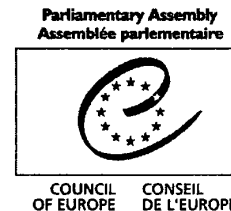


**Parliamentary Assembly**  
**Assemblée parlementaire**



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**Refugees and displaced persons in Armenia, Azerbaijan and Georgia**

Report  
Committee on Migration, Refugees and Population  
Rapporteur: Mr Boriss Cilevičs, Latvia, Socialist Group

*Summary*

The situation of refugees and displaced persons in Armenia, Azerbaijan and Georgia continues to be an obstacle for the development of these countries in economic, socio-political and health terms.

Efforts to find a solution to the Nagorno-Karabakh conflict have not as yet produced results. Border incidents still occur, the fate of missing persons has yet to be solved and landmines continue to cause injury and death.

There remain urgent humanitarian needs which are becoming ever more difficult to satisfy as donor fatigue sets in. Urgent humanitarian needs, however, must be increasingly supplemented by international development aid to provide a future for the refugees and internally displaced persons in Armenia, Azerbaijan and Georgia.

There are, however, some positive signs that the three countries are moving forward with the local integration of their refugees and displaced persons, thus allowing these people to regain their dignity and prepare for the future.

**A. Draft resolution**

1. The Parliamentary Assembly, referring to its Recommendation 1570 (2002) on the situation of refugees and displaced persons in Armenia, Azerbaijan and Georgia, believes it is necessary to resume consideration of the issue since, despite certain isolated examples of progress, it continues to be a serious obstacle to the development of countries in the region in economic, socio-political and health terms.
2. It is difficult to gauge the number of refugees and displaced persons in the region. By law or by virtue of administrative practice, the three countries tend to recognise the descendants of persons displaced in various capacities within the region as "refugees" or "displaced persons", with the result that the total number of refugees and displaced persons never seems to decrease. The majority of refugees and displaced persons are in that situation because of the Nagorno-Karabakh conflict and deportations between Armenia and Azerbaijan. Many others were displaced as a result of the conflicts in Abkhazia and South Ossetia, not to mention the Chechens who took refuge in the southern Caucasus because of the conflicts in Chechnya.
3. The fact remains that there are still substantial urgent humanitarian needs. These are obliging the three countries to make maximum use of their own capacity for providing assistance at a time when donations from the international community are waning.
4. The Assembly notes that some of the people concerned have been able to return to within Georgia's acknowledged borders. The Assembly congratulates the Georgian Government on its efforts to find a solution to its internal conflicts and extends its support to this process.
5. The Assembly is, however, bound to point out that the efforts made by Armenia, and Azerbaijan to find a solution to the Nagorno-Karabakh conflict have not as yet produced results. These efforts are continuing. It deplores the frequent incidents along the ceasefire line and the border incidents, which are detrimental to refugees and displaced persons, and regrets the clearly insufficient co-operation between these two countries over the fate of missing persons.
6. The Assembly would also draw attention to the presence of numerous landmines resulting from the Nagorno-Karabakh conflict which are still injuring and, occasionally, killing people.
7. Without a settlement of the Nagorno-Karabakh conflict, the objective of enabling refugees and displaced persons to return to the regions from which they came is impossible to achieve. Furthermore, the progress of the dialogue designed to solve the practical problems refugees and displaced persons face, particularly with regard to the return of their identity documents and the official restitution of their property, is not satisfactory.
8. The Assembly welcomes the fact that the three countries have now embarked on programmes for the local integration of their refugees and displaced persons. These programmes have the twofold advantage of enabling these communities to regain their dignity by living in decent conditions and working, which allows them to contribute to the development of the regions that have taken them in, and of preparing them for voluntary return under the best possible social, health and psychological conditions.
9. There are still, however, many obstacles to the success of these programmes: poverty is endemic, particularly in rural areas, and malnutrition a cause for concern; unemployment is still very high; access to means of production and to property is problematical; the infrastructure is often in a deplorable condition, which is an additional obstacle to development; schools are still being used to shelter refugees and displaced persons, whereas they should be used for children's education, and the health services are still inadequate. In these circumstances, it is impossible to continue providing humanitarian assistance and to care for refugees and displaced persons without international aid.
10. International emergency assistance is therefore still needed and must be supplemented, and gradually replaced, by international development aid, not just to meet the urgent needs of refugees and displaced persons but also for the benefit the local population.
11. The Assembly therefore calls on the member states of the Council of Europe:

11.1. to provide financial support for the efforts of Armenia, Azerbaijan and Georgia to deal with the situation of refugees and displaced persons, by helping to rehabilitate buildings and build roads, water and electricity supply infrastructure, hospitals and schools so as to enable these communities to be more effectively integrated while facilitating the development of the regions in which they live, without forgetting the local population, who are often likewise living below the poverty line;

11.2. to continue to provide emergency humanitarian aid where needed;

11.3. to offer their good offices in order to try and achieve a permanent settlement of the conflicts which are still raging and which maintain the entire region in a state of chronic under-development, apart from a few areas that are less directly affected.

12. The Assembly also calls on Armenia, Azerbaijan and Georgia:

12.1. actively to pursue their policy of locally integrating refugees and displaced persons, but not in occupied territory, always in consultation with them, and with the understanding that these countries will guarantee their right to return voluntarily as soon as conditions permit;

12.2. to make the return of displaced persons a priority and do everything possible in their negotiations so as to enable these people to return in safety even before an overall settlement;

12.3. to co-ordinate their efforts as far as possible with those of the international and non-governmental organisations on the spot;

12.4. to continue their policies of encouraging international aid projects in sectors where there are needs to be met;

12.5. rapidly to conclude the negotiations under way with the Council of Europe Development Bank with a view to membership of the Bank;

12.6. to co-ordinate their refugee aid policies and development policies in order to take account of the practical, financial and other opportunities that the European Union could offer them as part of its "new neighbourhood policy";

12.7. to step up an inter-regional dialogue by introducing confidence-building measures and arranging regular consultation between government departments responsible for the specific problems of refugees and displaced persons;

