



QƏRBİ AZƏRBAYCAN İCMASI
WESTERN AZERBAIJAN COMMUNITY

THE CONCEPT OF RETURN

**The concept on ensuring peaceful, safe and dignified return of
Azerbaijanis expelled from nowadays Armenia**

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1. Introduction

The organization, which was established as the "the Society of Azerbaijani Refugees" in 1989 and was renamed to "the Western Azerbaijan Community" in 2022 (hereinafter referred to as "Community"), deals with the protection of the rights of Azerbaijanis expelled from the territory of nowadays Armenia.

This Concept defines the general framework for the objectives, principles, preparatory and implementation measures of the activity to be carried out by the Community for the return of Azerbaijanis forcibly deported from the territory of nowadays Armenia. The Concept is based on international law, relevant domestic law, historical facts, and serves to ensure justice and peace.

2. Description of the problem

The people of Azerbaijan have suffered greatly from armed conflicts, occupation, ethnic cleansing, forced relocation and genocide during the last two centuries. The complete expulsion of Azerbaijanis from the current territory of Armenia, where they once constituted an absolute majority, was completed in 1991. As a result of the ethnic cleansing, that area is now inhabited by explosively ethnic Armenians.

The ethnic cleansing committed against Azerbaijanis in most cases was carried out with systematic efforts of state authorities by committing violence, genocidal acts, massacres and other crimes against humanity and gross violations of human rights. This process was particularly violent and cruel in 1905-1906, 1918-1921, 1948-1953 and 1987-1991. The results of these acts, especially the deeds of the entities called "the Republic of Armenia" and "the Republic of Mountainous Armenia" in 1918-21, the Soviet Union, in particular, its notorious leader Joseph Stalin, who transferred Zangezur and other Azerbaijani-majority areas to Armenia in 1921 and signed a racist order on the deportation of a hundred thousand ethnic Azerbaijanis from Armenia, as well as the actions committed by the Armenian SSR in 1987-1991 still remain unredressed.

Azerbaijani historical and cultural heritage, including mosques and graveyards in nowadays Armenia, were destroyed on a large scale, toponyms were changed, and systematic racial discrimination was carried out against Azerbaijanis. The persons involved in ethnic cleansing and other crimes against ethnic Azerbaijanis and their deeds are glorified at the state level in Armenia.

This unprecedented injustice created a sense of impunity among the ruling circles of Armenia and encouraged them to raise territorial claims, use force, conduct military occupation against the internationally-recognized territories of the Republic of Azerbaijan, further large-scale ethnic cleansing, and other crimes against humanity.

The victorious self-defense operation conducted by the Republic of Azerbaijan in 2020 against the military attack and occupation of Armenia is a milestone event in restoring justice, and increased the prospects of peace between the two countries. On the other hand, the inability of Azerbaijanis who were expelled from the territory of nowadays Armenia to return to their homeland, the continuation of the policy of mono-ethnic statehood, ethnic cleansing and systematic racial discrimination in this country represent an immense injustice, which represents a great obstacle to the establishment of lasting peace.

3. Goals, objectives and approach

The Community does not accept the injustice committed against Western Azerbaijanis during the last two centuries and rejects its consequences. Based on the right to return enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention Relating to the Status of Refugees and other important international acts, the Community declares the creation of conditions for the return of Azerbaijanis expelled from the territory of nowadays Armenia to their homeland and ensuring their individual and collective rights after the return as its primary goal. The main objectives and principles of the activity to be implemented within the concept are as follows:

- Obtaining a legally binding international agreement with an appropriate verification and guarantee mechanism ensuring the voluntary return of Azerbaijanis expelled from the territory of nowadays Armenia to their homeland in safety and dignity;
- Securing the return process with appropriate security, humanitarian, socio-economic assistance programs;
- Establishment of international monitoring, accountability, security, intervention and other necessary activities to prevent a renewed expelling, discrimination and harm to the returned population;
- Ensuring sustainable rehabilitation and re-integration of returnees through the implementation of reconstruction and reconciliation measures under international supervision.

As a legitimate representative of Western Azerbaijanis for decades, the Community will play an active role in the return process, will make efforts to conduct dialogue and cooperation with the relevant states and international organizations as an interested party and will strive to be recognized as the legitimate interlocutor by them.

The special bond of Western Azerbaijanis with Azerbaijan, which has taken care of them for a long time, should be taken into account, and an opportunity should be created for them to conduct unhindered contact with the Republic of Azerbaijan after returning to their homeland.

The return process should restore the settlement geography and configuration of Western Azerbaijanis that existed before the expulsion. Attempts to disperse Azerbaijani returnees under various pretexts and legal tricks during their return will be rejected as a form of racism and a harmful approach, creating a hindrance for reintegration. Deviation from this principle can only take place based on the free will and consent of the persons concerned.

