

FORCED DISPLACEMENTS FROM WESTERN AZERBAIJAN AND THE RIGHT TO RETURN: IN THE CONTEXT OF HUMAN RIGHTS AND INTERSTATE OBLIGATIONS

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Abstract

This article examines the legal aspects of the forced displacement of Azerbaijanis from Western Azerbaijan during various periods of the 20th century and analyzes their right of return within the framework of international law. Key concepts such as the “right of return”, “property rights” and “citizenship rights” are explored within the human rights system, based on UN documents, the European Convention on Human Rights, and other international legal instruments. The article also discusses Armenia’s violations of these rights and possible legal mechanisms through which Azerbaijan may assert its citizens’ rights in the international arena. It emphasizes the importance of recognizing the rights of Western Azerbaijanis and ensuring their return under international legal norms in the context of interstate relations, regional stability, and the restoration of historical justice. The article aims to identify the international legal obligations of states and the potential mechanisms for their implementation. In modern times, the issue of return to Western Azerbaijan is increasingly being discussed at the level of the Republic of Azerbaijan and the diaspora. However, the legal justification and determination of practical mechanisms for this process in accordance with international law norms remains relevant and economical. The legal aspect of the issue is also important because it not only serves to recognize the injustices of the past, but also to create a legal basis for building a stable and lasting peace in the future. The main purpose of this article is to assess the forced displacements from Western Azerbaijan from the perspective of international law, to determine the legal foundations of the right of return, and to recognize this right.

Keywords: Western Azerbaijan, forced displacement, right of return, human rights, international law, property rights, Armenia-Azerbaijan relations, interstate obligations, historical justice, internally displaced persons (IDPs).

I. Introduction

The forced displacements of Azerbaijani Turks living in Western Azerbaijan at various stages of the 20th century are not only a historical and ethnic problem, but also a serious legal and human rights issue. As a result of these displacements, hundreds of thousands of people were displaced from their homelands and deprived of their property, civil rights and cultural heritage. The large-scale deportations, especially those that took place in 1948–1953 and 1987–1991, can be clearly assessed as violations of the fundamental principles of international law individual and collective security, freedom of movement and the right to property.

The right of forcibly displaced persons to return to their homeland is recognized in international law and is enshrined in UN General Assembly resolutions, the Universal Declaration of Human Rights, the European Convention on Human Rights and other international legal instruments. At the same time, the obligations of states to recognize and ensure this right should be considered in both international and bilateral relations. The systematic forced displacement of ethnic Azerbaijani Turks living in Western

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Azerbaijan from their native lands throughout the 20th century remains a serious problem from both humanitarian and legal perspectives. As a result of these mass deportations, carried out in 1948–1953 and 1987–1991, tens of thousands of Azerbaijanis were expelled from their [1, p. 146] These displacements, carried out by Armenia, were in fact part of a policy of monoethnic state-building and violated the basic principles of international human rights law. This article examines the legal aspects of forced resettlement from Western Azerbaijan, determines the place of the right of return in international law, and conducts a legal assessment of interstate obligations between Armenia and Azerbaijan in the context of this issue. At the same time, referring to international experience, the legal solutions to this problem and the possibilities of claims for Azerbaijan are analyzed. The aim of the article is to substantiate the right of return of West Azerbaijani Turks from both legal and fair points of view and to indicate the relevant legal mechanisms.

Object and subject of the study. The object of this study is the investigation of forced displacements from Western Azerbaijan and the right of these persons to return to their homelands in the context of international law. As an object, the role and impact of this issue in Armenia-Azerbaijan relations in terms of interstate legal obligations and responsibilities are also included in the scope of the study. The subject of the research is the legal assessment of the facts of forced resettlement of Western Azerbaijani Turks within the framework of international law, the determination of the legal foundations of the right of return and the analysis of Armenia's obligations under international law. Also, the study of the legal mechanisms, legal claims and defense methods applied in such conflicts in international law is included in the subject of the research. The subject of the research is the legal assessment of the facts of forced resettlement of Western Azerbaijani Turks within the framework of international law, the determination of the legal foundations of the right of return and the analysis of Armenia's obligations under international law. Also, the study of the legal mechanisms, legal claims and defense methods applied in such conflicts in international law is included in the subject of the research. Research in this direction is conducted on the basis of legal documents, examples of international judicial practice, as well as interstate treaties and obligations. The goal is to analyze the issue of Western Azerbaijan from a legal perspective based on modern international law principles and to justify Azerbaijan's position on this issue from a legal perspective.

Methodological foundations. The method of legal analysis was mainly used in this study. A systematic study of the legal aspects of international legal norms, interstate treaties, decisions and resolutions of the UN and other international organizations was conducted. Also, referring to international judicial practice (in particular, the decisions of the European Court of Human Rights and the recommendations of the UN Human Rights Committee), the right of return and cases of forced displacement were assessed from a legal perspective. The study extensively used both normative legal acts, as well as scientific literature and analytical sources. These include scientific works by specialists in international law, human rights, conflict law, and the region. Special attention is paid to the legal aspects of the conflict between Azerbaijan and Armenia, as well as the legal assessments given to similar issues in international law.