12.8. to continue their efforts to adapt their legislation in order to assure refugees and displaced persons the same political, civil, economic and social rights as the local population, without prejudicing their status;

12.9. to re-consider practices of automatically admitting the descendants of refugees and displaced persons as refugees and displaced persons themselves, so as to facilitate their local integration;

12.10. to prepare the ground, in mutual consultation and in consultation with international and non-governmental organisations, particularly the United Nations High Commissioner for Refugees and the International Committee of the Red Cross, for the voluntary return of refugees and displaced persons by establishing what their needs will be on the spot and seeking to make an objective estimate of the actual number of people who could and would be willing to return initially;

12.11. to continue their efforts to achieve a peaceful and permanent settlement of the disputes, on the basis of norms and principles of international law, if necessary calling on the good offices of other countries, including those in the region, and international organisations;

12.12. to develop practical co-operation as regards the investigation of the fate of missing persons and to facilitate the return of identity documents and the restitution of property in particular, making use of the experience of handling similar problems in the Balkans;

12.13. to find a legal status, on the basis of international humanitarian law, suitable for Chechens who have fled the conflicts in Chechnya and need protection.

## **B. Explanatory memorandum by Mr Cilevičs**

### **I. Introduction**

1. Three years after the adoption by the Parliamentary Assembly of the Council of Europe of Recommendation 1570 (2002) on the situation of refugees and displaced persons in Armenia, Azerbaijan and Georgia, and especially in the wake of a reply from the Committee of Ministers (Doc.9693), the Committee on Migration, Refugees and Population is called upon to review the progress made by the countries concerned in terms of taking suitable measures to address the humanitarian situation of the regions' refugees and displaced persons.

2. It should be pointed out from the outset that, like the previous one – and although the peaceful settlement of conflicts is the key to normalisation of the situation – this report does not intend to focus on the political aspects of the problem but on its humanitarian and human aspects, which also means refraining from using refugees and displaced persons to advance political arguments. The report will cover not only the positive developments recorded, but also the shortcomings and failings observed.

3. When preparing this report, the Rapporteur made two fact-finding visits, one to Armenia and Georgia from 23 to 28 March 2005, then one to Azerbaijan, in the company of the sub-committee Chair, from 1 to 4 July. These visits revealed major disparities in the operations carried out by the three countries' governments. A Seminar on the displacement of population in the South Caucasus, held in Baku on 4 July 2005 and attended by a small number of NGOs from the three countries, government representatives<sup>1</sup> and a large number of international organisations present in the region, provided an opportunity to supplement the information obtained during the visits.

### **II. Some figures**

4. It is risky to attempt to put an exact figure on the number of persons displaced by a conflict more than ten years after a ceasefire agreement was reached. Moreover, already the debates over numbers are highly sensitive and may provoke unnecessary politicisation, thus distracting attention from the humanitarian issues which, as already mentioned, are central to this report. This is why your Rapporteur decided to avoid any debates about the numbers of displaced persons related to the period prior to the adoption of the Recommendation 1570 (2002), as those had been already referred to in the aforementioned Recommendation, as well as in the corresponding report by Mme Vermot-Mangold<sup>2</sup>.

#### *Armenia*

5. It has become easier to keep track of the situation of refugees in Armenia since the State Department was set up in 1999. Up to 1999/2000, the number of refugees opting for Armenian citizenship was relatively small. This changed with the enactment in 2000 of a law on persons forcibly displaced from Azerbaijan between 1988 and 1992 who have been naturalised; the legislation grants these persons the right to protection and assistance. As a result, over 15,000 refugees in 2000 and over 16,000 in 2001 acquired citizenship; since 2002, this wave of naturalisation has decreased in intensity.

6. The latest statistics, from August 2003, merely show that 11,000 families had not found permanent accommodation and that 3,470 families were in a very vulnerable position. In terms of numbers of refugees and displaced persons, your Rapporteur notes the figures put forward in the Report of Mrs Vermot-Mangold<sup>3</sup>. These figures can however be updated by more recent statistics (end of 2004) provided by UNHCR<sup>4</sup> which indicate a figure of 235,235 refugees.

1 There was, however, no Armenian Government representative at the seminar.

2 Doc. 9480. Situation of refugees and displaced persons in Armenia, Azerbaijan and Georgia. Report. 4 June 2002.

3 In this report it is estimated that some 300,000 ethnic Armenian refugees fled to Armenia from Azerbaijan in 1988-1992. In terms of internally displaced persons it was estimated that 72,000 persons were displaced as a result of military operation in areas bordering Azerbaijan due to the conflict regarding Nagorno-Karabakh, 100,000 persons were displaced as a result of a devastating earthquake in 1988 and that around 20,000 persons were displaced as a result of more recent natural disasters. Doc. 9480. Situation of refugees and displaced persons in Armenia, Azerbaijan and Georgia. Report. 4 June 2002

4 UNHCR Statistics end 2004 (provisional, as of 20 June 2005)

7. It appears that approximately 90% of the refugees who have found permanent accommodation have acquired Armenian citizenship, while the figure is much lower for those refugees who are still housed in shelters. This suggests that refugees hesitate to apply for citizenship as long as their situation remains precarious. This state of affairs has an impact on the overall number of refugees, which is certainly lower than the government's estimate. This seems all the more plausible given that many refugees who have obtained citizenship use their new passport to settle outside the borders of Armenia. The figures from the 2000 census have not been published and would certainly have an impact on the statistics already mentioned.

