by Russia, once again revealed the mobility in the region. After this war, Azerbaijan achieved military success by recapturing Karabakh and seven adjacent districts. However, although the war ended with the ceasefire agreement, the elements of instability arising from the conflict have not completely been eliminated.

The effort to use titular nations as a control mechanism against each other through administrative units during the USSR period has left these nations with complex problems rooted in the depths of history in the post-Soviet period. Disagreements between the parties were seen as a zero-sum game in which one's win meant the other's loss, both in the eyes of state leaders and the relevant local communities. Karabakh was perceived as a matter of national pride in both Baku and Yerevan. Ethnic differences and perceptions of hostility played an important role in the background of this conflict, which was seen as a dispute over territory. Therefore, the nationalist elements contained in the Karabakh issue have progressed to a level that will trigger people's threat perceptions beyond the confrontation between the governments in Baku and Yerevan. Therefore, any concession made in war or in resolving the issue led to the punishment of state leaders who were deemed unsuccessful in the eyes of societies, and to increase the legitimacy of leaders who were successful in the conflict.

From this perspective, the politicized social aspect of the Karabakh issue has undoubtedly been IDPs. Azerbaijani IDPs, who were forced to displace within Azerbaijani territory due to the First Karabakh War (1991-1994), played an important role in reminding the trauma of the war and keeping their dreams of return alive. After the Second Karabakh War (2020), the return of IDPs has been intensively encouraged by the Azerbaijani government within the scope of the "Great Return". The Azerbaijani government has tried to create the necessary physical conditions for the return of IDPs by establishing "smart villages" in old settlements. After this war, while Azerbaijani IDPs returned to their homes, Armenians left Karabakh and found themselves as refugees in Armenia. Thus, Karabakh also became an example in terms of refugee status, another form of forced displacement, for hundreds of thousands of Armenians.

In this study, three groups are discussed in terms of their status: Azerbaijanis who were forcibly displaced from the region due to the First Karabakh War, Karabakh Armenians who fled to Armenia after the Second Karabakh War, and Azerbaijanis who returned to the region after this date. The Ceasefire Agreement dated 2020 foresees a return in terms of IDPs and refugees. The study focuses on the differences between the political arguments and legal realities between the parties within the scope of displacement and return. The fact that some requirements in practice may lead to the emergence of new concepts in theory should not be overlooked. However, the attempts to use interchangeably status definitions that are clearly distinct from each other in international sources, such as IDPs and refugee, or to use them beyond their meaning for political reasons or due to lack of knowledge lead to conceptual confusion. The study aims to reveal this conceptual confusion regarding the displacement in Karabakh and to present an objective perspective on the issue.

This region, which is often called "Nagorno-Karabakh" in today's Western-oriented literature, will be referred to as "Karabakh" in the study, including Nagorno-Karabakh and the seven adjacent districts liberated from occupation. Nagorno-Karabakh represents a geographically narrow area, not including these surrounding rayons occupied in the First Karabakh War. Moreover, naming the region as Nagorno-Karabakh and dividing the region into mountainous and lowland areas means dividing the people living there historically and ethnically into Azerbaijanis and Armenians, respectively. From Azerbaijan's perspective, the use of the term Nagorno-Karabakh means supporting the claims of Armenians based on the territorial demands of the so-called Nagorno-Karabakh Republic, which was not recognized by any other state.

Azerbaijan has officially declared that it will use the term “Karabakh” for the entire region captured in the 2020 war.

The study consists of two parts. In the first part, the conceptual and legal framework regarding forced displacement and international protection will be presented. In the second part, the legal framework regarding the return of IDPs and refugees within the scope of the 2020 Ceasefire Agreement will be discussed. In this context, the process of the return of Azerbaijani IDPs who were forcibly displaced due to the Karabakh conflict between 1991 and 1994 to their former settlements will be evaluated. In the same section, the status of Armenians who left Karabakh and took refuge in Armenia due to the new political and social dynamics in the region after 2020 will be discussed from legal and political perspectives.

## **II. CONCEPTUAL CLARIFICATION: FORCED DISPLACEMENT AND THE STATUS ISSUE**

The first group that comes to mind in terms of forced displacement and international protection, is asylum seekers and refugees, but people in refugee-like situation, individuals under United Nations High Commissioner for Refugees (UNHCR)’s stateless mandate and people in need of international protection are also included in this scope. Apart from these groups, there is another group with a different status: IDPs. IDPs, who do not cross any borders but are forcibly displaced within their own country, are less known than refugees. Within the scope of forced displacement, there is permeability between legal concepts in terms of status. In other words, individuals can move from one status to another. For example, a person who is an IDP within the borders of his own country may become an asylum seeker or refugee in another country overtime. The status of individuals is crucial in terms of the rights they gain. For this reason, it is important to draw attention to this status permeability and make clear definitions.

As statistical data regarding the mentioned groups, the total number of forcibly displaced people by the end of 2023 is 117.3 million, while the total population protected and/or assisted by UNHCR is 122.6 million people. The total number of forcibly displaced people includes refugees, asylum seekers, other persons in need of international protection and IDPs. This figure covers refugees and other displaced persons who do not fall within UNHCR’s mandate. However, it excludes groups such as returnees and non-displaced stateless persons. 122.6 million people include, in addition to people in this situation, those who returned to their old settlements in the previous year, stateless persons, many of whom have not been forcibly displaced, and other groups to whom UNHCR has expanded the scope of protection and assistance for humanitarian reasons. There are 5.3 million people in this situation<sup>1</sup>.

Since refugees and IDPs are constantly on the move between countries or within the country, their numbers vary from different sources and periods. As mentioned above, someone with IDP status can later enter the borders of another country and become an asylum seeker or refugee. In addition, the criteria of international institutions regarding who will be included in this scope may change. While Internal Displacement Monitoring Center (IDMC) reports that there are 68.3 million IDPs worldwide, UNHCR reports that there are 63.3 million IDPs affected by conflicts by the end of 2023. UNHCR draws these numbers from two separate sources: IDMC’s IDP statistics add up total forcibly displaced people, while IDPs protected/supported by UNHCR are included in the total population protected and/or assisted by UNHCR<sup>2</sup>.

Someone seeking refugee status first becomes an asylum seeker. The only universal agreement regarding asylum is the Convention Relating to the Status of Refugees dated 28.07.1951 and the Additional Protocol dated 16.12.1966, signed under the umbrella of the United Nations (UN). Regional agreements signed in South America, Africa and Europe should also be cited as examples of legal legislation<sup>3</sup>. In international law, the individual does only have the “right to seek asylum”. Granting the right of asylum to the individual is not an obligation for the state, but a privilege granted to the state.<sup>4</sup> However, the principle of non-refoulement of asylum seekers and refugees which was included in the 1951 Geneva Convention has been an important step for the individual regarding his/her rights.<sup>5</sup>

An asylum seeker is looking for international protection and aims to achieve refugee status or complementary protection status. Obligated to flee their homes because of war, persecution and human rights violations, these people fear violence or threats to their lives or freedom. Not all asylum seekers may be eligible for refugee status, but all refugees may have been asylum seekers at one time or another. As of the end of 2023, there were approximately 6.9 million people worldwide waiting for the outcome of their asylum applications<sup>6</sup>.