II. Legal Framework for the Western Azerbaijan Issue

The Western Azerbaijan issue is not only a historical and political problem, its essence must be analyzed in a legal framework in accordance with international law and

human rights norms. This problem falls, first of all, within the scope of application of such basic institutions of international law as forced displacement, the right of return, the right to property and the right to citizenship. International law considers forced displacement to be unlawful acts that violate human rights and international humanitarian law [17, p. 56]. The forcible displacement of civilians, the deprivation of their native lands, and the violation of property rights are strictly prohibited by international law. In particular, the UN Universal Declaration of Human Rights [34], the special resolutions on the Right of Return, as well as the European Convention on Human Rights and other regional legal instruments aim to protect the rights of internally displaced persons and ensure their return to their homeland. In the case of Western Azerbaijan, the principles of interstate relations and international responsibility are also important. The policy pursued by Armenia in these territories, in addition to contradicting the principle of territorial integrity of states and inviolability of borders of international law, has led to massive violations of human rights [5, p. 45]. The Azerbaijani state is putting forward legal claims at the international level in order to eliminate these legal violations and ensure the return of internally displaced persons.

In this context, it is important to place the issue of Western Azerbaijan in a legal framework, through the analysis of both legal norms and international experience, in order to firmly substantiate the issue at both the national and international law levels. This is a necessary condition for the effective implementation of legal protection mechanisms and interstate dialogue.

III. Major Stages of Displacement in the 20th Century: Historical and Legal Context

Forced displacements from Western Azerbaijan occurred in several major stages in the 20th century, and these events played a decisive role in changing the regional ethnic composition. These processes require in-depth analysis both in terms of historical events and international law.

The first phase covers the years 1948–1953. During this period, large-scale deportations were carried out by the Soviet authorities from Western Azerbaijan. The aim was to increase the Armenian population and strengthen the policy of creating a mono-ethnic Armenian SSR [24, p. 72]. These forced transfers can be assessed as a violation of the fundamental principles of international law - the right to personal security, property and housing [35]. This policy of the Soviet government was criticized internationally as a violation of human rights.

The second phase took place between 1987 and 1991. During the collapse of the Soviet Union, Armenian armed forces and the Armenian authorities carried out a massive expulsion of Azeri Turks from Western Azerbaijan. This period was particularly marked by the outbreak of the Nagorno-Karabakh conflict and the occupation of territories. These forced displacements violated the principle of protection of civilians required by the UN Universal Declaration of Human Rights and other international instruments [10, p. 56]. Legal analysis of these resettlements shows that the policy of the Armenian side contradicted the norms and principles of both international humanitarian law and human rights law. This is the basis for the Azerbaijani state to raise legal claims at the international level [16, p. 143]. International law has special mechanisms to combat forced resettlements and ensure the right to return. These rights are reflected in the UN Universal Declaration of Human Rights of 1948, as well as in the European Convention on Human Rights. The

restoration of the rights of internally displaced persons and their return to their homeland are priority issues in the modern international legal system [4, p. 54].

Legal Basis of the USSR Period and Aspects Contrary to International Law. During the Soviet Union, the forced resettlement of Azerbaijanis from Western Azerbaijan was carried out on the basis of various legal and political acts. Although these processes were officially presented as being carried out in accordance with Soviet legislation, they are considered serious violations of international law. The legal basis of the USSR was based mainly on internal Soviet laws, as well as decisions and decrees of the Central Committee. For example, in 1948–1953, the Soviet authorities carried out large-scale deportations of the population under the guise of “resettlement” [25, p. 54]. These measures were planned in accordance with the security and ethnic policy goals of the Soviet authorities. However, international law, in particular the Universal Declaration of Human Rights [30] and other relevant documents, strictly prohibits such acts as forced displacement and ethnic cleansing. Under international law, individual and mass forced displacements are violations of the fundamental human rights of people the right to life, liberty, property, housing and the right to return to their homeland [27, p. 43]. The internal decisions implemented by the USSR were contrary to international law, as they were not in line with international treaties and customary international law that were supposed to guarantee human rights. This shows that the Soviet Union did not comply with international law and its obligations [18]. Also, the centralized system of governance of the USSR and its repressive apparatus created significant shortcomings in protecting the rights of ethnic minorities. At the same time, the obligations assumed by the USSR at the international level for example, the Geneva Conventions of 1949 required the protection of the civilian population. The USSR’s policy of forced resettlement from Western Azerbaijan was contrary to these conventions and can be assessed as a violation of international law [13]. As a result, the forced relocations carried out during the USSR, although officially carried out on the basis of domestic legal norms, were contrary to the principles of international law and human rights, and led to the violation of the rights of the Azerbaijanis of Western Azerbaijan. This remains an issue requiring legal responsibility within the framework of the modern international legal system.