8. With regard to the number of asylum-seekers other than from Azerbaijan, it may be noted that, since the adoption of legislation in 2002 and coverage of a reception centre's operational requirements by the state budget, 11 asylum-seekers have been granted refugee status in accordance with current international standards. Since 2003, the authorities have seen a sharp rise in the number of asylum requests by people from Iraq. At present, 141 Iraqi nationals have a temporary status and their applications are being processed.<sup>5</sup>

### Georgia

9. In Georgia, the figures are also vague and legislation has been slow to adapt. The number of displaced persons is put at 237,069<sup>6</sup>, a figure which shows little variation. According to statistics gathered during the visit to Georgia, this figure includes 224,938 persons from Abkhazia alone, who are unevenly distributed between the regions of Georgia, with a very strong presence in the Tbilisi and Samegrelo (Mingrelia) areas. The number of persons displaced from the former autonomous oblast of South Ossetia is put at 12,131; the same remark may be made about their distribution between the regions of Georgia, with very high densities in Tbilisi and Kartli. The Georgian legislation in force since 1998 does not take account of citizenship in determining a displaced person's status. Any person forced to leave his or her home for a number of reasons and who moves within the territory of the country is eligible for displaced person status, granted by the Ministry of Refugees and Settlement. The persons displaced by the conflict in Abkhazia are Georgians, there are no displaced persons of Abkhaz origin; the Abkhaz nevertheless are still a minority within the territory of Abkhazia. As a result of the conflict in South Ossetia, both ethnic Georgians have been forced to leave the territory of South Ossetia, and persons of Ossetian origin, who left different regions of Georgia proper for South Ossetia, and, in many cases, also for North Ossetia in the Russian Federation. It should be mentioned that the Georgian government undertakes efforts to ensure both return of ethnic Georgians to South Ossetia, and of the persons of Ossetian origin – to places of their former residence in other regions of Georgia.

10. The refugees in Georgia are mainly Chechens who arrived from Chechnya. However, according to the UNHCR data, the majority of them are Kistins – ethnic Chechens originating from Georgia who reside in the Pankisi valley in eastern Georgia. A number of them at some point left for Chechnya and fled to Georgia after the hostilities there erupted. The Chechens receive status in Georgia on a *prima facie* basis. However, this status has to be renewed every year. The growth rate has fallen sharply in the last few years. The number of Chechen refugees is currently estimated at 2 586, divided into 835 families<sup>7</sup>. There are very few in Tbilisi and in the district capital, Akhmeta.

11. During recent years, in fact only one durable solution – i.e. emigration to third countries – was available to Chechen asylum-seekers. A number of families were accepted by Canada, Sweden, Finland, the Netherlands with the assistance of UNHCR, however, most states are reluctant to receive the Chechens, and this number is much lower than the real need. In the meantime, it seems that the integration potential of the Chechens, particularly Kistins, remains underestimated, and this opportunity could be studied more carefully by the Georgian authorities.

12. According to media reports, in late May 2005, following the visit of the delegation from the authorities of the Chechen Republic aimed at persuading the asylum-seekers to return, over 200 Chechens left 5 villages in the Pankisi valley<sup>8</sup>. According to another media outlet, in early June the number of Chechen asylum-seekers remaining in Georgia as of early June, was 450<sup>9</sup>. However, your Rapporteur had no opportunity to double-check these figures.

<sup>5</sup> Armenia grants temporary asylum-seeker status for one year, which may be renewed for a further year, during which time asylum-seekers in principle receive assistance from the Red Cross.

<sup>6</sup> UNHCR Statistics for the end of 2004 (provisional, as of 20 June 2005)

<sup>7</sup> Figures obtained non-officially during the visit to Georgia.

<sup>8</sup> "24 saati", 30 May 2005

<sup>9</sup> www.pankisi.info, 4 June 2005

## Azerbaijan

13. In Azerbaijan three categories of people need to be distinguished: displaced persons who had to flee Karabakh, displaced persons from the districts of the Republic of Azerbaijan that are, strictly speaking, occupied, and Azerbaijanis from Armenia, who are refugees under international humanitarian law. It is impossible to establish the number of people currently concerned with any certainty. Your Rapporteur notes the figures provided in the report of Mrs Vermot-Mangold<sup>10</sup>. These figures can however be updated by statistics provided by UNHCR (for the end of 2004)<sup>11</sup> which indicate a figure of 578,545 internally displaced persons and 8,606 refugees. It should be pointed out that, unlike Armenia, Azerbaijan immediately granted full civil rights to its refugees, starting with the right to Azerbaijani nationality.

14. With regard to refugees of foreign extraction, Azerbaijani's legislation is in keeping with international humanitarian law. The country is as yet attracting few refugees. Here again, it has not been possible to update the figures since at least 2000<sup>12</sup>. The refugees are mainly Iranians, Iraqis and Afghans, and they become integrated in one way or another in the society of the host country, whether or not they obtain refugee status. Because it has so many refugees and displaced persons of its own, Azerbaijan has tended to take only a secondary interest in refugees of foreign extraction. The largest community of foreign refugees on its territory is perhaps also the one that is subjected to the most discrimination: again, it is the Chechen community. Its size has not been properly established, and the UNHCR is only beginning to calculate the number of Chechen refugees, who are thought to number around 8,500.

15. Responsibility for the procedure for determining whether Chechen asylum seekers have refugee status was transferred from the UNHCR to the Government after the number of people of Chechen extraction who had been granted such status in third countries increased sharply. Although there are Chechen NGOs in Azerbaijan, as throughout the Caucasus, they do not receive any aid for the Chechen community, which is financially, socially and politically vulnerable. It was only recently that the Azerbaijani Government agreed to provide schooling for Chechen children, who receive tuition in Russian, and since a short time ago Chechen refugees have again been able to receive medical care and social assistance (but very little legal assistance, particularly for litigation and defending their rights in Russia). Most of these refugees have no legal status, as Azerbaijan refuses to consider them as such because they cross the frontier illegally and, what is more, without identity documents. The fact that its frontier with Russia is regularly closed and that they have no identity documents often prevents the refugees from returning home and communicating with their families and friends. Children born of these refugees on Azerbaijani soil have a constitutional right to citizenship<sup>13</sup>, but even birth certificates have still not been issued.

