



Armenian National Committee of America
NATIONAL HEADQUARTERS

ANCA Policy Brief: Ensuring a Safe and Secure Right of Return for Artsakh's Armenians

The 'right of return' is a universally acknowledged principle of international law that guarantees the right of every person to voluntary return to their country of origin – regardless of citizenship or status.

The right is established in several treaties and conventions, including the 1948 Universal Declaration of Human Rights, the 1966 Covenant on Civil and Political Rights, and the 1948 Fourth Geneva Convention. The right of return has also been affirmed through legal precedent as it pertains to populations that have been forcibly displaced due to conflict. This right has also been affirmed in conventions to which Azerbaijan is a signatory, including the European Convention on Human Rights, which states: "[n]o one shall be deprived of the right to enter the territory of the state of which he is a national".

The right of return clearly applies to the case of the 150,000 Armenians forcibly displaced by Azerbaijan from Artsakh since the 2020 Nagorno-Karabakh War and the genocidal ethnic cleansing of the region in September 2023. A number of governments have publicly affirmed the right of Armenians to return to Nagorno-Karabakh under safe conditions.

ANCA Legislative Request

Recognizing the universally recognized right of Artsakh's Armenians to return to their homes as the primary aspiration of Artsakh's people, the ANCA urges Congressional leaders to ensure that the right of return remains a top priority when engaging with the Administration on its response to Azerbaijan's ethnic cleansing of Artsakh. Ensuring a secure right of return for Artsakh's Armenians should be a condition of the conflict resolution process.

U.S. Statements Affirming the Right of Armenians to Return to Artsakh

The U.S. government has on several occasions affirmed its support for the right of Artsakh's Armenians to return to their homes, but – despite these calls – has taken no meaningful steps to realize this right or even to ensure that it is addressed in ongoing mediation efforts between Armenia and Azerbaijan.

- **Statement** by U.S. Ambassador to the OSCE Michael Carpenter (10/05/23): *"Nagorno-Karabakh residents who have departed for Armenia should be able to return to their homes if they so choose, once it is safe to do so."*
- **Briefing** by U.S. State Department Spokesperson Matthew Miller (11/14/23): *"...we continue to believe that people who have left Nagorno-Karabakh have the right to come home if they wish to do so, and that's a right that should be upheld."*
- **Joint Statement** at the U.N. Human Rights Council (10/11/2023): *At this time, we urge Azerbaijan to ensure the rights and security of those Nagorno-Karabakh Armenians who remain and to promptly create conditions for the voluntary, safe, dignified and sustainable return of those who wish to go home.*

- [Testimony](#) before the House Foreign Affairs Committee by USAID Deputy Assistant Administrator Alexander Sokolowski (11/15/2023): *Administrator Power and acting Assistant Secretary Kim then traveled to Azerbaijan, where they met with President Ilham Aliyev to express deep U.S. concerns with Azerbaijan's military operation in Nagorno-Karabakh and to press the Azerbaijani government to allow humanitarian access to populations in need of assistance in the territory, protect Armenian religious and cultural sites in Nagorno Karabakh, and take demonstrable steps to establish conditions on the ground that would give ethnic Armenians the confidence that they can return.*
- [Testimony](#) before the House Foreign Affairs Committee by U.S. Assistant Secretary of State for Europe James O'Brien (11/15/2023): *"We have urged Azerbaijan to ensure all ethnic Armenians who have departed Nagorno-Karabakh are guaranteed a safe, dignified, and sustainable return, should they so choose, with their rights and security guaranteed."*

International Support for the Right of Return for Artsakh's Armenians

The International Court of Justice (ICJ) recognized the right of Armenians to return to Artsakh in an legally binding order for [provisional measures](#) following the ethnic cleansing of Artsakh, calling on Azerbaijan to *"ensure that persons who have left Nagorno-Karabakh after 19 September 2023 and who wish to return to Nagorno-Karabakh are able to do so in a safe, unimpeded and expeditious manner."*

Human Rights Groups Support for the Right of Return for Artsakh's Armenians

Human Rights Watch has called for the right of return for the Armenians of Nagorno-Karabakh to be upheld, stating: *"Governments involved in facilitating talks between Azerbaijan and Armenia should secure concrete commitments from Azerbaijan's president on respecting, protecting, and implementing the right to return of ethnic Armenians from Nagorno-Karabakh"*. The Human Rights Watch report states that a *"sustained international presence is essential for the right to return to be meaningful, not theoretical,"* and continues to specify that *"for those who return, Azerbaijan should ensure access to education in the Armenian language and provide concrete guarantees protecting people's ability to exercise civil, political, religious, and cultural rights without discrimination."*

Azerbaijan's Violations of the Right of Return

Given Azerbaijan's ongoing military aggression against Armenia and occupation of sovereign Armenian territory, evidence of cultural erasure and destruction of Armenian heritage in Azerbaijani-occupied Artsakh, continued belligerent rhetoric and threats of further territorial encroachment by Azerbaijan, the vandalism and destruction of Armenian civilian infrastructure in Nagorno-Karabakh – including Artsakh's National Assembly, government buildings and educational institutions – coupled with public pronouncements of plans to settle Azerbaijani populations in formerly Armenian-populated areas, the need to act swiftly to ensure a safe, secure and internationally monitored right of return for Armenian civilians is imperative.

The Costs of U.S. Inaction on the Right of Return

The failure to facilitate a secure right of return will not only consolidate Azerbaijan's act of ethnic cleansing, but create a long-term refugee and statelessness crisis for the 150,000 Nagorno-Karabakh residents displaced and living in Armenia who currently face severe challenges when it comes to housing, employment, social services, healthcare and other basic needs.

Recent [statements](#) by U.S. Secretary of State Antony Blinken and USAID Administrator Samantha Power promoting the "integration" of Artsakh refugees in Armenia – in the absence of any meaningful effort to create conditions for return – legitimizes Azerbaijan's attempts to ensure the permanent displacement of Artsakh's indigenous Armenian population.