The decision of an expellee to return shall be voluntary and he/she must be fully informed of his/her rights and opportunities to make this decision. It has to be taken into account that a person with the right to return can make the decision only after he/she is assured of returning to his/her homeland in dignity and safety, of allocation of adequate guarantees and sufficient resources for him/her during the return process and to be able to build his/her life after the return, and of ensuring the individual and collective rights in his/her historical homeland.

During the return process, the interests of women, children and vulnerable social groups will be considered the main priority, and internationally-accepted, progressive concepts and standards in this field, including the "Women, peace and security" approach, will play a leading role.

The Community understands that there has been a deep animosity between the Armenian and Azerbaijani peoples over the last two centuries and that a significant number of people are currently suffering from security problems as a result of Armenia's unlawful acts under international law, and considers that the responsibility for all the political, security, legal, social and humanitarian problems that have arisen rests with Armenia. While accepting the humanitarian urgency as an objective criterion in the peaceful settlement of security problems, the Community considers the duration, in which injustice and breaches of law remain unaddressed, as the main criterion for focusing international attention with a view to establish sustainable peace.

Thus, the longer the crime and injustice remain unaddressed, the stronger the sense of impunity becomes and the graver the injustice becomes. This, in turn, encourages *fait accompli* as well as inhumane, harmful and dangerous approaches like offsetting an injustice by perpetrating a graver injustice. In this regard, the Community believes that the issue of the restoration of the rights of Western Azerbaijanis, who have been facing an immense injustice, must be among the first issues to be dealt with in the context of maintenance of regional security and the restoration of relations between Armenia and Azerbaijan.

4. The main topics of planning and implementation

While recognizing the right to return as a supreme principle of international law and human rights, the Community understands that this process will not be easy. The Community expects that the main obstacle to the realization of the right to return will be the resistance of Armenia. In addition, the return process involves the resolution of significant legal issues, a security component as well as the securing great amount of resources. The resolution of all these tasks requires the support of the wider international community, along with that of Azerbaijan and Armenia.

The community will play a central role in all stages of the repatriation process and continue its activity once it is finalized.

Conceptually, the Community's position on the main issues of the return is as follows.

4.1. International legal framework and guarantee

The first task is to bring the issue of the expulsion of Azerbaijanis from the territory of nowadays Armenia to the agenda of the international community as an unprecedented injustice, to achieve acknowledgment of it as a threat to international peace and security, to reach legally-binding decisions and agreements with relevant verification and guarantee mechanism that ensure the right of Azerbaijanis to return, enabling the establishment of lasting peace and justice. To that end, the Community will aspire to include a provision on the creation of conditions for the return of Western Azerbaijanis expelled from present-day Armenia to their homeland as Armenia's obligation in the peace treaty to be concluded between Azerbaijan and Armenia.

The Community will initiate contacts with the government of the Republic of Azerbaijan, the government of the Republic of Armenia, permanent members of the UN Security Council, the countries in the region, and other relevant states and organizations in order to formulate the international legal framework of return.

4.2. Identification and census of members of the Community

All Azerbaijanis expelled from the territory of nowadays Armenia and their descendants have the right to return to their homeland. With the help of population registry services of the Republic of Azerbaijan and other countries where Western Azerbaijanis reside and using the relevant international methodology, the Community will carry out a census of its members. Noting that one of the effective tools in such a census is voluntary self-introducing of the persons concerned and with the aim of encouraging them to take this step, a wide public information campaign will be conducted to explain the forceful expelling from homeland as a serious unlawful act, and to elucidate the essence of the safe and dignified return to wider public.

4.3. Preparing a return plan

The Community will endeavor to find an appropriate international implementing partner in order to carry out the return process in an organized and effective manner. Establishing partnership with the UN High Commission for Refugees to that end will be considered a priority. The Community, together with the international implementing partner, will develop a detailed return plan based on applicable international standards, in liaison with the government of Azerbaijan and the government of Armenia. The return plan should describe the phases and directions of the process, specifying the required steps and resources as well exact timelines.

4.4. Attitude to the legal framework of Armenia

As Western Azerbaijanis were forcibly expelled from the territory effectively controlled by the political and legal entity called "the Republic of Armenia", they were deprived of the opportunity to participate in the formation of this state, the formation of its constitutional framework as well as national and legal character.

The Community is aware that the Republic of Armenia is a member of the United Nations (UN), recognized by the majority of other states, and considers the Republic of Armenia as a political-legal reality. The fact that Armenia has joined the relevant international legal

documents, including the UN Charter, places concrete obligations on this country in the field of restoration and protection of the rights of Azerbaijanis expelled from its territory, including creating conditions for their safe and dignified return to their homeland. The Community sees the possible individual and collective activity of Western Azerbaijanis with and within the framework of the legal system of Armenia as a practical matter and rejects the interpretation and acknowledgment of such interaction as acquiescence to any injustice and illegal action committed against Azerbaijanis, as well as renouncing their legitimate interests on the territory of this country.