### III. New governmental initiatives

#### III.1. *The New Approach*

16. Working in close (albeit ad hoc) partnership, the Georgian Government and various UN agencies have launched a new policy for improving the overall living conditions of displaced persons, known as the "New Approach". Georgia has unfortunately wasted a great deal of time and money in the last few years by making emergency humanitarian aid a medium-term policy. The assistance programmes that were set up did very little to help displaced persons to restructure their lives and take responsibility for themselves, without placing a burden on their host communities. The result was in fact worse because displaced persons' conditions not only did not improve, but weighed so heavily on local communities as to hinder their development, often forcing members of those communities, as well as the most able-bodied displaced persons into exile, in other words into an equally precarious existence.

17. One example of this is the plight of the local population and displaced persons in Tskhaltubo, formerly one of Georgia's leading health resorts. A large number of displaced persons live there – especially elderly people, women and children – in extremely precarious conditions (often with no water or electricity), virtually hidden from the view of the local population. These people have hardly

10 In this report a figure of 570,000 internally displaced persons is indicated and a figure of 150,000 refugees is noted Doc. 9480. Situation of refugees and displaced persons in Armenia, Azerbaijan and Georgia. Report. 4 June 2002

11 UNHCR Statistics to the end of 2004 (provisional, as of 20 June 2005)

12 According to official figures, there are 11,000 asylum-seekers.

13 Article 52 of the Constitution of the Republic of Azerbaijan.

any resources, and the only substantial aid comes from time to time foreign charitable and humanitarian organisations. The town is suffering from a lack of interest on the part of investors, who are put off by the large numbers of displaced persons. The government's strategy of opening up the sanatorium where the majority of them are currently living to privatisation, is proving unsuccessful so far: potential investors are turning their backs on this place; yet this was the solution hoped for by the authorities to the problem of rehousing all these people and reviving a depressed local economy. Your Rapporteur did, however, find it highly symbolic that the elected head of the local council is himself a displaced person. This is proof of solidarity in misfortune.

18. It was to remedy this type of situation, therefore, that the New Approach was launched. A fund of over one million dollars was created, with contributions from the agencies mentioned above. 20 grants are to be awarded on a competitive basis to selected micro-projects. For example, an abandoned tea factory in the Tskhaltubo area has been bought up and restored to working order. It provides work for several dozen displaced persons, who at the same time receive new accommodation, distinguished by the fact that it is mobile, and a small loan enabling them to grow crops and raise cattle or run a farmyard. In this way, displaced persons enjoy temporary integration without this preventing a future return to their ancestral home.

19. This new-style development assistance in Georgia seems to be bearing fruit, so much so that displaced persons in Tskhaltubo who had initially refused to leave the sanatorium to embark on this new life are apparently now taking an interest in the project. One general observation that may be made is that the trauma caused by forcible displacement makes many of these people more vulnerable psychologically when it comes to leaving a place and relinquishing the form of aid provided hitherto, even if, to outside observers, this has obvious advantages. This makes working with these people all the more complicated.

20. A presidential commission set up to carry out policy reform and gradually take over the aid programmes is working in collaboration with the Fund's technical experts. A New Approach Support Unit, coming under the authority of the United Nations Development Programme (UNDP), provides secretarial support to the Fund's steering committee and will monitor the progress of funded projects, with the aim of extending the new policy to other regions. This could have repercussions on the legislation relating to displaced persons.

21. A similar certificate-issuing programme to that existing in Armenia is in planning stage in Georgia and a pilot project is being carried out in Imereti. In the meantime, private business on some occasions also substantially contributes to providing assistance for displaced persons. Thus, hundreds of displaced persons housed provisionally in the "Abkhazia" and "Iveria" hotels in Tbilisi were able to buy homes in Tbilisi or in the provinces after these hotels were bought by private interests (who therefore "footed the bill" for the relocation of these displaced persons).<sup>14</sup> Some isolated similar solutions have been achieved in other objects occupied by displaced persons. However, as a rule, the buildings of the kind are not attractive enough for investors.

### *III.2 Specific problems raised during the visit to western Georgia*

22. The situation in Zugdidi, in Mingrelia, is particularly difficult in human terms. Here, 120,000 displaced persons are living in public buildings (mainly factories) which are in an advanced state of dilapidation. Your Rapporteur visited a building of the regional hospital which houses a community of 56 displaced persons and may be described as fairly representative. In addition to the lack of running water and electricity, the groundwater was polluted, thus adding to the risk of an epidemic at a time when tuberculosis is again prevalent in Georgia. These people are left in a deplorable state of neglect, in some cases, tragically, by members of their own families, the most able-bodied of whom seek refuge elsewhere. And that was by no means the worst. Like all displaced persons, the people living there receive a monthly allowance of 11 lari, or about 5 euros. Those IDPs who live outside of collective centres, receive a monthly allowance of 14 lari. This sum being far from sufficient to meet all their needs, displaced persons run up debts which they are often unable to repay.

23. One quite specific problem featured prominently in our discussions with both the local and the national authorities. The electricity bill which is supposed to cover the needs of displaced persons is paid directly by the government<sup>15</sup>; however, as some representatives of local governments claim, the

<sup>14</sup> The displaced persons concerned, numbering around 1,000, reportedly received 14,000 lari, or approximately 7,000 euros, in compensation.

<sup>15</sup> The monthly bill is 15 lari per refugee in winter, or approximately 7 euros.

sums paid substantially exceed the cost of electricity consumed. Moreover, the electricity supplied by various private companies is often cut off, or else there is no power at all. Displaced persons are asking for the corresponding sum to be paid to them directly, while the local authorities are asking for it to be transferred to them. However, the government is reluctant to change the existing system in order to prevent corruption – in the recent past, cash intended for IDPs' allowances often disappeared into the "pockets" of some unscrupulous individuals.. The government, for its part, is in favour of installing meters in the places where displaced persons live – a measure which hitherto, and for good reason, has been rejected by the electricity companies – and calculating the amount to be paid by it on the basis of actual consumption; it expects this measure to put an end to electricity supply problems.

