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Prevention of armed conflict

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**The responsibility to protect and the prevention of
genocide, war crimes, ethnic cleansing and crimes
against humanity**

**Security Council
Seventy-eighth year**

Letter dated 22 February 2023 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Further to my letter dated 17 January 2023, containing in the annex the appeal by the Western Azerbaijan Community ([A/77/706-S/2023/43](#)), I have the honour to draw attention to the concept of ensuring the peaceful, safe and dignified return of Azerbaijanis expelled from nowadays Armenia, adopted by the Community (see annex).

The concept defines the general framework for the activities to be carried out by the Western Azerbaijan Community for the safe and dignified return of Azerbaijanis forcibly deported from the territory of nowadays Armenia.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 30, 57, 58, 66, 68, 73, 78, 84 and 132, and of the Security Council.

(Signed) Yashar Aliyev
Ambassador
Permanent Representative



Annex to the letter dated 22 February 2023 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

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

THE CONCEPT OF RETURN

1. Introduction

The organization, which was established as “the Society of Azerbaijani Refugees” in 1989 and which 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 and principles of the activity, including the preparatory and implementation measures to be carried out by the Community for the return of Azerbaijanis forcibly expelled from the territory of nowadays Armenia. The Concept is based on international law, relevant domestic law, and 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 expelling of Azerbaijanis from the current territory of Armenia, where they once constituted an absolute majority, was completed in 1991. As a result of ethnic cleansing, that area is now inhabited exclusively by ethnic Armenians.

Ethnic cleansing committed against Azerbaijanis was in most cases carried out with systematic actions of State organs through violence, genocide, 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 consequences of these acts, including the misdeeds committed by 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 Zangazur and other Azerbaijani-majority areas to Armenia in 1921 and who signed a racist order on the deportation of one hundred thousand ethnic Azerbaijanis from Armenia, remain unredressed. In the same vein, the actions committed by the Armenian Soviet Socialist Republic against its Azerbaijani population in 1987–1991 are still unremedied.

In nowadays Armenia, Azerbaijani historical and cultural heritage, including mosques and graveyards, were massively destroyed, toponyms were changed and systematic racial discrimination was

carried out against Azerbaijanis. Those who participated in ethnic cleansing and other crimes against ethnic Azerbaijanis and their misdeeds are glorified at the State level in Armenia.

This unprecedented injustice created a sense of impunity in the ruling circles of Armenia and encouraged them to raise territorial claims, use force and occupy militarily the internationally recognized territories of the Republic of Azerbaijan, and commit 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 armed attack and military occupation by Armenia became a milestone 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 Armenia represent an immense injustice and create 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 as its primary goal 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. The main objectives and principles of the activity to be implemented within the concept are as follows:

- Obtaining a legally binding international agreement with appropriate verification and guarantee mechanisms 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 and socio-economic assistance programs;
- Establishing international monitoring, accountability, security, intervention and other necessary activities to prevent the recurrence of expulsion, discrimination and harm to the returned population;
- Ensuring sustainable rehabilitation and reintegration 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 and will make efforts to conduct dialogue and cooperation with the relevant States and international organizations as an interested party and to be recognized by them as a legitimate interlocutor.

The special bond of Western Azerbaijanis with the Republic of Azerbaijan, which has taken care of them for a long time, should be taken into account, and they should be enabled to have unimpeded communication with the Republic of Azerbaijan after returning to their homeland.

The return process should restore the settlement configuration of Western Azerbaijanis that existed before the ethnic cleansing. 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 to reintegration. Deviation from this principle can only take place based on the free will and consent of the persons concerned.

The decision of expellees to return shall be voluntary and they must be fully informed of their rights and opportunities to make this decision. It has to be taken into account that persons eligible to return may decide to return only after they are assured that a dignified and safe return home is possible, including providing relevant guarantees and sufficient resources to enable them to build their life during the return process and after return and making sure that their individual and collective rights are ensured in their historical homeland.

The interests of women, children and vulnerable social groups will be considered as the main priority, and the internationally accepted progressive concepts and standards in this field, including the “Women, peace and security” approach, will play a central role in the return process.

The Community understands that there has been a deep discord between the Armenian and Azerbaijani peoples over the past two centuries and that a significant number of people are currently suffering from security problems as a result of Armenia’s internationally wrongful acts. The Community considers that the responsibility for all the political, security, legal, social and humanitarian problems that have arisen rests with Armenia. Along with 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 in the establishment of sustainable peace.

Thus, the longer the crime and injustice remain unaddressed, the stronger the sense of impunity and the graver the injustice becomes. This, in turn, encourages *fait accompli* and such inhumane, harmful and dangerous tactics as consigning one injustice to oblivion by committing

an even greater one. In this regard, the Community believes that the issue of restoring the rights of Western Azerbaijanis, who suffered immense injustice, must be among the first issues to be dealt with in the context of the 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 comprehends 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 requires the resolution of significant legal issues, a security component as well as the securing of large amounts of resources. Accomplishing all these tasks necessitates the support from 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 even after the repatriation is finalized.