The Legal Nature of Armenia's Systematic Deportation Policy. Armenia's forced deportation of Azerbaijanis from Western Azerbaijan and the territories of Azerbaijan in general was carried out systematically and systematically in the late 20th and early 21st centuries. This policy is an example of ethnic cleansing and forced displacement, which are prohibited under international law. From a legal perspective, this policy of Armenia is a clear violation of international human rights and humanitarian law. The 1948 UN Universal Declaration of Human Rights (Articles 13 and 17) guarantees everyone the right to live and property in their own country. The systematic deportations implemented by Armenia are a massive violation of these rights. International criminal law recognizes ethnic cleansing and forced displacement as “crimes against humanity.” The Rome Statute of the International Criminal Court classifies such acts as a criminal act (Rome Statute, 1998). This policy of Armenia also contradicts relevant UN Security Council resolutions, which require Azerbaijan to protect the security and rights of ethnic minorities in the occupied territories [36]. The deportations carried out by Armenia also violate the principle of protection of civilians under the laws of war. The 1949 Geneva Conventions prohibit the forcible transfer of civilians and consider such actions to be a serious violation of international humanitarian law [15, p. 65]. Consequently, Armenia’s systematic

deportation of Azerbaijanis from Western Azerbaijan is considered an illegal policy against international law and remains a violation of human rights. It is necessary to hold this policy accountable and determine its legal consequences in the international community.

IV. The Place of the Right of Return in International Law

The right of return is a fundamental right in the system of international human rights and humanitarian law. It guarantees the right of persons who have been forced to leave their homes and homelands as a result of forced displacement, war, violent conflict and persecution. It is reflected in the Universal Declaration, the 1951 Convention relating to the Status of Refugees and the 1966 International Covenant on Civil and Political Rights. Article 13 of the Universal Declaration establishes the right of everyone to freedom of movement within and outside the borders of his country and to leave it as he wishes. Article 14 of the 1951 Refugee Convention emphasizes the right of refugees to return to their country of origin if safety is not ensured and the principle of voluntary return. Article 12 of the International Covenant on Civil and Political Rights recognizes the right of everyone to freedom of movement within and to leave their country, as well as to return to their country. The International Human Rights Committee and other international bodies have emphasized the right of return as a fundamental right for people to return to their homeland in peace and security. The right of return is also essential for restoring peace after conflict, ensuring sustainable development and social justice. Ensuring this right is a priority issue in terms of restoring the rights of refugees and internally displaced persons and fulfilling the international obligations of states. As a result, the right of return is an important component of international law, ensuring the right of people to return to their homeland in peace and security, and states have international obligations to ensure this right.

The Right of Return in UN Instruments. UN instruments constitute the main legal basis for the right of return in international law and ensure the international recognition and protection of this right. In particular, the Universal Declaration of Human Rights [12] and other relevant UN instruments define the legal status of this right. Article 13 of the 1948 UN Universal Declaration of Human Rights establishes the right of everyone to freedom of movement within the borders of his country and to leave his country, as well as to return to his country: "Everyone has the right to freedom of movement and residence within his country". "Everyone has the right to leave his country and to return to his country". UN Security Council Resolution 194 (1964) and other relevant resolutions aim to ensure the right of return in the context of international peace and security. For example, Resolution 194 affirms the right of refugees to return to their homes within the framework of the Israeli-Palestinian conflict, a principle that applies as international law to other conflicts. In addition, the UN High Commissioner for Refugees (UNHCR) places the right of return at the core of refugee rights and emphasizes the importance of ensuring voluntary, safe and dignified return in peace. The right to leave one's country and to return is also recognized in various other UN instruments, including Article 12 of the 1966 International Covenant on Civil and Political Rights. As a result, UN instruments define the right of return as a fundamental right within the human rights system and impose international obligations on States to ensure this right.

The European Convention on Human Rights and the Practice of the European Court of Human Rights. The European Convention on Human Rights (ECHR) is an important international legal instrument in the field of protection of human rights and freedoms. A

number of articles of the Convention guarantee the rights of individuals related to the right of return, and precedents have been established in the decisions of the European Court of Human Rights (ECHR) on the protection of this right [23]. Article 8 of the Convention guarantees the right to respect for one's private and family life: "Everyone has the right to respect for his private and family life, his home and his private life. This article often serves as the main legal basis in disputes over the right of return, as forced displacements result in the disruption of a person's ties with their home and family. The European Court assesses cases of forced displacement and deportation, as well as forced returns, in the light of this article. The Court has held in several cases that the failure to ensure the right of return constitutes a violation of the Convention. For example, in the case of *Chirkin and Others v. Azerbaijan* (2004), the issue of the violation of the rights of forcibly displaced persons was discussed. Furthermore, Article 14 of the Convention provides protection against discrimination, which is important for preventing discrimination on the basis of ethnicity in the implementation of the right of return. The ECtHR's case law also emphasizes that states are responsible for forced displacement and that failure to ensure the right of return has legal consequences. The Court obliges states to provide compensation and other remedial measures when they breach their human rights obligations. Consequently, the European Convention on Human Rights and the case law of the European Court of Human Rights play an important role in the international protection of the right of return and guarantee the protection of the rights of persons affected by forced displacement.

In the Context of the Right to Property, the Right to Citizenship and the Right to Personal Identity. The right to return is not limited to the physical return to one's homeland, but is also related to the restoration and protection of other fundamental rights, such as the right to property, the right to citizenship and the right to personal identity. The right to property is recognized in international law as the right to own and use one's personal and collective property. Article 17 of the 1948 UN Universal Declaration of Human Rights states that everyone has the right to property. Forced displacement involves the taking or appropriation of land, houses and other property, which is contrary to international law on property rights. The right of return also includes the restoration of this property right.

The right to nationality ensures that a person has the rights and duties of a citizen of a particular state. In the event of forced displacement, a person may lose or have their nationality restricted. This makes it difficult for them to return to their country and exercise their rights there. International law, in particular the 1961 Convention on the Rights of the Child and other instruments, offers safeguards against the unjustified deprivation of nationality. The right to individual identity encompasses the right to preserve a person's cultural, ethnic and national identity.