### III.3 Tendency towards an improvement of the situation in Armenia

24. Armenia has made far more progress towards settling the refugee problem than its neighbour; the representative of the UNHCR stated to the Rapporteur that, with a handful of dollars, the problem could be settled once and for all within a few months. This is perhaps due to the fact that the government quickly recognised that refugees in Armenia had virtually no hope of returning to their homes in a foreseeable future, and from the very beginning pursued consistent integration policies towards them. Most of them have grown accustomed to their new life, where conditions are generally somewhat better than in Georgia, but here too, the most able have often gone to work abroad, from where they send remittances to the family members they have left behind.

25. Many "dormitory" buildings which were repairable have been restored with funds from UNHCR or the Norwegian Refugee Council (NRC), and a privatisation process has been set in motion, enabling the people living there to become home owners. Other refugees will be able to acquire new apartments with housing certificates or coupons having a certain exchange value guaranteed by the government<sup>16</sup>. The refugees currently living in the most precarious conditions are those who are unable or unwilling to move, who are waiting to be rehoused, or who are waiting for the building where they live to be renovated. Others still living in the countryside have had houses built for them in place of the disused train carriages, transport containers or other improper temporary dwellings in which they were housed, but not all members of the community have yet been provided for. It is to these more vulnerable persons that the government is giving priority, a government which has the political will to ensure that the welfare of these remaining refugees takes precedence over other considerations. Refugees receive state compensation for the loss of their temporary housing when they are evicted from it, an indemnity and free medical assistance.

26. The certificate-issuing programme is under way: it started in the nine "marzes" (territorial divisions of Armenia<sup>17</sup>) other than those with the largest refugee population (Kotayk and Yerevan), and will be extended to the other two "marzes" next year<sup>18</sup>. It is provided with a substantial budget (2.2 million dollars for the current financial year).

27. However, the implementation of the programme is not free from criticism. Although the money is there, the mechanisms of transfer are not yet completely worked out, and some people have expressed concerns of whether the certificates will be accepted everywhere. The system should operate in the regions where refugees and displaced persons are concentrated<sup>19</sup>. In the prevailing climate of speculation, property prices are obviously rising fast in the capital and the beneficiaries will have to put in some money of their own if they want to purchase an apartment. The same problem arose in Georgia following the privatisation of the two hotels mentioned above: the prohibitive prices in the capital forced some displaced persons (*a fortiori* families) to go and live a long way from the dynamic capital, in areas with high unemployment.

28. The question of citizenship also arises in the debate. Refugees have had new cards since 2000, yet their status has remained the same; but legislation was enacted in that year under which persons forcibly displaced from Azerbaijan, who have meanwhile acquired Armenian citizenship are guaranteed the same rights as refugees who have not been naturalised, particularly with regard to housing<sup>20</sup>. The government subsequently issued three implementing decrees, the aim obviously being

16 This practice was first used to repatriate Soviet Army soldiers stationed in the former GDR.

17 The territory of the Republic of Armenia has been divided since 1996 into 11 "marzes".

18 The NRC representative in Yerevan estimates that 45% of refugees are established in Yerevan, 45% in other towns, and 10% in rural areas.

19 The programme also covers persons displaced as a result of natural disasters. It will be recalled that the earthquake at Spitak in 1988 claimed 25,000 lives and caused hundreds of thousands of people to be displaced, especially in Yerevan.

20 Refugees who have not been naturalised have a UNHCR refugee card which also allows them to travel abroad. They may



to ensure that as many refugees as possible acquired Armenian citizenship. In practice, your Rapporteur found that refugees had previously been afraid that, if they went through the naturalisation procedure, they would lose the material benefits associated with their status, and that most of them opted for citizenship once they had become owners of their apartments, or when they wanted to leave the country temporarily.

29. Concern has arisen among refugees over the new social security cards, which have become obligatory since the enactment of a law on social insurance known as "PROS". They are afraid that they may no longer have access to any medical and social service or receive their retirement pension without these cards, which are distributed to naturalised persons. However, Your Rapporteur was unable to obtain sufficient information on this subject to draw any conclusions, except to say that these refugees have the same rights to welfare coverage as Armenian citizens and that they also receive support from some NGOs. It is important that the government should provide the population with very clear information, and especially elderly people, who, as the most vulnerable group, must continue to receive their pensions and have access to care.

#### *III.4 The situation in Azerbaijan: between despair and hope*

30. Pursuant to a Presidential Decree of 1 July 2004<sup>21</sup>, co-ordination of the activities of local and international humanitarian organisations in Azerbaijan is the responsibility of the Republic's International Humanitarian Aid Committee, also set up by decree<sup>22</sup> and chaired by the Deputy Prime Minister. The committee has the hard task of co-ordinating assistance efforts in the country after the disastrous situation resulting from the Karabakh conflict and the occupation of this formerly autonomous region and seven adjacent districts and territories in the Qazax district and the autonomous Republic of Nakhichevan.

31. The Azerbaijani Government addressed the problem, which does, after all, account for the largest movement of displaced persons in the region, at an early stage but had great difficulty in rehousing those concerned. The changes occurred in early 2000s can be assessed as a major breakthrough. From 2001 onwards, a sum taken from the "Oil Fund" was earmarked for improving the accommodation of refugees and displaced persons<sup>23</sup>. The number of displaced persons who have been living in wretched and very precarious conditions for 12 years, like the refugees from Armenia referred to above, is currently estimated at 83,029. The last two Azerbaijani Presidents paid special attention to this problem, and the current President has decided to deal with it unilaterally by doing away with all improper temporary accommodation (tents, disused railway carriages, dilapidated dormitories and public buildings, sanatoria, "Finnish houses", etc) by the end of 2006 and by renovating urban dwellings. This decision was, moreover, reiterated before the members of the Monitoring Committee of the Parliamentary Assembly at its meeting in Baku on 5 July 2005.

32. Thanks to the first payments from the "Oil Fund", authorised by three presidential decrees, five camps in the region of Biləsuvar were closed down in August 2003 and the displaced persons rehoused in new permanent buildings forming new settlements with the necessary infrastructure (schools, day nurseries, hospitals, community centres, information centres, post offices, running water and electricity).