<sup>1</sup>United Nations High Commissioner for Refugees (UNHCR): “Refugee Data Finder, Overview (Refugee Data)”, <https://www.unhcr.org/refugee-statistics/insights/explainers/forcibly-displaced-pocs.html>, (Access: 10.04.2024).

<sup>2</sup>UNHCR, Refugee Data.

<sup>3</sup>PAZARCI, Hüseyin/DENK Erdem: *Uluslararası Hukuk*, Revised 23<sup>rd</sup> Edition, Doruk Kitabevi, Ankara 2024, p.233; UNHCR, “Convention and Protocol Relating to the Status of Refugees (Convention and Protocol)”, <https://www.unhcr.org/media/convention-and-protocol-relating-status-refugees>, (Access: 15.05.2024); SUR, Melda: *Uluslararası Hukukun Esasları*, Revised 12<sup>th</sup> Edition, Beta Basım Yayın Dağıtım, İstanbul 2018, p.118-121.

<sup>4</sup>ÇİÇEKLİ, Bülent: *Yabancılar Hukuku*, Seçkin Yayıncılık, Ankara 2007, p.60.

<sup>5</sup>UNHCR, Convention and Protocol, Article 33/1.

<sup>6</sup>UNHCR: “Who is an ‘Asylum-seeker?’”, <https://www.unhcr.org/asylum-seekers>, (Access: 10.03.2024).

The 1951 Convention Relating to the Status of Refugees and the 1967 Protocol define the term refugee and describe their rights and international standards of treatment for their protection<sup>7</sup>. Persons who can be considered refugees in the Convention are defined as follows:

“As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it”<sup>8</sup>.

In accordance with international law and on the basis of family unity, offspring of refugees and their grandchildren are accepted as refugees until a permanent solution is provided. Both United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and UNHCR recognize the grandchildren as refugees on this basis; and donors and host countries have commonly agreed on this principle<sup>9</sup>.

As mentioned above, UNHCR has recently introduced a new concept, “people in refugee-like situation.” UNHCR’s definition is as follows:

“People in refugee-like situation refers to a category which is descriptive in nature and includes groups of people who are outside their country or territory of origin and who face protection risks similar to those of refugees, but for whom refugee status has, for practical or other reasons, not been ascertained”<sup>10</sup>.

UNHCR Armenia underlines that Armenians who fled Nagorno-Karabakh and Syria as a result of the conflicts that broke out in 2016 and 2020 are “persons in a refugee-like situation.” According to UNHCR estimates, as of July 2021, the number of people living in a refugee-like situation in Armenia is 42,023, of which 36,989 are people in a refugee-like situation due to the Nagorno-Karabakh conflict and 4,461 Syrian-Armenian people<sup>11</sup>. Interestingly, this statistic has changed afterwards. It is declared that as of December 2023, Armenia hosts 150,725 forcibly displaced persons including 145,966 refugees, 4,124 persons in refugee-like situation, 635 asylum seekers and 520 stateless persons<sup>12</sup>.

War, political instability, ecological disasters, economic problems, ethnic, religious and inter-tribal conflicts may cause not only border crossing but also internal displacement.<sup>13</sup> The concept of IDPs is stated in the Guiding Principles on Internal Displacement as follows:

“Internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized border”<sup>14</sup>.

As mentioned above, there are 68.3 million IDPs displaced due to conflict and violence in 66 countries as of the end of 2023. There were also an additional 7.7 million IDPs displaced because of disasters in the same year. Total number of IDPs is 75.9 globally. This figure was 71.1 in 2022<sup>15</sup>.

Based on international human rights law, international humanitarian law and refugee law, the Guiding Principles consist of 30 principles that determines the needs and rights of IDPs during displacement, return and reintegration process. The Guiding Principles also underlines the obligations of national authorities, international organizations and non-state actors to these people<sup>16</sup>. States are encouraged to incorporate these principles into their national legislative frameworks, but they are not binding on them<sup>17</sup>.

Internal displacement is an issue that requires a solution as urgently as the refugee issue today, and even more due to the high number of IDPs. While UNHCR creates the conditions required for the protection of refugees on the basis of their right to asylum and right to non-refoulement, IDPs do not have such protection. There is no international agreement or international organization that will provide this protection

<sup>7</sup>UNHCR: “The 1951 Refugee Convention”, <https://www.unhcr.org/about-unhcr/who-we-are/1951-refugee-convention>, (Access: 11.04.2024).

<sup>8</sup>UNHCR, Convention and Protocol, General Provisions, Article 1/2.

<sup>9</sup>United Nations (UN): “Refugees (Refugees)”, <https://www.un.org/en/global-issues/refugees>, (Access: 11.06.2024).

<sup>10</sup>UNHCR: “Refugee Data Finder, Persons Who Are Forcibly Displaced, Stateless and Others of Concern to UNHCR”, <https://www.unhcr.org/refugee-statistics/methodology/definition/>, (Access: 12.07.2024).

<sup>11</sup>UNHCR Armenia: “Persons in a Refugee-like Situation (Persons in a Refugee-like Situation)”, [https://www.unhcr.org/am/en/persons-in-refugee-like-situation#:~:text=Persons%20in%20a%20refugee%2Dlike%20situation%20are%20“groups%20of%20persons,”%20\(UHCR%2C%202013.](https://www.unhcr.org/am/en/persons-in-refugee-like-situation#:~:text=Persons%20in%20a%20refugee%2Dlike%20situation%20are%20“groups%20of%20persons,”%20(UHCR%2C%202013.) (Access: 01.04.2024).

<sup>12</sup>UNHCR: “Refugees and Asylum-Seekers”, <https://www.unhcr.org/am/en/refugees-asylum-seekers>, (Access: 25.07.2024).

<sup>13</sup>GÜN, Zübeyir: “Mülteci ve Göçmenlerle Yapılacak Alan Çalışmaları için Perspektifler: Bir Ön Çalışma,” in Çelebi, Özlen/Özçürümez Saim/Türkay, Şirin (Ed.), İltica, Uluslararası Göç ve Vatansızlık: Kuram, Gözlem ve Politika, Birleşmiş Milletler Mülteciler Yüksek Komiserliği, Ankara 2011,p.274.

<sup>14</sup>United Nations Office for the Coordination of Humanitarian Affairs (OCHA): “Guiding Principles on Internal Displacement (Guiding Principles)”, 1998, E/CN.4/1998/53/Add.2 <https://www.unocha.org/publications/report/world/guiding-principles-internal-displacement-0>. (Access: 17.07.2024).

<sup>15</sup>Internal Displacement Monitoring Center (IDMC): “Global Report on Internal Displacement 2024”, <https://api.internal-displacement.org/sites/default/files/publications/documents/IDMC-GRID-2024-Global-Report-on-Internal-Displacement.pdf>, (Access: 10.08.2024).