In the context of forced displacement and ethnic cleansing, individual identity and cultural heritage are threatened. The right to return is essential in this respect for the individual to restore his or her identity and return to his or her cultural environment. In international law, these rights are interrelated and must be guaranteed together. For example, Article 1 of Protocol No. 1 to the European Convention on Human Rights guarantees the right to property, Article 14 of the Convention guarantees protection against discrimination, and Article 8 guarantees the right to family and private life. Consequently, the right to return is closely linked to the right to property, the right to

citizenship, and the right to personal identity, and the restoration of these rights is necessary for the normalization of the living conditions of internally displaced persons.

Interstate Obligations and Legal Responsibility. Ensuring the right to return is not limited to the legal protection of individuals; this issue also acts as a subject of interstate legal relations and international obligations. States, as subjects of international law, are obliged to recognize and ensure the rights of persons forcibly displaced from the territory of other States. In this context, the legal status of both the violating and the injured State is determined. According to the 2001 draft articles of the International Law Commission on the Charter of the United Nations and the Responsibility of States for Internationally Wrongful Acts, the systematic commission of human rights violations by a State against the population of another State (such as ethnic cleansing, forced displacement, expropriation of property, and prevention of return) gives rise to the responsibility of that State under international law. From this perspective, the deportation, confiscation of property and deprivation of citizenship carried out by the Republic of Armenia against Azerbaijanis from Western Azerbaijan during the USSR period and in subsequent years can be assessed as acts prohibited by international law. In this context, the Azerbaijani state has the right to both protect the rights of its citizens and file legal claims on international platforms. The International Court of Justice, the European Court of Human Rights, the UN International Court of Justice and national courts with absolute jurisdiction can act as legal instances for the consideration of such disputes [7]. The Azerbaijani side can use legal mechanisms to recognize *de jure* and *de facto* violated rights, compensate for damages, ensure return and adopt relevant international decisions. In addition, international humanitarian law (in particular the Geneva Conventions and their Additional Protocols) constitutes an important legal framework for the protection of displaced persons in armed conflict and for enabling their return. As a result, the concepts of fulfillment of interstate obligations and legal accountability are one of the fundamental mechanisms for the realization of the right of return of forcibly displaced persons. States are legally responsible when they fail to fulfill their international obligations, and demanding this responsibility through legal means ensures the stability of the international legal system.

V. Armenia's Obligations Under International Law

The Republic of Armenia, as a member of the UN and other international organizations, has obligations under international law in various areas. These obligations include the protection of human rights, the prevention of ethnic cleansing, the prohibition of forced displacement, and the right of return.

Commitments to protect human rights. Armenia has ratified key international instruments such as the UN Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966) [33]. These instruments establish the right of every individual to life, property, freedom of movement and return to his homeland. The systematic forced deportation of Azerbaijanis from Western Azerbaijan on the basis of their ethnicity is a clear violation of these rights.

Obligations on deportation and forcible transfer. Under international humanitarian law, including the 1949 Geneva Conventions, the mass transfer or deportation of civilians, particularly when carried out on the basis of ethnicity or nationality, constitutes a war crime and a crime against humanity [29, p. 361]. Armenia is a party to these

conventions, and as a result, the ethnic cleansing and forcible transfer that took place between 1948 and 1991 can be considered a serious violation of international law.

Rights of refugees and internally displaced persons and the right to return. The 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol, as well as the UN Principles on the Return of Refugees, impose legal responsibilities on Armenia to ensure the voluntary, safe and dignified return of refugees and internally displaced persons to their homeland. Armenia's failure to recognize these rights and to prevent real returns demonstrates its failure to comply with its international obligations [32].

Prohibition of ethnic discrimination. The International Convention on the Elimination of All Forms of Racial Discrimination (1965) is another important document to which Armenia has acceded. Under this Convention, states must not discriminate on the basis of nationality and must treat citizens and non-citizens fairly. The state policy implemented against Azerbaijanis from Western Azerbaijan, the renaming of villages and cities, the erasure of cultural heritage, and the legal and factual impossibility of return are contrary to the requirements of this Convention.

Obligations under the European Convention on Human Rights. Armenia is a member of the Council of Europe and a party to the European Convention on Human Rights. Article 8 of this Convention provides guarantees on the right to private and family life, and Article 1 of Protocol No. 1 provides guarantees on the right to property. Armenia's failure to recognize these rights of forcibly displaced persons and to establish mechanisms for restitution and compensation for their property may be considered a violation of the Convention.

VI. Rights of Claim and Responsibility of the Republic of Azerbaijan.

In the context of the systematic forced displacement of Azerbaijanis from Western Azerbaijan, ethnic cleansing, violation of property rights and denial of the right of return, the Republic of Azerbaijan has the right to bring a claim and demand responsibility under international law. These rights are based on the relevant principles of international law, treaties and the doctrine of state responsibility.

Diplomatic protection and the right to bring a claim on behalf of the state. The Republic of Azerbaijan, in accordance with international law, may apply diplomatic protection in cases of violation of the rights of its citizens of displaced persons held in its citizenship. This is a mechanism recognized in the practice of the International Court of Justice (for example, the *Nottebohm* case, 1955). The state of Azerbaijan has the right to bring a claim on behalf of persons whose rights have been violated in international courts and organizations.