33. At the same time, job opportunities were created (6,000 according to official figures, in addition to 1,000 civil service jobs), and plots of land were awarded for subsistence farming and for growing produce to sell in the markets (5,000 jobs according to the same source). Many seasonal jobs were also generated. It should be mentioned that IDPs from Karabakh and occupied adjacent regions, unlike refugees from Armenia, are not granted property rights to this newly built housing.

34. Refugees and displaced persons continue to receive an allowance direct in respect of their status. The allowance has not varied much: this year it increased from 5 to 6 dollars a month. Government funds earmarked for the protection of refugees and displaced persons are growing steadily in comparison with the funds made available by international organisations. In 2003, for instance, the Azerbaijani Government allocated 120 million dollars in aid, while the international community contributed 40 million dollars. The expression "donor fatigue" constantly crops up in

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choose whether or not to perform military service.

21 Decree No. 298 issued by the President of the Republic of Azerbaijan: "Government programme to improve living conditions and employment among refugees and displaced persons".

22 Presidential Decree No. 144 of 15 January 1995.

23 Presidential Decree No. 562 of 22 August 2001, "Solving the settlement problems of Azerbaijanis deported from their historic land (...)".

statements by international and non-governmental organisations, particularly as the country's economy is growing fast and oil revenue will provide at least a provisional answer to the situation of these refugees and displaced persons. Because of the time for which the conflict has lasted and poverty, which is endemic in the regions in which most of the refugees and displaced persons live, however, the Azerbaijani Government cannot cope with the situation alone, and international humanitarian aid will soon have to be replaced by international development aid.

35. As can be seen, the concept of local integration is gaining ground in Azerbaijan. Further proof is that displaced persons, who have the right to vote in national elections, are going to regain their right to vote in municipal elections, which are to be held shortly – a right of which they were deprived and which was reintroduced under the electoral law. Enjoying civil, economic, social and cultural rights in the regions in which they live, refugees and displaced persons are regaining a certain dignity, which will certainly be complete once they are able to return home. Moreover, the government has wisely chosen to involve refugees and displaced persons more closely in projects concerning them, but also in projects to develop the regions in which they are temporarily settled.

36. The Rapporteur considers that this integration should be even more thorough, with access to means of production and to property. Not only are such means still lacking, given that micro-credit from banks or other sources is too expensive because of high interest rates and unduly short reimbursement times, but the right to property is itself still restricted by law: only refugees have such a right. With a view to preparing displaced persons to return home<sup>24</sup>, it is important for the new housing to be privatised, so that they too have the possibility of selling their homes in order, for example, to rebuild their homes that have been destroyed in the region from which they come.

#### **IV. Main political and legislative problems still outstanding**

37. In the area of legislation, Armenia and Georgia still have progress to make, but not to the same extent. While the Armenian legislation on refugees is close to the existing international standards, it is complex and, above all, it is still fragmented between a number of texts (there are no less than four laws), which makes harmonisation necessary. Furthermore, refugees are still faced with discrimination regarding access to property (but even if this right were recognised, it would remain highly theoretical) and are only allowed to take part in local elections, following an amendment to the electoral code, but are not entitled to stand for election at local level. All the NGOs stress that government and parliament (which has set up its own council for refugees, to which anyone can apply) are doing a great deal for refugees and that the legislative framework offers sufficiently good conditions, although the socioeconomic situation of refugees, particularly in the Yerevan area, is still very worrying (the unemployment rate among refugees is two-and-a-half times above the average), and although secondary education is free, apprenticeship and training are still unduly neglected by the government.

38. Georgia is faced with a serious problem of funding together with a dilemma between the desire of forcibly displaced persons to return to their homes and the lack of the necessary security for such returns to take place. So far, the New Approach mentioned at the beginning of this report, which is concerned with the temporary integration of displaced persons, has not been formally embodied in any legal text, despite the fact that it is supported by the government. In the absence of any clear strategy on the part of the authorities, the international community will continue its gradual financial disengagement (including emergency humanitarian aid, without which the Georgian Government and the government-in-exile of Abkhazia, which is responsible for the displaced persons, would be unable to cope). Pressure must also be exerted by European countries to ensure that the conditions are met for displaced persons to return first of all to Gali, beyond the Inguri river, which marks the boundary with the former autonomous Republic of Abkhazia. Declarations had been made to this effect in 1999, but without security being guaranteed in the field, and they were recently renewed despite the fact that the situation has hardly changed from this point of view<sup>25</sup>. Negotiations are in progress with a view to the deployment of a United Nations civilian police force (CIVPOL).

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24 The government's large-scale return scheme, being carried out with the participation and financial support of international financial institutions, United Nations specialised agencies and local and international humanitarian organisations, is one of the components of the government programme mentioned above.

25 For this reason, 43,000 people, all of Georgian origin, have been migrating back and forth across the river instead of settling. Between 40,000 and 50,000 displaced persons had returned to Gali up to 1998, when 50,000 people were again forcibly displaced and had to seek refuge on the other side of the river.

39. In addition to that, education continues to pose a problem in Abkhazia, where teaching takes place in Russian. The region's schools are being renovated at the initiative of UNHCR. However, problems of staff and textbooks cannot be effectively dealt with by international bodies. According to recently adopted Georgian legislation, education in Abkhaz language is recognised, and Georgia publishes textbooks in Abkhaz which are ready to be introduced in the Gali region. Thus, the Georgian government demonstrates commendable goodwill, being prepared to take care of the education for not only ethnic Georgian returnees to Gali district but also for the Abkhaz residing there. However, the effective implementation remains dependent on the political settlement which is yet to be achieved.