<sup>16</sup>GOLDMAN, Robert K.: “Internal Displacement: The Guiding Principles on Internal Displacement-Normative Status, and the Need for Effective Domestic Implementation”, *ISIL Year Book of International Humanitarian and Refugee Law*, 7, 2007, p.270-272.

<sup>17</sup>WYNDHAM, Jessica: "A Developing Trend: Laws and Policies on Internal Displacement", Human Rights Brief, 14(1), 2006, p.7.



for IDPs. The Guiding Principles underline that the primary responsibility for IDPs is assumed by the state, but that the international community plays a crucial role when governments fail to fulfill these responsibilities<sup>18</sup>.

Some terms used regarding forced displacement may cause conceptual confusion. UN bodies are looking for ways to help refugees and IDPs, sometimes referred to as “internal refugees”, with a comprehensive approach<sup>19</sup>. The occasional use of this expression for IDPs makes it difficult to understand the distinction between the two groups. It is also common for people seeking asylum in other countries to be called “displaced persons”. However, a difference is made by calling people who have to relocate within a country for different reasons as “IDPs”, that is, by adding the word “internally”<sup>20</sup>. Not using this expression or using it in a way that is contrary to the case in question will create confusion.

As another concept, people in an IDP-like situation are defined by UNHCR as follows:

“People in an IDP-like situation refers to a category which is descriptive in nature and includes groups of people who are inside their country of nationality or habitual residence and who face protection risks similar to those of IDPs but who, for practical or other reasons, could not be reported as such”<sup>21</sup>.

Stateless people have a different status than refugees due to their special situation.<sup>22</sup> 1954 Convention relating to the Status of Stateless Persons contains detailed regulations regarding stateless persons.<sup>23</sup> Deprived of their citizenship rights by governments, the majority of stateless people are forcibly displaced people.<sup>24</sup> UNHCR announces that at the end of 2023, there is a total of 4.4 million stateless people worldwide, and 1.3 million of them are forcibly displaced<sup>25</sup>. “Individuals under UNHCR’s statelessness mandate are defined under the 1954 Convention Relating to the Status of Stateless People as those not considered as nationals by any State under the operation of its law”<sup>26</sup>. In addition, millions of stateless people are excluded from the scope of UNHCR’s mandate. These people are deprived of citizenship and denied access to fundamental rights such as education, health, employment and freedom of movement<sup>27</sup>.

Finally, UNHCR defines other persons in need of international protection as follows:

“Other people in need of international protection refers to people who are outside their country or territory of origin, typically because they have been forcibly displaced across international borders, who have not been reported under other categories (asylum-seekers, refugees, people in refugee-like situations) but who likely need international protection, including protection against forced return, as well as access to basic services on a temporary or longer-term basis”<sup>28</sup>.

### **III. CONCEPTUAL CONFUSION IN THE KARABAKH ISSUE: INTERNALLY DISPLACED PERSONS AND REFUGEES**

#### **A. The Ceasefire Agreement and the Legal Framework of the “Great Return” of Azerbaijani IDPs**

Since the beginning of the first conflicts, the Nagorno-Karabakh issue has been the focus of various actors. The reasons for this include the region’s large oil reserves, its strategic location in terms of the transit of natural resources, especially oil, intense lobbying activities of the Armenians, and the political and economic interests of global actors as well as regional actors such as Iran and Russia. Nagorno-Karabakh and surrounding districts, which were under the administration of Azerbaijan SSR during the USSR period, were taken over by Armenians after 1991. Nagorno-Karabakh constitutes one quarter of historical Karabakh. It includes Mardakan, Khankendi, Hadrut and other small settlements in the southwest of Azerbaijan. It constitutes 5% of the territory of Azerbaijan with a surface area of 4,388 km<sup>229</sup>.

According to the 1989 Soviet census, the inhabitants of Nagorno-Karabakh were 76.9% ethnic Armenians, 21.5% ethnic Azeris and 1.6% others. Unlike Nagorno-Karabakh, seven surrounding rayons were predominantly populated by ethnic Azerbaijanis, but they left these territories following the 1994

<sup>18</sup>COHEN, Roberta/DENG Francis M.: “Mass Displacement Caused by Conflicts and One-sided Violence: National and International Responses”, SIPRI Yearbook 2009: Armaments, Disarmament and International Security, Security and Conflicts, 2009, p.27-28; OCHA, Guiding Principles.

<sup>19</sup>UNHCR: “UNHCR’s Operational Experience with Internally Displaced Persons”, Geneva 1994.

<sup>20</sup>PAZARCI/DENK, p.235.

<sup>21</sup>UNHCR, Refugee Data Finder.

<sup>22</sup>ODMAN, M. Tevfik: Vatansızların Hukuki Durumu ve Türk Hukuku, Çağ Üniversitesi Yayınları No: 15, Hukuk Fakültesi Yayınları No: 7, Adana January 2011, p.8.;For more information please see ODMAN, M. Tevfik: Mülteci Hukuku, AÜ. SBF. İnsan Hakları Merkezi Yayınları No: 15, Ankara 1995, p.84-94.

<sup>23</sup>UNHCR: “Convention Relating to the Status of Stateless Persons”, [https://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-Stateless-Persons\\_ENG.pdf](https://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-Stateless-Persons_ENG.pdf), (Access: 12.03.2025).

<sup>24</sup>BMMYK: Dünya Mültecilerinin Durumu Bir İnsanlık Sorunu, Oxford University Press, Oxford 1997, p.6.

<sup>25</sup>UNHCR, Refugee Data.

<sup>26</sup>UNHCR, Refugee Data Finder.

<sup>27</sup>UN, Refugees.

<sup>28</sup>UNHCR, Refugee Data Finder.

<sup>29</sup>DEMİR, Ali Faik: Türk Dış Politikası Perspektifinden Güney Kafkasya, Bağlam Yayınları, İstanbul 2003, p.160-161.;For the first violent incidents and their historical and sociological roots ÇAĞLA, Cengiz: Azerbaycan’da Milliyetçilik ve Politika, Bağlam Yayıncılık, Ankara 2022, p.53.;YILDIRIM, Dursun/ÖZÖNDER, M. Cihat: Karabağ Dosyası, 2<sup>nd</sup> Edition, Türk Kültürünü Araştırma Enstitüsü Yayınları: 118, Seri: III, Sayı: A31, Ankara 1991, p.21.;ATTAR, Aygün (Haşimzade): Karabağ Sorunu Kapsamında Ermeniler ve Ermeni Siyaseti, Atatürk Araştırma Merkezi, Ankara 2012.;AYDINGÜN, İsmail/BALIM, Çiğdem (Ed.): Bağımsızlıklarının Yirminci Yılında Azerbaycan, Gürcistan ve Ukrayna, Türk Dilli Halklar-Türkiye ile İlişkileri, Atatürk Kültür Merkezi, Ankara 2012.;GARİBOV, Mahir: XX. Yüzyılda Ermenistan-Azerbaycan Dağlık Karabağ Sorunu, Atatürk Araştırma Merkezi, Ankara 2017.;KASIMLI, Cavid/EFEGİL, Ertan (Ed.), Dağlık Karabağ Üzerine Yazılar, Gündoğan Yayınları, İstanbul Aralık 2014.;ÖZARSLAN, Bahadır Bumin (Ed.), Kanayan Yara Karabağ, Astana Yayınları, Ankara 2016.