Access to international legal forums. Azerbaijan can take the issue to the international level through the following legal avenues: a lawsuit against Armenia for violations of rights at the International Court of Justice (ICJ); individual or state applications (on property, return, identity, etc.) at the European Court of Human Rights (ECHR); relevant UN Committees (e.g., the Human Rights Committee, the Office of the High Commissioner for Refugees, the Committee on the Elimination of Racial Discrimination); claims regarding the destruction of tangible and intangible cultural heritage at organizations such as UNESCO and ISESCO [21].

Collection and presentation of historical and legal evidence. To strengthen the legal claim of the Republic of Azerbaijan: witness statements of persons deported from Western Azerbaijan; property documents and archival materials; evidence of the change of place names and the destruction of cultural heritage; official documents obtained from

the archives of the USSR and Armenia. should constitute the legal basis of this process. It is also important to strengthen archiving, documentation and legal expertise activities in this direction at the state level.

VII. Potential for Appeal to International Courts (UN, ECHR, etc.)

The violations of the rights of Azerbaijanis from Western Azerbaijan, their forced displacement, appropriation of their property and denial of the right to return, in addition to being contrary to international law, create legal grounds for appeal to international courts and tribunals. The Republic of Azerbaijan and the affected individuals have the opportunity to use several legal mechanisms in this direction.

European Court of Human Rights (ECHR). Both Azerbaijan and Armenia are parties to the European Convention on Human Rights (1950) [6], Under this Convention, Azerbaijani citizens, individually, and the Republic of Azerbaijan, as a state, have the opportunity to bring inter-state claims:

Legal Mechanisms and Practices for the Return of West Azerbaijani Turks. The return of West Azerbaijani Turks to their historical homelands is both a fundamental human right based on international law and a pressing issue in terms of ensuring regional stability. In order to implement this process on a legal basis, it is important to systematically use international practice and legal mechanisms,

The right of return based on international law. The right of return is a fundamental right recognized and protected by various international legal instruments. The main normative framework is: the Universal Declaration of Human Rights (1948), Articles 13 and 17, which affirm the right of everyone to return to their country and to own property; UN Resolution 194 (1948) recognizes the right of ethnically displaced persons to return to their homeland and calls on states to create conditions for this; the European Convention on Human Rights, Protocol No. 8 and 1, which legally protect return through the rights to private life, family and property [31].

Legal mechanisms and possible ways to apply. a) Restoration of individual rights:

Individual appeals by Western Azerbaijanis to the European Court of Human Rights (ECHR) are an important means for restoring their violated rights. The right to property, the right to private life and the right to personal identity can be the main areas of claim. b) Organization of collective return at the state level: The Azerbaijani state can act towards ensuring the right of return against Armenia, based on cooperation with international organizations (UN, OIC, Non-Aligned Movement, etc.): through bilateral negotiations and diplomatic pressure; by filing legal claims in international courts; by activating international mechanisms for compensation and reintegration mechanisms.

International experiences: a comparative approach. There are a number of examples of the return of expelled ethnic groups around the world: Bosnia and Herzegovina (1995, Dayton Peace Agreement) established international control and legal mechanisms for the return of internally displaced persons; Kosovo Albanians and Serbs were returned under the supervision of the interim administration established by the UN and the EU; These experiences show that the participation of international organizations and the activation of legal mechanisms play a key role in the legal and safe implementation of the return process.

Formation of a legal and institutional framework for return. The following measures are necessary to support return in the Republic of Azerbaijan from a legal and technical perspective: Creation of a legal register of forcibly displaced persons from Western

Azerbaijan; Collection and legal documentation of property documents; Documentation of cultural heritage and social ties; Demanding compensation and legal restitution mechanisms from Armenia. These measures are important both for the implementation of the right of return and for strengthening the legal basis before the international community [2, p. 115]. Based on these examples, Azerbaijan can accuse Armenia of systematically violating the rights of Azerbaijani Turks from Western Azerbaijan.