The Republic of Armenia should make its national legal framework accessible to the Azerbaijani community, ensure equal rights of Azerbaijanis, enable them to study in their mother tongue, to use the Azerbaijani language in legislative, executive and judicial branches of Government, and begin a constructive dialogue with the Community within the framework of the legal advice, monitoring and supervision mechanism of relevant international organizations for the improvement of the country's legislation in order to fully ensure the protection of the rights of Azerbaijanis.

In any case, Western Azerbaijanis expelled from present-day Armenia have the right to live in their homeland, this right is inherent, inviolable, absolute and the decisive factor. Issuing documents by Armenia confirming identity, property and other rights does not create this right, nor failure to do so does deprive of this right. Issuance of such documents is only a formal and technical matter, and it is an obligation that must be unconditionally fulfilled by the Republic of Armenia.

4.5. Ensuring security

Due to the fact that the Armenian government has committed large-scale and systematic violence against the Azerbaijani population due to their ethnicity, the Community does not trust this country in security matters, and therefore, considers the deployment of an international security mission with an appropriate mandate and comprised of the forces of countries trusted by Western Azerbaijanis in the areas to be returned to as an essential condition.

The mandate and capabilities of the international mission will depend on the security situation. Taking into account the fact that threat assessment requires appropriate information gathering and analysis capabilities, and that the Community lacks these capabilities, the Community will seek assistance of the Government of the Republic of Azerbaijan in this matter. The Community will rely on the threat assessment to be presented by the Government of Azerbaijan.

The mission should be deployed prior to return, take control of relevant areas, have civil-military coordination capability, police component and civil administration powers, and operate as long as the Community deems necessary.

The Community should be represented as an interested party in the mandate formulation and management format of the international security mission.

Given that adequate participation in law-enforcement and justice matters is a necessary condition, Azerbaijanis shall be entitled to form local security forces and take an appropriate role in courts.

4.6. Property issues

As with other violations of law committed against Western Azerbaijanis, the Armenian government is responsible for eliminating the consequences of violation of their property rights. The Armenian government shall ensure the return of property and communal lands belonging to Azerbaijanis and pay compensation for property damage and losses caused by preventing the use of property. The Armenian government shall pay all the costs arising from the restoration of the property rights of Azerbaijanis and take other necessary measures.

4.7. Reintegration and rehabilitation

Shortly after their return, repatriated Azerbaijanis will need humanitarian assistance, and afterwards, a reintegration and rehabilitation program and assistance for long-term social and economic development. The Community is determined to be a key partner for international organizations and donors to implement relevant programs in this area.

Social ties and dynamics within settlements are critical to ensuring the success of reintegration and rehabilitation measures. Experience has shown that maintaining the pre-deportation settlement configuration facilitates the restoration of social ties and thus reintegration and rehabilitation. In this regard, the preservation of the pre-deportation settlement configuration is a requirement of human rights as well as a necessary condition for the success of reintegration and rehabilitation.

4.8. Restoration and protection of cultural heritage

With the participation of specialized agencies of the UN, the Community will make efforts to assess the condition of cultural heritage belonging to Azerbaijanis in the territory of Armenia, including the preparation of a list of examples of cultural heritage that have been damaged and obliterated. The Community will try to achieve the fulfillment of the obligation of the Armenian government to restore and protect them.

4.9. Reconciliation between ethnic communities

Western Azerbaijanis were subjected to an immense injustice. This injustice is not limited to ethnic cleansing. People from other places were brought in and settled in the homeland of the Western Azerbaijanis. While keeping this painful past in its historical memory, the Community accepts that the way to ensure peace and development goes through reconciliation. Western Azerbaijanis are ready to live peacefully and side by side with Armenians who were transferred to the homeland of Western Azerbaijanis from other countries. The Community expects that achieving reconciliation will be complex and will take a long time. The Community regards respect for human rights, the rule of law and the elimination of double standards as the most important tools for achieving peace. In this regard, the Community seek getting Armenia to cease its policy and practice of

instilling hatred and discrimination against Azerbaijanis, to hand over those who have committed crimes against Azerbaijanis to the court of justice, to immediately stop glorifying them, to demolish monuments erected to military and political figures and terrorists who took part in crimes against Azerbaijanis, and to reverse the changes of toponyms.

4.10. Long-term activity of the community

The Community believes that its mission is not limited to the issue of return. The Community intends to continue its activities as an organization, including its concerned efforts to ensure the interests, rights, development and security of the Azerbaijanis returnees, as well as a dialogue and interaction with the Republic of Azerbaijan, foreign countries and international organizations, and with the Armenian government and the Armenian public to this end, even after the return of the expelled Western Azerbaijanis to their historical homeland.

5. Final provisions

The Community will be proactive and take ownership of the implementation of this Concept, making efforts to obtain resources within the legal framework for this purpose. The Community may amend the Concept depending on possible changes in the situation.