Ceasefire Agreement. In Shusha, at that time, 92% of the population consisted of ethnic Azeris, 7% ethnic Armenians and 1% others<sup>30</sup>.

Due to the violent incidents in Nagorno-Karabakh between 1991 and 1994, Armenians had to flee Azerbaijan to Armenia, and Azerbaijanis had to flee Armenia, Nagorno-Karabakh and Armenia-occupied Azerbaijani lands within Azerbaijan to Azerbaijan. In this period, around 600,000 people were forcibly displaced from Nagorno-Karabakh and the seven districts occupied by Armenia and received IDP status in Azerbaijan<sup>31</sup>. According to IDMC's current data, 658,000 people are displaced in Azerbaijan by the end of 2023. In 2020, when the war took place, this figure was 735,000<sup>32</sup>. IDPs have been scattered all over Azerbaijan and settled in many places. There were 216,389 IDPs in Baku, 52,669 in Fuzuli and 57,867 in Sumgait<sup>33</sup>.

The Ceasefire Agreement signed after the First Nagorno-Karabakh War<sup>34</sup> included articles regarding the return of Azerbaijani IDPs, but the return could not take place due to the Armenian occupation. The issue of return was also included in the prepared plans and proposals regarding the peaceful solution of the conflict<sup>35</sup>. Two of the UN Security Council Resolutions on the Nagorno-Karabakh conflict (Resolution 874 of October 1993 and Resolution 884 of 12 November 1993) expressly require the Secretary-General and relevant international organizations to ensure emergency humanitarian aid to the affected civilian people and to support refugees and IDPs. It calls on people to help them return home safely and with dignity. In 2005, the Azerbaijani government developed several guiding principles covering future returns and prepared an action plan to inform IDPs and evaluate their willingness to return<sup>36</sup>.

Azerbaijani forces recaptured more than 300 settlements, including the cities of Jabrayil, Fuzuli, Zangilan, Gubadli and Shusha in the Second Karabakh War. The war ended with the tripartite declaration signed by Armenia, Azerbaijan and Russia, which entered into force on November 10, 2020. Within the scope of the agreement, Yerevan also gave back the occupied Aghdam, Kalbajar and Lachin districts to Baku<sup>37</sup>. Russia played a significant role in the conflict resolution by mediating the ceasefire agreement that stopped the clashes among the parties. Moscow has also increased its strategic weight by deploying troops in Karabakh for more than three years. Russian forces have started to be withdrawn from the region as of April 2024<sup>38</sup> and this process was completed in June 2024<sup>39</sup>.

In accordance with the Article 7 of the Ceasefire Agreement, IDPs, who had to leave Nagorno-Karabakh and adjacent rayons due to the war and settle in other regions within Azerbaijan, and refugees who went outside Azerbaijan, will return to the lands they left under the control of UNHCR. Armenian refugees and refugees who were previously displaced from Baku, Sumgait and other regions of Azerbaijan in the early 1990s, or Azerbaijanis who left Armenia and settled in Azerbaijan are not included in the scope of return<sup>40</sup>.

Although more than three decades passed since their forced displacement, IDPs in Azerbaijan have continued their lives under difficult conditions. For the Azerbaijani government, the "Great Return", which includes the return of IDPs to Karabakh and surrounding regions, has been a priority goal<sup>41</sup>. For Azerbaijani state authorities, creating the necessary conditions for return has been more important than social, political and economic integration of these people into the Azerbaijani society. The integration of this group has been perceived as compromising the return to Karabakh. The return of IDPs means the restoration of sovereignty in the territories lost.

Azerbaijan has established legislation regarding the IDP population since the early 1990s and laid the foundations of important institutions. In connection with the "Law on the Status of IDPs and Refugees"

<sup>30</sup>UNHCR: "Key Considerations for Returns to Nagorno Karabakh and the Adjacent Districts (Key Considerations)", <https://www.refworld.org/pdfid/5fc0e1e24.pdf>, (Access: 20.01.2024).

<sup>31</sup>Reliefweb: "Azerbaijan: As Azerbaijani Forces Assume Full Control over Nagorno-Karabakh, It Must Respect and Protect the Rights of Local Ethnic Armenians", <https://reliefweb.int/report/azerbaijan/azerbaijan-azerbaijani-forces-assume-full-control-over-nagorno-karabakh-it-must-respect-and-protect-rights-local-ethnic-armenians>, (Access: 31.07.2024); UNHCR, Key Considerations.

<sup>32</sup>IDMC: "Country Profile: Azerbaijan", <https://www.internal-displacement.org/countries/azerbaijan>, (Access: 10.01.2024).

<sup>33</sup>UNHCR, Key Considerations.

<sup>34</sup>UN: "The Bishkek Protocol", <https://peacemaker.un.org/sites/peacemaker.un.org/files/Bishkek%20Protocol.pdf>, (Access: 03.04.2023).

<sup>35</sup>İSAYEV, Tuğçe: "İkinci Dağlık Karabağ Savaşı Sonrasında İmzalanan Ateşkes Andlaşması'na göre Azerbaycanlı Göçmenlerin Yerlerine Dönüşü", İnönü Üniversitesi Hukuk Fakültesi Dergisi, 14(1), 2023, p.155; Organization for Security and Cooperation in Europe (OSCE): "Statement by the OSCE Minsk Group Co-Chair Countries", <https://www.osce.org/mg/51152>, (Access: 19.01.2024).

<sup>36</sup>UNHCR, Key Considerations.; President of the Republic of Azerbaijan: "Statement by the President of the Republic of Azerbaijan, Prime Minister of the Republic of Armenia and President of the Russian Federation", <https://president.az/en/articles/view/45923>, (Access: 25.05.2024).

<sup>37</sup>President of the Republic of Azerbaijan.; HAJIYEVA, Gunay: "More Azerbaijanis Resettle in Liberated Lands under Great Return Program", <https://caspiannews.com/news-detail/more-azerbaijanis-resettle-in-liberated-lands-under-great-return-program-2023-10-26-14/>, (Access: 22.01.2024).

<sup>38</sup>Associated Press: "Russia Begins Withdrawing Peacekeeping Forces from Karabakh, Now under Full Azerbaijan Control", <https://apnews.com/article/russia-azerbaijan-withdrawal-f60ed4e9ca5e78c071b77a2fa57cd765>, (Access: 11.07.2024).

<sup>39</sup>The Moscow Times: "Russian Peacekeepers Complete Withdrawal from Nagorno-Karabakh", <https://www.themoscowtimes.com/2024/06/12/russian-peacekeepers-complete-withdrawal-from-nagorno-karabakh-a85385>, (Access: 12.07.2024).

<sup>40</sup>UNHCR, Key Considerations.; President of the Republic of Azerbaijan.; İSAYEV, p.160-163.