VIII. Precedents of similar cases in the world (Balkans, Cyprus, Palestine)

Throughout history, many ethnic and religious minorities have been forcibly displaced, and their right to return to their homelands has been the focus of attention of the international community. Studying the legal precedents and international practices formed worldwide in the context of the right of return of West Azerbaijani Turks is important for putting this problem into a legal framework and choosing legal struggle mechanisms. Balkans (Bosnia and Herzegovina Dayton Peace Agreement) Hundreds of thousands of people became internally displaced persons as a result of the Yugoslav war that took place in the 1990s. Within the framework of the Dayton Peace Agreement signed in 1995, the UN and the international community recognized the right of these persons to return to their homelands: Annex VII of the Agreement recognizes the “Right of Return of Refugees and Internally Displaced Persons”; The mechanisms of the International Executive Commission and the European Court of Human Rights have been activated for the implementation of this right; The rights to property restitution and compensation, covering both individual and collective, have been established [8, p. 87], This precedent shows that the return of a population subjected to ethnic cleansing can be legally ensured with the support of international law and organizations. Cyprus (Loizidou v. Turkey and the Turkish-Cypriot Population Issue). As a result of the events in Cyprus in 1974, thousands of Greek Cypriots were expelled from their homeland. The case of Loizidou v. Turkey (1996) at the ECtHR set an important precedent for international law in this context: The Court recognized the right of an individual to return to their homeland and did not consider the fact of occupation as an obstacle to return; It confirmed the continuity of property rights and ordered Turkey to pay compensation; This precedent showed that the right to individual property cannot be violated even in cases of occupation and ethnically based deportation, This case also provides an important legal basis for the international protection of the right of displaced persons from Western Azerbaijan to return to their lands and reclaim their property. Palestine (Resolution 194 and International Discussions). Hundreds of thousands of Palestinians were forced to leave their homes when Israel was established in 1948. Following this event, UN General Assembly Resolution 194 (1948) reaffirmed the right of return as follows: “Those who wish to return shall be permitted to return as soon as possible. If return is not possible, the right to compensation should be applied; this principle has created the experience of millions of internally displaced persons as the right of return is recognized at the international level. Although the implementation of this right has not been fully ensured to date, the Palestinian issue illustrates how the issue of internationally recognized ethnically based expulsion and the right of return lives in the political and legal framework in the context of Western Azerbaijan These three precedents (Balkans, Cyprus, Palestine) show that: The international community and legal mechanisms recognize the rights of return, compensation and property of deported persons; These rights can be restored at the legal and diplomatic level on the basis of the ECHR, UN

Resolutions and bilateral agreements; These experiences can serve as the main basis for the international recognition and legal protection of the rights of West Azerbaijani Turks..

IX. Possibilities for Ensuring Return through Legal and Diplomatic Means

The return of West Azerbaijani Turks to their ancestral lands is not only a restoration of historical justice, but also a legitimate legal demand based on international law. For the realization of this right, it is necessary to optimally coordinate the use of both legal mechanisms and diplomatic means.

Use of international legal mechanisms:

The right of return is protected and guaranteed by the following key instruments of international law: UN General Assembly Resolution 194 (1948) recognizes the return of persons expelled from their homelands as a result of ethnic cleansing; Universal Declaration of Human Rights (1948), Articles 13 and 17, guarantee the right of everyone to leave and return to the country of their residence, as well as to own property; The European Convention on Human Rights, in particular Article 8 (right to private and family life) and Protocol No.1 (protection of property), provide the legal basis for individual applications. Based on these documents, legal action can be taken both at the individual level (e.g., claims to the European Court) and at the interstate level (e.g., applications by Azerbaijan to the ECHR and UN structures).

Diplomatic channels and cooperation with international allies:

Along with the legal basis, diplomatic efforts are also one of the leading pillars of the process. Diplomatic initiatives are important in the following areas: Bilateral and multilateral negotiations: Seeking an agreement on return through negotiations with Armenia directly or through intermediaries (UN, OSCE, OIC); Using the resources of global and regional organizations: Azerbaijan can gain international support by keeping this issue on the agenda in associations such as the Organization of Islamic Cooperation (OIC), the Non-Aligned Movement and the Organization of Turkic States and adopting legal documents in decision-making bodies, Humanitarian diplomacy: presenting the safe and voluntary return of internally displaced persons within a humanitarian framework, presenting the issue as a legal-humanitarian issue rather than a political one.

Strategic opportunities of the Republic of Azerbaijan:

The Azerbaijani state can contribute to the legal and diplomatic provision of return through the following means. National registry and legal archives: Lists of persons deported from Western Azerbaijan, property documents, evidence of family history and cultural heritage should be collected and systematized; Special state program: A legal strategy and communication plan should be adopted to ensure the right of return and promote it internationally; Claims in international courts: The Azerbaijani state has the opportunity to file interstate claims against Armenia for violating human rights (ECHR, UN International Court of Justice, etc.).

Presentation of reliable precedents as a legal basis:

There are already well-known similar precedents in the world *Loizidou v. Turkey*, *Bosnia and Herzegovina*, *Palestinian refugees*, etc. These cases can be used to promote the rights of Western Azerbaijanis in international courts.

X. Regulation of this Issue in the Domestic Legal System of Azerbaijan (Current Gaps in Legislation and Proposals)

The right to return of persons deported from Western Azerbaijan should be established and protected not only by international law, but also within the national legal framework of the Republic of Azerbaijan. Although the current legal system addresses this issue to some extent, there are serious gaps in the concrete and functional provision of the legal basis for the return process.

Existing legal framework. A number of normative documents in the legislation of the Republic of Azerbaijan indirectly address this issue: Constitution of the Republic of Azerbaijan – Articles 69 and 71 stipulate the fundamental rights of citizens, including the rights to property, citizenship and security; Law on Refugees and Internally Displaced Persons (1999) this document mainly covers internally displaced persons, but does not separately regulate the legal status of compatriots deported from foreign countries, Documents such as the State Migration Program and the National Action Plan on Human Rights do not specifically address the issue of Western Azerbaijan; although the Azerbaijani state has demonstrated political will by adopting the Concept of Return to Western Azerbaijan, the legal implementation mechanisms of this document are still not supported by legislation.