Conceptually, the position of the Community on the main issues of repatriation 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 as an unprecedented injustice to the agenda of the international community. The Community will endeavor to achieve acknowledgment of the continuation of this situation as a threat to international peace and security, to reach legally binding decisions and agreements with relevant verification and guarantee mechanisms that would ensure the right of Azerbaijanis to return, thereby enabling the establishment of lasting peace and justice. To that end, the Community will aspire to include the creation of conditions for the return of Western Azerbaijanis to their homeland as an obligation of Armenia 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 United Nation Security Council, the countries of the region and other relevant States and organizations 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. The Community will carry out a census of its members using the population registry services of the Republic of Azerbaijan and other countries where Western Azerbaijanis reside and based on the relevant international methodology. Noting that one of the effective tools in such

a census is the self-introduction of the persons concerned, and in order to encourage them to take this step, a wide information campaign will be conducted to explain that the forceful expulsion from their homeland is a serious unlawful act and to elucidate the meaning of the safe and dignified return.

4.3. Preparing a return plan

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

4.4. Attitude to the legal framework of Armenia

As Western Azerbaijanis were forcibly expelled from the territory now 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, its constitutional framework as well as its national and legal character.

The Community is aware that the Republic of Armenia is a member of the United Nations, recognized by the majority of other States, and sees the Republic of Armenia as a political-legal reality. The fact that Armenia has joined the relevant international legal documents, including the Charter of the United Nations, imposes concrete obligations on this country in the field of restoration and protection of the rights of Azerbaijanis expelled from its territory, including the creation of conditions for their safe and dignified return to their homeland. The Community sees the possible individual and collective activity of Western Azerbaijanis within the framework of the legal system of Armenia as a practical matter, and rejects the interpretation and acknowledgement of this as acquiescence to any injustice and illegal action committed against Azerbaijanis on the territory of that country, as well as renouncing their legitimate interests.

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

In any case, Azerbaijanis expelled from Western Azerbaijan have the right to live in their homeland. This right is inherent, inviolable, absolute and the decisive factor. Issuing documents confirming identity, property and other rights by Armenia does not create this right, nor does failure to do so deprive this right. Issuance of such documents is merely a formal and technical matter, and it is an obligation that the Republic of Armenia, which currently controls the mentioned territories, must fulfil without reservations.

4.5. Ensuring security

Because the Government of Armenia has committed large-scale and systematic violence against the Azerbaijani population on ethnic grounds, the Community does not trust this State in security matters, and therefore considers it necessary to deploy an international security mission with an appropriate mandate and comprised of the forces of countries trusted by Western Azerbaijanis in the areas to which they will be returning.

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 the 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 international mission should be deployed prior to the 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 Government of Armenia is also responsible for eliminating the consequences of the violation of their property rights. The Government of Armenia shall ensure the return of property and community lands belonging to Azerbaijanis and pay compensation for property damage and losses caused by preventing the use of property. The Government of Armenia shall pay all the costs arising from the restoration of property rights of Azerbaijanis and take other necessary measures.

4.7. Reintegration and rehabilitation

Repatriated Azerbaijanis will need humanitarian assistance in the first period after their return, and then a reintegration and rehabilitation program and assistance for long-term social and economic development. The Community is determined to be a main 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, preservation of the pre-deportation settlement configuration is a requirement of human rights and 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 United Nations, the Community will make efforts to assess the state of cultural heritage belonging to Azerbaijanis in the territory of Armenia, including by compiling a list of pieces of cultural heritage that have been damaged and obliterated, and to achieve the fulfilment of the obligation of the Government of Armenia 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 settled in the homes of Western Azerbaijanis. While keeping this painful past in its historical memory, the Community accepts that the path to peace and development goes through reconciliation. Western Azerbaijanis are ready to live peacefully and side by side with Armenians who were transferred to their homeland from other countries. The Community expects that achieving reconciliation will take a long time and be complex. The Community regards respect for human rights, the rule of law and the elimination of double standards as the most important means for achieving peace. In this regard, the Community will make efforts to ensure that Armenia cease its policy and practice of instilling hatred and discrimination against Azerbaijanis, hand over those who have committed crimes against Azerbaijanis to the court of justice, immediately cease glorifying them, demolish monuments to military and political figures and terrorists who took part in crimes against Azerbaijanis and reverse the changes of toponyms.

4.10. The long-term activity of the community

The Community believes that its mission is not limited to the issue of return. After its population returns to the historical homeland, the Community intends to continue its activities as an institution, including its organized efforts to ensure the interests, rights, development and

security of the Azerbaijanis, and, to that end, will continue its dialogue and interaction with the Republic of Azerbaijan, foreign States and international organizations, as well as with the Government of Armenia and the Armenian public.

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.