<sup>41</sup>Trend News Agency: "'Great Return Program is Being Successfully Implemented,' President Ilham Aliyev", <https://en.trend.az/azerbaijan/politics/3689984.html>, (Access: 02.01.2023).

adopted in 1992, the Presidential decree of January 5, 1993 changed the name of “The State Committee of Azerbaijan SSR on Work with the People, Compelled to Leave Their Inhabitancy Places.” This committee had been founded according to the Decree of the Supreme Body Presidium of Azerbaijan SSR of September 19, 1989. The new name of the committee became “The State Committee for Refugee and IDP issues of the Republic of Azerbaijan”<sup>42</sup>. According to Article 10 of the law, this institution has duties such as registering IDPs and granting them status and documents. Thanks to this legal and institutional framework, Azerbaijani authorities achieved the temporary settlement of IDPs until a solution was found for the conflict<sup>43</sup>.

Two laws regarding IDPs were enacted in Azerbaijan. The first is “Law on IDP and Refugee Status”<sup>44</sup> and the other is the “Law on Social Protection of Internally Displaced Persons and Persons Equated to Them”<sup>45</sup>. The Law on IDP and Refugee Status, enacted on 21 May 1999, distinguishes two basic concepts: refugees (Azerbaijani: qaçqın) and IDPs (Azerbaijani: məcburi köçkün).

The definition of *qaçqın*, in other words refugees, in Azerbaijan legislation, complies with the definition in the Convention Relating to the Legal Status of Refugees dated 1951. Within the framework of this definition, Azerbaijanis who were forcibly displaced from Armenia to Azerbaijan due to the Nagorno-Karabakh conflict in 1988 later had refugee status in terms of international law and Azerbaijani law<sup>46</sup>.

In accordance with the same law, the term, forcibly displaced person (*məcburi köçkün*, IDP) complies with the definition of IDPs in the Guiding Principles<sup>47</sup> and is described as a person who has to be displaced from his/her home and change his/her location due to military aggression, natural and man-made disasters on the territory of the Republic of Azerbaijan<sup>48</sup>. Azerbaijanis who were displaced within the borders of Azerbaijan due to the Armenian occupation during the First Karabakh War had the status of IDP in accordance with international and Azerbaijani law. Although refugees and IDPs are defined differently in Azerbaijani law, Azerbaijan has granted refugee status to all these people. Thus, these people had the same legal status in terms of their right, although this situation caused confusion in some sources<sup>49</sup>.

From 1993 to 2004, various actors (individual states, financial institutions, and international humanitarian and development organizations) provided more than \$640 million humanitarian assistance to refugees, IDPs and low-income persons. In 1994-1995, 70-75 million dollars were spent annually on projects carried out by international and local humanitarian aid and development organizations. In 1999, in line with Heydar Aliyev’s request to the UN World Food Program Headquarters, the organization’s activity period in Azerbaijan was exceptionally extended until the end of 2005. With the international support received in 1999, houses, social facilities and water lines were built for IDPs in various regions of Azerbaijan. Although international aid decreased in 2001 and dropped to approximately \$34 million in 2004, the Azerbaijani government continued to increase its aid to these people thanks to the funds allocated from the State Oil Fund<sup>50</sup>. Baku’s significant financial support for the IDP population to live in better conditions has led to it gaining more legitimacy and sympathy both nationally and internationally.

After its victory in the Second Karabakh War, Azerbaijan accelerated its return efforts by implementing new projects in the abandoned regions. President of Azerbaijan, İlham Aliyev said in 2021, just a year after the war, “As we have left the conflict behind, large-scale construction work is carried out in the liberated territories. Azerbaijan is building new cities and towns from the scratch by applying the modern urban planning and utilizing the concepts of ‘smart city’ and ‘smart village’”<sup>51</sup>.

The smart village concept brings technology and innovation to rural areas. It aims to modernize and facilitate the lives of the communities with digital technologies, improve living standards and public services, and decrease environmental risks. The smart village project, to which Aliyev personally attaches great importance, was launched in Aghali in April 2021 during his visit to Zangilan. A residential block has been

<sup>42</sup>State Committee for Affairs of Refugees and Internally Displaced Persons of the Republic of Azerbaijan: “History” <http://idp.gov.az/en/content/1/parent/1>, (Access: 23.08.2023); “State Committee for Affairs of Refugees and Internally Displaced Persons of the Republic of Azerbaijan” is used in the English version of its website.

<sup>43</sup>UNHCR, Key Considerations.

<sup>44</sup>Refworld: “Azerbaijan: Law No. 668-1Q of 1999, Law on IDP and Refugee Status”, <https://www.refworld.org/legal/legislation/natlegbod/1999/en/18120>, (Access: 30.07.2024); State Committee for Affairs of Refugees and Internally Displaced Persons of the Republic of Azerbaijan: “Qaçqınların və Məcburi Köçkünlərin (ölkə daxilində köçürülmüş şəxslərin) Statusu Haqqında (Qaçqınların və Məcburi Köçkünlərin)”, <http://idp.gov.az/en/law/93/parent/15>, (Access: 23.08.2023).

<sup>45</sup>Refworld: “Azerbaijan: Law No. 669-1Q of 1999 on Social Protection of Internally Displaced Persons and Persons Equated to Them”, <https://www.refworld.org/legal/legislation/natlegbod/1999/en/35646>, (Access: 30.07.2024); State Committee for Affairs of Refugees and Internally Displaced Persons of the Republic of Azerbaijan: “Məcburi Köçkünlərin və Onlara Bərabər Tutulan Şəxslərin Sosial Müdafiəsi Haqqında”, <http://idp.gov.az/en/law/92/parent/15>, (Access: 23.08.2023).

<sup>46</sup>İSAYEV, p.158.

<sup>47</sup>OCHA, Guiding Principles.

<sup>48</sup>State Committee for Affairs of Refugees and Internally Displaced Persons of the Republic of Azerbaijan, Qaçqınların və Məcburi Köçkünlərin.

<sup>49</sup>İSAYEV, p.158-159.

<sup>50</sup>State Committee for Affairs of Refugees and Internally Displaced Persons of the Republic of Azerbaijan: “Statecare”, <http://idp.gov.az/en/care/parent/21>, (Access: 23.08.2023).

<sup>51</sup>UN General Assembly: “76th session, 11th plenary meeting, Annex V Address by Mr. İlham Heydar oğlu Aliyev, President of the Republic of Azerbaijan”, A/76/PV.11, <https://documents.un.org/doc/undoc/gen/n21/262/85/pdf/n2126285.pdf>, (Access: 16.08.2024).



built on an area of 110 hectares in this village. The cost of reconstruction and restoration projects was 2.2 billion manats (\$1.3 billion)<sup>52</sup>.

According to the Baku government, around 150,000 Azerbaijanis expressed their desire to settle in Nagorno-Karabakh<sup>53</sup>. It should be added that the return of IDPs will not only be to Nagorno-Karabakh but also to a wider area, including the seven liberated rayons. Following the Great Return program, which was formalized by a Presidential decree in November 2022, more than 2000 people who previously had IDP status were settled in at least 2 cities and 3 villages. The authorities state that they have spent approximately \$7 billion on the reconstruction processes in Karabakh since November 2020<sup>54</sup>.