Existing gaps in the legislation. The legal status of deported persons is not defined. The legal status of persons expelled from Western Azerbaijan (and their children) is not specified in the legislation as a separate category; There is no normative basis for the recognition and protection of the right of return; the legal grounds for the right of return of these persons, property claims or compensation mechanisms are not regulated by the normative order, Procedures for the restoration of property and ownership rights do not exist; there is no legislative mechanism for the recognition of property, either individually or collectively, or for filing claims with international bodies; Alignment with international law is weak; international instruments on the right of return have not been fully integrated into the domestic legal system [3, p. 143].

Legal and institutional proposals. A special law “On the legal status of deported persons” should be adopted. This law should: define the rights and legal status of persons expelled from Western Azerbaijan and their families; explain the mechanisms for claims related to return, compensation, property and citizenship. A State Program or Action Plan on the right of return should be developed, which should: where: Legal, diplomatic, social and information measures should be determined. Mechanisms for appeal to international courts should be indicated. A formalized base should be created for the collection and archiving of legal documents. A register for the protection of property rights should be formed - evidence and documents related to the property rights of deported persons should be collected and classified on a legal basis.

Towards harmonization of national legislation with international law: ECHR precedents and documents adopted by the UN should be taken as a basis; These documents should be transferred to national law at the level of normative legal acts

XI. Conclusion

For the legal guarantee of the right of return of West Azerbaijani Turks, it is not enough to rely solely on international law. The domestic legal system of the Republic of Azerbaijan should: create an appropriate legislative framework, harmonize it with international norms, and develop a specific implementation mechanism. This approach

is necessary both for the fulfillment of the state's responsibility to its citizens and for the strengthening of legitimate claims in the international legal arena. The return of West Azerbaijani Turks is not only a humanitarian, but also a legal issue. International law establishes this right and allows for its implementation through various mechanisms. The Azerbaijani state must organize its activities in this direction, both at the individual and state levels, in accordance with the possibilities of international law. The Republic of Azerbaijan has the right, based on international law, to demand that Armenia recognize its state responsibility and eliminate its consequences. These claims are of great importance not only in terms of restoring historical justice, but also in terms of maintaining stability and legal norms in the region.

Return is possible through legal and diplomatic means, and international law recognizes this right. For this to happen, political will, systematic legal documentation, international support, and consistent diplomatic initiatives are required. The Azerbaijani state and civil society must continue to engage in this process both nationally and internationally.

Armenia has serious obligations under international law in many areas, including human rights, humanitarian law, refugee protection, and the fight against discrimination. The forcible and systematic expulsion of Azerbaijani Turks from Western Azerbaijan from their homeland, the denial of their rights, and the obstruction of their return process are violations of these obligations. This raises Armenia's international responsibility and creates legal grounds for Azerbaijan to file claims in international courts and organizations. The forced resettlement of Azerbaijani Turks from Western Azerbaijan is the result of a planned policy of ethnic cleansing and deportation carried out by Armenia in the 20th century. This process is not only a humanitarian tragedy, but also a serious violation of international law [9, p. 43]. The right of return, property rights, citizenship rights and the right to individual identity of deported persons are recognized and protected by international legal documents. The analysis conducted in the article showed that, The right of return is based on the fundamental principles of international law and is reflected in UN documents and ECHR precedents; The deportations carried out by Armenia are contrary to international law and give rise to specific legal responsibility of this state; The Republic of Azerbaijan has the right to appeal to international courts both at the individual and state levels; This issue is still not systematically regulated in domestic legislation from a normative perspective, which creates legal gaps.

Proposals:

1. Legal measures: Adopt a special law "On the legal status of West Azerbaijani Turks"; Develop a regulatory framework for the right of return, property restoration and compensation mechanisms; Bring national legislation into line with international legal norms,

2. International legal struggle: The Azerbaijani state should submit interstate claims to the European Court of Human Rights; the possibility of appealing to the UN International Court of Justice and other tribunals should be assessed; the ECHR *Loizidou* and *Cyprus* precedents should be used.

3. Diplomatic and political efforts: The issue of Western Azerbaijan should be permanently placed on the agenda of international organizations (UN, OIC, OSCE, etc.); The support of the international community should be ensured on humanitarian and legal grounds,

4. Documentation and formation of evidence base: Lists of deportees, property documents, family archives and witness statements should be systematically collected

and formalized; Archives that can be used as legal evidence at the national and international levels should be created and preserved.

5. Awareness and strengthening of national memory: The history and rights of Western Azerbaijan should be more widely covered in educational programs and social media so that younger generations are aware of this issue; The implementation of the Return Concept should be ensured with public support.

The return to Western Azerbaijan is not only a political and historical issue, it is a fundamental human right recognized and protected by international law. The Azerbaijani state and society must continue a consistent legal and diplomatic struggle both nationally and internationally for the realization of this right. This is not only a response to the injustice of the past, but also the restoration of legal and historical justice for future generations.