40. Although the conflict in South Ossetia is in general of lower intensity, so far only some spontaneous returns of ethnic Georgians into South Ossetia appeared possible. NGOs mentioned approximate figure of some 50-70 families, most of them mixed (in these cases ethnic Ossetian relatives play a role of guarantors for the Georgian returnees' security). Ethnic Georgians who left South Ossetia often can restore their ownership rights over their former housing in court (however, only in cases when their property was occupied by another dweller without proper administrative decree). Usually these apartments are sold immediately after re-gaining, and thus these displaced persons in fact lose a chance to return some day – however, the acquired money could facilitate integration in their new places of residence. Although some litigation has taken place also in respect of restoring property rights of ethnic Ossetians who left Georgia proper, much lesser number of positive court verdicts was registered here. In the meantime, the government consistently develops programmes aimed at encouraging return of ethnic Ossetians into Georgia proper, and is proud of the fact that returns have continued even when the tensions increased. Mrs Zinaida Bestaeva, an Ossetian returnee, currently occupies the position of the State minister on national minorities in the government. So far the policies of encouraging return of ethnic Ossetians has both successes and failures. For example, we were told by NGOs about the case when 25 Ossetian families returned to Bakuriani, received compensations and renovated their houses, but some of them had to leave again because of lack of social infrastructure. Nevertheless, the Georgian authorities are determined to continue and improve the strategy of facilitating return of Ossetians.

41. To conclude this section, legislative steps are being taken to amend the law on IDPs. Amendments were necessary to bring the legislation into line with the 1951 Geneva Convention, which Georgia ratified in 1991. The second reading took place at the start of the visit, on 25 March 2005, and a third reading should take place before the final adoption of the draft legislation, to which UNHCR and the High Commissioner for Human Rights contributed. On the other hand, Georgia still has no legislation recognising the status of asylum-seeker, but, here too, legislative initiatives have been taken, and a fast-track procedure for processing applications is expected to be introduced, and family reunion to be recognised. The state has therefore embarked on a process which will provide it with new laws on IDPs and asylum-seekers.

42. Despite the number of Chechens asylum-seekers has reduced substantially, some problems related to them still remain. Human rights NGOs, in particular, reported about cases of harassment and violation of their rights during the security checks, as well as ill-based detentions. These allegations have been confirmed by the judgment of the European Court of Human Rights adopted on 12 April 2005. The Court ruled that Georgia violated the human rights of 13 Chechens by not giving them a fair chance to appeal against extradition after they entered the country illegally. While fully recognising legitimate concerns over security situation in Georgia, as well as delicate political nature of the problem, your Rapporteur would like to remind that human rights of every person must be fully respected, also in anti-terrorist activities.

43. On the question of the return of the Meskhetians, one may usefully refer to Resolution 1428 (2005) recently adopted by the Standing Committee. The resolution is in fact addressed more to the authorities of the Russian Federation than to the Georgian authorities, who have until 2011 to complete the repatriation of those Meskhetians who wish to return. In the course of the visit I was able to ascertain that an ad hoc committee had recently agreed on the measures to be taken to enable this obligation to be fulfilled, and that it was to submit its recommendations to the President in April. The government intends to conduct a campaign to remind Georgian citizens of the contribution made by the Meskhetians to Georgian society and possibly prepare opinion for the return of this forcibly displaced population. The government admits that it does not know the exact number of candidates for repatriation. There are reported to be 756 Meskhetian repatriates in Georgia at present, around 100 of whom have been granted Georgian citizenship. It appears that the most important thing in the eyes of the Meskhetian population is to have the legal possibility of acquiring a citizen status. To complete the picture, it should be noted that neighbouring Azerbaijan has enabled

this community, known as "Akhska",<sup>26</sup> to obtain Azerbaijani nationality and hence to become completely integrated in society.

## V. Possibilities for regional co-operation

44. According to the outposts of the Geneva-based International Committee of the Red Cross (ICRC) in Yerevan and Baku, one of the priorities for regional action should be the setting up of a bi- or tripartite mechanism for exchanging information on the fate of missing persons (combatants and civilians). The setting up of machinery bringing together the two or three national commissions for missing persons will clearly depend on the political will of those in power, although it is purely a matter of humanitarian law. The ICRC lists, which are based upon tracing requests opened by the families of the missing, indicate 509 missing persons of Armenian ethnicity. This compares with the figure of over 500 missing persons spoken of in Armenia, even if there are no official statistics. In Baku the authorities report 4,866 missing persons, while the ICRC lists indicate 2859 missing persons of Azerbaijani ethnicity. Technical advances have made it possible to achieve results in the Balkans, but these have not yet come to the Caucasus; it is important, therefore, that these countries should be provided with the existing search techniques, to which neighbouring countries have access. Eleven years after the ceasefire between Armenia and Azerbaijan<sup>27</sup>, however, there is very little chance that the missing persons are still alive. A long grieving process therefore needs to be able to begin, with the establishment of places of remembrance in both countries, where the victims' families can grieve.

45. Another area in which co-ordination is required is that of national charitable and humanitarian associations. The trauma created among refugees and displaced persons and the fragile living conditions which many of them are still experiencing call for socio-psychological and educational support to help them to overcome their handicap and become successfully integrated into the host society<sup>28</sup>. Such assistance is provided, for example, by the Armenian Red Cross, which also works with young people. Children born in the host country of forcibly displaced persons carry the same psychological burden through the social stigma attached to being a "refugee", whether in Armenia or in Georgia. It would be very useful if the organisations working with these people in the three countries of the Caucasus co-ordinated their efforts and exchanged good practices and programmes, because the problems of rejection and difficulties of adjustment are the same.

46. A third sensitive area in which co-operation could usefully be established is that of facilitating the procedure for obtaining from the local or national authorities of the country of origin official documents providing information on displaced persons or refugees. These documents, which ultimately tell people's life story, include not only civil status documents such as birth and marriage certificates but also those charting their educational and professional careers. Many people have no job or receive the minimum pension because they cannot prove their qualifications or work history; others who have been in higher education are forced for the same reason to accept jobs requiring much lower qualifications. There are already civil society associations which form an interface between the countries of the region and liaise with one another in order to help these people. Examples are the "Hayat" and "Veradarts Haik" associations in Azerbaijan and Armenia respectively. Regrettably, their activities are perceived with suspicion by a large fractions of the both countries' societies.