On July 19, 2022, 96 displaced family members returned to Aghali, the first area designed as a smart village as mentioned above. Since 2022, former IDPs have been placed in temporary residences in various parts of Azerbaijan, in Zangilan, Fuzuli and Lachin districts, as well as in Talysh village of Tartar district<sup>55</sup>. The resettlement of 6,000 IDPs has been carried out in 5 strategically developed settlements so far. In 2024, some 35 families, 134 people in total, returned to Fuzuli. 2,379 people have been settled in Fuzuli with these new families. By the end of 2024, the program aims to ensure the reintegration of 20,000 former IDPs into five cities and 15 villages<sup>56</sup>. The first phase of the Great Return Program is planned to be completed by the end of 2026, allowing 34,500 families or 140,000 people to return to the territories in the Karabakh and Eastern Zangazur regions, where 34,500 residences will be established<sup>57</sup>.

### **B. Karabakh Armenian Refugees in the Focus of Discourse, Action and Legal Debates**

Internal displacement in Armenia due to the Karabakh conflict did not start with the 2020 war. Its origins date back to the first years of independence. UNHCR cited the main reason of internal displacement in Armenia in the early 1990s as the bombing of border villages in the Nagorno-Karabakh conflict. A series of decrees and instructions were issued by Yerevan to provide aid to 2800 people who had to flee Artsvashen. Apart from this region, it is not possible to talk about a comprehensive regulation protecting IDPs<sup>58</sup>. According to IDMC's current data, the number of IDP in Armenia as of the end of 2023 is given as 7,600<sup>59</sup>.

Armenians who fled Karabakh to Armenia after the 2020 war are discussed in the context of forced displacement. In this sense, forced displacement can be understood as displacement within a country or to another country by crossing the border. People who were forcibly displaced due to the Karabakh conflict are IDPs in Azerbaijan and refugees in Armenia, since these lands belong to Azerbaijan.

In addition, UNHCR recommends the term preferred by the Armenian officials for spontaneous arrivals in case of refugee-like situation. People in refugee-like situation are defined as such:

"The term 'refugee' is used for ease of reference while acknowledging that some of those who left Nagorno-Karabakh and the adjacent districts would likely not qualify for refugee status under the 1951 Convention due to their nationality but find themselves in a refugee-like situation. In public communications, UNHCR proposes to use the terminology used by the Armenian authorities, i.e. spontaneous arrivals, in view of political, legal and practical considerations (impossibility to assess complex individual profiles in the emergency context)"<sup>60</sup>.

In the ceasefire brokered after the Second Karabakh War, there was no article regarding Armenian refugees who left Nagorno-Karabakh. When Aliyev declared the surrender of the Karabakh authorities on September 20, he talked about his view for the future of Karabakh Armenian in the region: "I am sure that the Armenian population living in Karabakh will soon see a change for the better," he said and continued, "We intend to build a life together based on peace, mutual understanding, and mutual respect. We have no problems with the Armenian people. We have no enmity"<sup>61</sup>. Azerbaijan called on the Karabakh Armenians to stay and integrate with the Azerbaijani society but also emphasized respect for their individual and personal decisions to leave<sup>62</sup>.

Azerbaijan State Migration Service launched a portal for Karabakh Armenians to participate in the reintegration process<sup>63</sup>. UN International Court of Justice ruled that Azerbaijan must ensure that the refugees may return if they wish. The right to return have been commonly accepted and supported by national

<sup>52</sup>MEHDIYEV, Mushvig: "Internally Displaced Azerbaijanis May Soon Start Returning to Liberated Zangilan", <https://caspiannews.com/news-detail/internally-displaced-azerbaijanis-may-soon-start-returning-to-liberated-zangilan-2021-10-22-0/>, (Access: 10.06.2022).

<sup>53</sup>GÓRECKI, Wojciech: "Exodus of Armenians from Nagorno-Karabakh", <https://www.osw.waw.pl/en/publikacje/analyses/2023-10-03/exodus-armenians-nagorno-karabakh>, (Access: 16.07.2023).

<sup>54</sup>NATIQQIZI, Ulkar: "Displaced Azerbaijanis Eye Return to Nagorny Karabakh", <https://iwpr.net/global-voices/displaced-azerbaijanis-eye-return-nagorny-karabakh>, (Access: 14.01.2023).

<sup>55</sup>HAIJEVA.

<sup>56</sup>KARIMLI, İlham: "Another 35 Families Settle in Fuzuli under Azerbaijan's 'Great Return' Program", <https://caspiannews.com/news-detail/another-35-families-settle-in-fuzuli-under-azerbaijans-great-return-program-2024-3-28-0/>, (Access: 27.07.2024).

<sup>57</sup>HAIJEVA.

<sup>58</sup>Refworld: "UNHCR CDR Background Paper on Refugees and Asylum Seekers from Armenia", <https://www.refworld.org/docid/3ae6a6560.html>, (Access: 25.01.2024).

<sup>59</sup>IDMC: "Country Profile: Armenia", <https://www.internal-displacement.org/countries/armenia>, (Access: 24.01.2024).

<sup>60</sup>UNHCR, Key Considerations.

<sup>61</sup>KUCERA, Jochua: "Despite the Warm Welcome, Karabakh Refugees in Armenia Are Struggling, Unsure Where to Go Next", <https://www.rferl.org/a/karabakh-refugees-armenia-welcome-struggling-azerbaijan/32743624.html>, (Access: 27.04.2024).

<sup>62</sup>GÓRECKI.

<sup>63</sup>KUCERA.



authorities and international actors. However, 80% of Armenian refugees did not seem eager to settle Nagorno-Karabakh, according to Gegham Stepanyan, who served as a human rights ombudsman of the de facto Nagorno-Karabakh Republic which was dissolved at the end of 2023<sup>64</sup>. As a matter of fact, as of October 1, 2020, there were only 50 to 1000 Armenians in Karabakh<sup>65</sup>. According to International Committee of the Red Cross (ICRC), the number of remaining ethnic Armenians is around 25 today<sup>66</sup>. As can be seen, this figure is quite symbolic for the Armenian population in Karabakh.

The reasons why Karabakh Armenians fled Karabakh include uncertainty, anxiety and fear<sup>67</sup>. Many Armenians fled, because they did not believe that their language, religion and culture would be guaranteed, despite the positive statements of the Azerbaijani authorities<sup>68</sup>. Armenians have concerns about the lack of democratic freedom in Azerbaijan. They are also afraid of facing criminal charges. There is a prevailing belief among Armenians that Azerbaijani IDPs or their descendants who will return may be acting out of revenge<sup>69</sup>.

OCHA points out that 120.000 Armenians were living in Nagorno-Karabakh.<sup>70</sup> The population of Nagorno-Karabakh before the last war and the population of neighboring rayons is estimated to be approximately 150,000 people in total. The 150,000 figure comprises the original inhabitants of Nagorno-Karabakh who stayed in the region in the course of the conflict in the 1990s or those who returned just after the clashes. This figure also includes people who came to settle in Nagorno-Karabakh and neighboring regions but are not originally from there<sup>71</sup>.