References:

1. Aliyev, T. (2020). Forced Displacements and Human Rights: An International Comparison. *International Law and Diplomacy*, 5(1), 22-37. (in Azerbaijani / Aliyev, T. (2020). *Məcburi köçkünlük və insan hüquqları: beynəlxalq müqayisə. Beynəlxalq hüquq və diplomatiya*, 5(1), 22-37).
2. Aliyeva, S. (2020). Armenia's Ethnic Cleansing Policy: Legal Aspects. *Azerbaijan Law Journal*, 3(45), 112-130 (in Azerbaijani / Aliyeva, S. (2020). *Ermənistanın Etnik Təmizləmə Siyasəti: Hüquqi Aspektlər. Azərbaycan Hüquq Jurnalı*, 3(45), 112-130).
3. Chesterman, S. (2004). *You, the People: The United Nations, Transitional Administration, and State-Building*.
4. Chernyshevsky, V. (2012). *International Human Rights and Refugee Law*. Moscow: Legal Publishing House.
5. Cornell, S. E. (2011). *The Nagorno-Karabakh Conflict*. Report for the Council on Foreign Relations.
6. Council of Europe. (1950). *European Convention on Human Rights*.
7. Council of Europe. (2020). *Guide on Article 8 of the European Convention on Human Rights – Right to respect for private and family life*.
8. Crawford, J. (2013). *State Responsibility: The General Part*. Cambridge University Press.
9. Dadrian, V. N. (1993). *The History of the Armenian Genocide: Ethnic Conflict from the Balkans to Anatolia to the Caucasus*. Providence, RI: Berghahn Books.
10. De Waal, T. (2013). *Black Garden: Armenia and Azerbaijan through Peace and War*. New York: NYU Press.
11. European Court of Human Rights. (1996). *Loizidou v. Turkey (Merits)*, No. 15318/89.
12. European Court of Human Rights. (2001). *Cyprus v. Turkey*, Application No. 25781/94.
13. European Convention on Human Rights. (1950). *Convention for the Protection of Human Rights and Fundamental Freedoms*.
14. Geneva Conventions. (1949). *Geneva Conventions on the Protection of Civilians during War and Additional Protocols*.

15. Greer, S. (2006). *The European Convention on Human Rights: Achievements, Problems and Prospects*. Cambridge University Press.
16. Guliyev, E. (2015). *The problem of Western Azerbaijan: legal aspects*. Baku: Law Academy Publishing House.
17. Hathaway, J. C. (2005). *The Rights of Refugees under International Law*. Cambridge University Press.
18. Human Rights Watch. (1993). *Ethnic Cleansing in the Former Soviet Union*. HRW Publications.
19. Human Rights Watch. (1994). *Seven Years of Conflict in Nagorno-Karabakh*.
20. Huseynov, R. (2018). Azerbaijan's West Azerbaijan Problem: International Law and Humanitarian Aspects. *Azerbaijan Law Journal*, 3(2), 45–60 (in Azerbaijani / Hüseynov, R. (2018). *Azərbaycanın Qərbi Azərbaycan Problemi: Beynəlxalq Hüquq və Humanitar Aspektlər*. *Azərbaycan Hüquq Jurnalı*, 3(2), 45–60).
21. Institute of Law and Human Rights. (2022). *Legal Assessment of Deportations from Western Azerbaijan*. Baku: HİHI Publishing House.
22. International Convention on the Elimination of All Forms of Racial Discrimination. (1965).
23. International Court of Justice. (2020). *Advisory Opinion on Legal Consequences of the Separation of Crimea from Ukraine*.
24. Mamedov, A. (2009). *The ethnic policy of Armenians in Western Azerbaijan*. Baku: Science Publishing House (in Azerbaijani / Mamedov, A. (2009). *Qərbi Azərbaycanda ermənilərin etnik siyasəti*. Baki: Elm Nəşriyyatı).
25. Mammadov, A. (2018). *The history and legal status of Western Azerbaijan*. Baku: Azerbaijan State Publishing House (in Azerbaijani / Məmmədov, A. (2018). *Qərbi Azərbaycanın tarixi və hüquqi statusu*. Baki: Azərbaycan Dövlət Nəşriyyatı).
26. Milli Majlis of the Republic of Azerbaijan. (1999). *Law on the Status of Refugees and Internally Displaced Persons* (in Azerbaijani / *Azərbaycan Respublikasının Milli Məclisi*. (1999). *Qaçqınların və məcburi köçkünlərin statusu haqqında Qanun*).
27. Smith, J. (2010). *Forced Displacement and International Law*. Oxford University Press.
28. Smith, J. (2019). *Forced Displacement and Return Rights in International Law*. *Journal of Refugee Studies*, 32(4), 567–589.
29. Turksoy, M. (2021). *Mandatory migration and right of return in international law*. *Ankara University Faculty of Law Journal*, 70(2), 345–368 (in Turkish / Turksoy, M. (2021). *Beynəlxalq hüquqda məcburi miqrasiya və geri qayıtma hüququ*. *Ankara Universiteti Hüquq Fakültəsi Jurnalı*, 70(2), 345–368).
30. UN Human Rights Committee. General Comment No. 27.
31. United Nations. (1948). *Universal Declaration of Human Rights*.
32. United Nations. (1951). *Convention Relating to the Status of Refugees*.
33. United Nations. (1966). *International Covenant on Civil and Political Rights*.
34. United Nations General Assembly. (1993). *Resolution 1993/30 on Human Rights Violations in Conflict Zones*.

35. United Nations High Commissioner for Refugees (UNHCR). (1996). Handbook on Voluntary Repatriation: International Protection.

36. United Nations Human Rights Office of the High Commissioner. (2023). Report on the Right of Return of Refugees and Displaced Persons.

37. United Nations Security Council. (1993). Resolutions 822, 853, 874, 884 on the Nagorno-Karabakh Conflict.

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