47. Lastly, there is the problem of the restoration of property and tenancy rights, return or exchange of housing. While it seems easier to resolve within one and the same state, as in the case of Georgia, than between two states (Armenia and Azerbaijan), the fact remains that there is often a complete legal vacuum on the issue. The precedent of Bosnia and Herzegovina, for example, may prove instructive. Information should at least be pooled by the parliamentary delegations from the three countries of the Caucasus, or with the involvement of groups of experts from those countries' ministries, in order to see what can be done in this area, where there is, so far, no co-operation at all.

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26 According to official figures, 50,000 Akhska came from central Asia in 1990.

27 There was a ceasefire in May 1994. Measures to bring about a peaceful political settlement of the conflict were adopted at the OSCE summits in Budapest (1994), Lisbon (1996) and Istanbul (1999). Despite direct negotiations between the parties concerned and the efforts of the OSCE "Minsk Group", no tangible or practical results have been observed.

28 Where some of them are concerned, the first step is to overcome the language barrier (for example, the language of the Armenians from Baku is not Armenian, but Russian). Not speaking the official language is a major obstacle in finding employment.

## VI. Conclusions

48. Three years after the adoption of the last recommendation on the subject, the situation of refugees and displaced persons in the region continues to give cause for concern, given that needs are still enormous and a political settlement has not been found for any of the region's conflicts.

49. The main feature of the current situation is that the three countries have embarked on programmes for the local integration of refugees and displaced persons. These programmes are important on two counts: not only do they allow these communities to regain their dignity by living in more decent conditions and working, which enables them to contribute to the development of the regions that have taken them in, but they also prepare them for voluntary return under better social, health and psychological conditions.

50. There are, however, various obstacles to the success of these programmes. Emergency aid continues to be requested. The refugees and displaced persons can no longer be cared for without international aid (both direct and indirect), and such aid is showing signs of drying up. Poverty is endemic particularly in the rural areas where refugees and displaced persons live, and malnutrition is giving cause for concern there. Unemployment is still very high among this section of the population, and among the local population. Access to means of production and property is problematical and prevents the development of micro-projects and the effective use of land. Infrastructure is often in a deplorable condition, which is an additional obstacle to development. Schools are still being used to shelter refugees and displaced persons, whereas that is not their purpose: schools should be used to educate children. In addition, access to higher education establishments, particularly private ones, is virtually denied them because of their lack of resources, and this further undermines their prospects. Lastly, health services in all three countries are still utterly inadequate.

*Reporting committee:* Committee on Migration, Refugees and Population

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*Draft recommendation* unanimously adopted by the Committee on 9 December 2005.

*Members of the Committee:* Mr Mevlüt **Çavuşoğlu** (Chairperson), Mrs Tana de Zulueta (1<sup>st</sup> Vice-Chairperson), Mr Doros Christodoulides 2<sup>nd</sup> Vice-Chairperson), Mr Jean-Guy **Branger** (3<sup>rd</sup> Vice-Chairperson), Mr Pedro Agramunt (alternate: Mr Adolfo **Fernández Aguilar**), Mrs Lale Akgün, Mr Gulamhuseyn Alibeyli, Mr Akhmed Bilalov, Mrs Oksana Bilozir, Mrs Mimount Bousakla, Mr Paul Bradford, Mr Ivan Brajović, Mr Márton Braun, Lord Burlison, Mr Christopher Chope, Mr Dessimislav Chukolov, Mr Boriss **Cilevičs**, Mrs Minodora **Cliveti**, Mrs Elvira **Cortajarena**, Mr Franco Danieli, Mr Joseph Debono Grech, Mr Taulant Dedja, Mr Nikolaos **Dendias**, Mr Abilio Dias Fernandes, Mr Karl Donabauer, Mr Mats Einarsson, Mrs Lydie Err, Mr Valeriy Fedorov, Mrs Daniela Filipiová (alternate: Mr Miloš **Kužvart**) Mr Karl Theodor Freiherr von und zu Guttenberg, Mrs Margrét Frimannsdóttir, Ms Gunn Karin Gjøl, Mr John **Greenway**, Mr Andrzej Grzesik, Mr Andrzej Grzyb, Mr Ali Riza **Gülçiçek**, Mr Michael **Hagberg**, Mr Doug Henderson, Mrs Jelena Hoffmann, Mr Ilie Ilaşcu, Mr Tadeusz Iwiński, Mrs Corien W.A. **Jonker**, Mr Oleksandr Karpov, Mrs Eleonora Katseli, Mr Tibor Kékesi, Mr Dimitrij Kovačič, Mr Petr Lachnit, Mr Geert Lambert, Mr Jean-Marie Le Guen, Mr Younal Loutfi, Mr Tito Masi, Mr Jean-Pierre Masseret, Mrs Ana Catarina **Mendonça**, Mr Morten Messerschmidt (alternate: Mr Morten **Østergaard**), Mr Giuseppe Naro, Mr Xhevdet Nasufi, Mr Gebhard **Negele**, Mr Pasquale Nessa, Mr Kalevi Olin, Mr Ibrahim Özal, Mr Cezar Florin **Preda**, Mr Alojz Příklad, Mr Gabino **Puche**, Mr Milorad Pupovac, Mr Martin Raguž, Mr Anatolij Rakhansky, Mr Marc Reymann, Mr Branko Ružić, Mrs Katrin Saks, Mrs Naira Shakhtakhtinskaya (alternate: Mr Bakhtiyar **Alyiev**), Mr Luzi Stamm, Mrs Terezija Stoisits, Mr Michael Stübgen, Mrs Elene Tevdoradze, Mr Tigran **Torosyan**, Mrs Ruth-Gaby Vermot-Mangold, Mr Akhmar Zavgayev (alternate, Mr Alexey Aleksandrov), Mr Vladimir Zhirinovskiy, Mr Emanuelis Zingeris, ZZ....., Netherlands (alternate : Mr Leo **Platvoet**).

N.B. The names of the members who took part in the meeting are printed in bold.

Secretaries of the Committee: Mr Lervik, Mr Neville, Ms Karanjac, Ms Grenet