According to UNHCR data, 91,000 people fled to Armenia due to the 2020 war in Nagorno-Karabakh and its surroundings. Approximately 88% of these people were women, children and the elderly<sup>72</sup>. International Crisis Group also shows the number of refugees who had to leave Nagorno-Karabakh as 100,000<sup>73</sup>. According to the Armenian government, the statistics for people forcibly displaced from Nagorno-Karabakh to Armenia are 100,632 as of October 16, 2023. Approximately 2,500 Armenians which were in this group left Armenia<sup>74</sup>.

Considering these figures, it can be concluded that one in every thirty people in Armenia became refugee after 2020. Most of Karabakh Armenians live in Yerevan. These people have faced some difficulties in Armenia in accessing employment, housing and personal belongings<sup>75</sup>. The Armenian government is struggling with resource determination and planning problems in the face of refugee influx<sup>76</sup>. Yerevan provided two beds and a one-time payment of 100,000 drams (one-off payment of \$250) to these people<sup>77</sup>. Additionally, the Armenian government allocated financial aid of 50,000 drams (approximately \$125) to refugees to meet their expenses for rent and utilities. Some additional payments were also made in 2023<sup>78</sup>. The average monthly salary in Armenia to cover rent and basic needs was around \$668 in that year<sup>79</sup>. As can be seen, the amount of aid provided to the refugees remained quite insufficient.

The European Union (EU) promised €17 millions of aid in return for the cash payments made by Armenia to Armenian refugees. However, due to bureaucratic obstacles, EU was late in delivering the aid. UN bodies and ICRC also provided humanitarian aid, although they had problems collecting donations. In October 2023, UNHCR supposed that Yerevan would require \$97 million to meet the fundamental needs of refugees through the end of March. Apart from the EU's commitment, 60 international and local organizations raised 47% of this amount. To close the gap, Armenia received a credit from the World Bank and is exploring other global sources for loans. In addition, Armenian diaspora organizations in Europe and United States continue to work to raise extra funds from individual states and private donors<sup>80</sup>.

<sup>64</sup>SZECHENYI, Bence X./CHAKARIAN, Ella: "Karabakh Refugees Grappling with New Realities", <https://eurasianet.org/karabakh-refugees-grappling-with-new-realities>, (Access: 27.06.2024).

<sup>65</sup>GÓRECKI.

<sup>66</sup>KUCERA.

<sup>67</sup>UN: "Karabakh Emergency Escalates, Thousands Still Pouring into Armenia: UN Agencies", <https://news.un.org/en/story/2023/09/1141662>, (Access: 17.01.2024).

<sup>68</sup>Al-Jazeera: "Armenia Says more than 100,000 People Fled Nagorno-Karabakh" 30 September 2023 <https://www.aljazeera.com/news/2023/9/30/more-than-80-percent-of-nagorno-karabakh-people-have-fled-armenia-govt>, (Access: 20.01.2024).

<sup>69</sup>GÓRECKI.

<sup>70</sup>Reliefweb: "Which Future Do We Have?: Stories from Refugees in Armenia (Which Future Do We Have)", <https://reliefweb.int/report/armenia/which-future-do-we-have-stories-refugees-armenia>, (Access: 20.01.2024).

<sup>71</sup>UNHCR, Key Considerations.

<sup>72</sup>UNHCR: "Persons in a Refugee-like Situation", <https://www.unhcr.org/am/en/persons-in-refugee-like-situation>, (Access: 19.01.2024); UNHCR Armenia, Persons in a Refugee-like Situation.

<sup>73</sup>VARTANYAN, Olesya: "Armenia Struggles to Cope with Exodus from Nagorno-Karabakh", <https://www.crisisgroup.org/europe-central-asia/caucasus/armenian-azerbaijani-conflict-armenia/armenia-struggles-cope-exodus>, (Access: 15.05.2023).

<sup>74</sup>Reliefweb: "Armenia – Refugees Crisis (DG ECHO Partners, Armenian Government, UN) (Armenia – Refugees Crisis)", <https://reliefweb.int/report/armenia/armenia-refugees-crisis-dg-echo-partners-armenian-government-un-echo-daily-flash-18-october-2023>, (Access: 23.01.2024).

<sup>75</sup>Reliefweb, Which Future Do We Have.; KUCERA.; Reliefweb, Armenia – Refugees Crisis.

<sup>76</sup>VARTANYAN.

<sup>77</sup>LIGHT, Felix: "Karabakh Refugees in Armenia Face Uncertainty and Poverty in Exile", <https://www.reuters.com/world/asia-pacific/karabakh-refugees-armenia-face-uncertainty-poverty-exile-2023-12-04/>, (Access: 23.01.2024).

<sup>78</sup>SHAHVERDYAN, Lilit: "Armenia to Offer Refugee Status to Displaced Karabakhis", <https://eurasianet.org/armenia-to-offer-refugee-status-to-displaced-karabakhis>, (Access: 24.01.2024).

<sup>79</sup>VARTANYAN.

<sup>80</sup>VARTANYAN.; UN Armenia: "Nagorno-Karabakh Crisis Support", <https://armenia.un.org/en/132322-nagorno-karabakh-crisis>.

As for Armenia's domestic legislation regarding forced displacement, the law called "On Refugees and Asylum" provides asylum seekers and refugees with property rights, the right to paid employment, social security and medical care, including the right to education and temporary shelter. The law incorporates the UN 1951 Refugee Convention and its 1967 Protocol, to which Armenia is a party, into domestic law. The process for recognizing refugee status and providing asylum to other nationals and stateless persons are described in this legislation. However, it does not contain provisions regarding the recognition of the status of IDPs<sup>81</sup>.

The status of Nagorno-Karabakh Armenians in Armenia is problematic and open to debate. In the words of an Armenian researcher, since the "Nagorno-Karabakh Republic" is not recognized as an independent state, Nagorno-Karabakh Armenians cannot benefit from the protection rights for refugees. Since they are considered "Artsakh citizens" when they enter Armenia, they cannot obtain IDP status. According to the same author, if the Armenian government opens the way for dual citizenship for Armenians fled "Artsakh", their rights as IDPs may be guaranteed. The Armenian government grants forcibly displaced Armenians similar rights guaranteed to refugees and asylum seekers in Armenia's legislation, even though they do not have refugee status<sup>82</sup>. As can be seen, there is confusion regarding the statuses in these expressions.

At the Council of Ministers session on October 26, 2023, the Armenian government granted "temporary protection status" to approximately 100,000 refugees who left Nagorno-Karabakh and came to Armenia for one year, which can be extended with a new approval. Prime Minister Nikol Pashinyan stated that this new status, which came into force in January 2024, will make the protection of their rights easier not only at home but also abroad. "Persons registered as residents of Nagorno-Karabakh, persons living in Armenia or abroad whose last registered address was in Nagorno-Karabakh, and persons who were not registered in Nagorno-Karabakh but lived there and were registered by the Armenian Migration and Citizenship Service as entering the country after September 19" could have temporary protection status. People who have citizenship of another country cannot benefit from this right<sup>83</sup>.

Pashinyan said that the other option for former Karabakh residents is to obtain Armenian citizenship. This statement caused surprise and anger among many Karabakh residents, who already considered themselves Armenian citizens, because they had an Armenian passport since 1999. Artyom Sujyan, one of the advisors to the Minister of Justice, said that the passports were given as international travel documents upon an agreement reached by the Ministers of Internal Affairs of the Republic of Armenia and "Nagorno-Karabakh Republic." As a matter of fact, the passports of Karabakh Armenians carry the special code "070" and they have never been able to benefit from the political rights of Armenian citizens, such as voting. The new law allows these people to apply for Armenian citizenship and have political rights and social rights such as state pensions. However, this may become an impediment to social assistance available to people who have had refugee status<sup>84</sup>.

#### IV. CONCLUSION

The findings of this article can be divided into three, based on conceptual, societal and political/governmental implications. Firstly, as a conceptual finding, there is a status confusion for those forcibly displaced from Karabakh. Armenians forcibly displaced from Karabakh are considered refugees. Since the Karabakh territories do not belong to Armenians, Armenians who left the region and came under Azerbaijani rule cannot be considered as IDPs. UNHCR and researchers working on forced displacement agree unequivocally that internal displacement can only be evaluated in terms of forcibly displaced people from one place to another within the territory of a country. However, the definitions of IDPs and refugee are generally confused and sometimes used interchangeably.

The reasons for this status confusion can be diverse. Some of them are as follows:

Both types of displacement—that is, internal displacement and displacement across an international border—were experienced in Karabakh by different ethnic groups. In other words, the same case provides appropriate examples on two separate issues.

The definitions of refugee and IDPs, two statuses of forced displacement, can sometimes be confused due to limited knowledge of legal definitions and sometimes due to concerns about political discourse. However, blurring the boundaries between statuses for political purposes is not a legally acceptable situation.

Forced displacement of people, together with the new developments in practice, has led to the emergence of new concepts in international law. These concepts include people in refugee-like situation -as it is used for Karabakh Armenians- and IDP-like situation. The emergence of new statuses due to needs may necessitate new rights and obligations. However, the lines between statuses can become even more blurred with the addition of gray areas that can be either against or in favor of status holders and permeability between these statuses.

response, (Access: 10.07.2024).

<sup>81</sup>AVEDIAN, Lillian: "Displaced Armenians of Artsakh Receive Aid, But No Status", <https://armenianweekly.com/2021/01/27/displaced-armenians-of-artsakh-receive-aid-but-no-status/>, (Access: 20.01.2024).

<sup>82</sup>AVEDIAN.

<sup>83</sup>SHAHVERDYAN.

<sup>84</sup>SHAHVERDYAN.

The fact that IDPs in Azerbaijan and refugees and people in refugee-like situation in Armenia are given the same rights as refugees in the domestic legislation of these countries further deepens this conceptual complexity.

Studies on IDPs in other geographical regions, including Azerbaijan and Armenia, are new and fewer in number compared to studies on refugees. In fact, the number of IDPs exceeds the number of refugees worldwide in the last 10 years. Despite this, as mentioned above, IDPs are confused with refugees, and even the concept of “internal refugee” is used for IDPs.

Someone who is an IDP today has a very high potential to become a refugee in the future if their social and economic problems are not solved and safe return conditions are not provided. Revealing the difference between these two groups is necessary to work effectively on the causes and solution processes of forced displacement. Ending the status confusion is also important in terms of investigating the possibilities of forcibly displaced people to benefit from the rights appropriate to their status in the countries they go to and to return.

The second finding of this research is based on a societal implication. The social and political reflections of the Karabakh issue, which has its origins in the territorial disputes and ethnic conflict, need to be evaluated together. The Karabakh issue is beyond a political polemic that can be understood only through the lenses of leaders. This problem has also been shaped by the negative perceptions of Azerbaijani and Armenian communities towards each other. The negative stereotypes determine the discourse of leaders who want to increase their legitimacy by gaining the support of their people.

In Azerbaijan, this debate is based on how many IDPs want to return or not. During more than three decades, IDPs have established families in their new settlements. There is a possibility that their family members will also return with them. In addition, some IDPs who have created a new social and economic living space in these new settlements may not even consider returning.

150,000 Azerbaijanis who are expected to return worry 100,000 Karabakh Armenians who fled to Armenia. Armenians have concerns about the reflections of displacement experienced by Azerbaijanis in the past and current social dynamics that may be shaped under the influence of these traumatic experiences. Karabakh Armenians do not also believe that they will be able to get their political and cultural rights.

Third finding is related to political and governmental implication. Both Baku and Yerevan show similar reflexes in increasing their legitimacy by drawing attention to the Karabakh issue at home and abroad. This issue is open to politicization and securitization at both national and global level.

The Karabakh issue, which remains in memories with traumatic events in history, still serves as a mirror for politicians that magnifies successes and failures. In other words, IDPs and refugees have always been the most important subjects that make the destructiveness of war and the magic of victory more evident and visible. These groups are also likely to be instrumentalized for victimization policies.

In Azerbaijan, IDPs have benefited from state protection and support for a long time. Azerbaijan, which has the responsibility of protecting IDPs as stated in the Guiding Principles, was prepared for these people in terms of both its legal legislation and assistance.

Armenia aids these people with limited resources and accepts international support. Yerevan produces alternative solutions, including citizenship, for the status of these people in the future. If Karabakh Armenians become Armenian citizens, they will be deprived of the rights provided for refugees. However, they will have basic citizenship rights and duties such as voting. This situation creates a dilemma of “either being a citizen or a refugee” for the Karabakh Armenians. It is debatable which option Karabakh Armenians will choose.

Azerbaijan, where 20% of its territory was occupied for more than three decades and one-sixth of its population is IDPs, has taken on great financial obligations with the support and aid provided to IDPs. Azerbaijani officials had difficulties to make their voices heard. It seems that, thanks to the support of the diaspora, Armenia has the opportunity to draw attention to the problems of refugees, who constitute one-thirtieth of its society, more effectively. Moreover, this point has been reached in the last four years, which is a shorter period compared to Azerbaijan.

In the final analysis, forced displacement and the size of displaced groups, as in Karabakh, can be politicized and instrumentalized to justify their cause by states. However, statuses are individual-oriented and functions as a security armor for these individuals in terms of providing rights.

The Karabakh case constitutes a suitable example for addressing different types of forced displacement and provides significant data for other case studies in terms of status debates. The political, economic and social problems created by the Karabakh conflict, and the difficulties faced by forcibly displaced people will undoubtedly be the subject of new research. Third actors have been involved in this issue at the practical or discourse level and instrumentalized it. Therefore, the political discourses of national and international actors on IDPs and refugees can be another subject of study that requires further analysis. For all these reasons, Karabakh will maintain its place on the agenda after the 2020 war, this time regarding the return and settlement of those forcibly displaced after the conflict and will continue to set an example for similar cases.

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