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**PABSEC**

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CULTURAL, EDUCATIONAL AND SOCIAL AFFAIRS COMMITTEE

**REPORT**

**THE RIGHTS AND SOCIAL PROTECTION  
OF REFUGEES AND DISPLACED PERSONS  
IN THE BLACK SEA REGION**

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*There is no greater sorrow on earth  
than the loss of one's native land*

## I. INTRODUCTION

1. The Seventh Plenary Session of the PABSEC General Assembly held in Baku on 11-13 June 1996 requested the Cultural, Educational and Social Affairs Committee to have a preliminary discussion on the problem of the rights and social protection of displaced persons. The Committee considered the subject at its Seventh Meeting held in Yerevan on 4-5 October 1996 and, given the importance of this issue for the PABSEC Member Countries, decided to place it as the main item on the Agenda of the next, Eighth Meeting in Rize on 9-10 April 1997.

2. Contributions for the Report and Recommendation have been received from the national delegations of Armenia, Georgia, Greece, Romania, Russian Federation and Turkey. In addition, the Rapporteur has made use of reference materials received by the PABSEC International Secretariat from the Office of the UN High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the Parliamentary Assembly of the Council of Europe and the Parliamentary Assembly of the Organisation for Security and Cooperation in Europe.

## II. OVERVIEW OF THE SITUATION: CAUSES AND TYPES OF MIGRATION

3. Increased migration flows in the Black Sea region have been brought about by various causes, from violations of human rights, armed conflicts and ethnic tension to social and economic deterioration, environmental degradation and natural and technological disasters.

4. Movements of astonishing scale and complexity have been taking place within the Commonwealth of Independent States: since 1989, around 9 million people have moved for involuntary reasons within or between the countries of the CIS. While some of the movements, such as refugees and internally displaced persons, are of a type familiar to international community, others are unique being the products of the special characteristics of the Soviet Union and its dissolution into fifteen separate states.

5. Defining the types of migration has been a serious political and conceptual problem for states and international organisations. It should be noted that according to Article 1, Paragraph A(2) of the 1951 Geneva Convention relating to the Status of Refugees and its 1967 Protocol to which 132 states have acceded by now<sup>1</sup>, a refugee is a person who "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it". Internally displaced persons leave their permanent place of residence due to the same reasons as refugees but do not cross international borders.

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<sup>1</sup>As of 18 October 1996

6. The Regional Conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the countries of the Commonwealth of Independent States and relevant neighbouring States, which was held in Geneva on 30-31 May 1996 under the auspices the UN High Commissioner for Refugees, the International Organization for Migration and the Organisation for Security and Cooperation in Europe, recognised that universal definitions and widely accepted concepts exist only for three categories of persons: refugees, internally displaced persons and illegal migrants. At the same time, the Conference made use of five other working definitions applying to situations in the CIS countries which had been developed by these countries: persons in refugee-like situations, repatriants, involuntarily relocating persons, formerly deported peoples, and ecological migrants (*Annex I*).

7. The term “forced migrant” (‘vynuzhdennyi pereselenets’ in Russian) was not used in the vocabulary of the conference due to reservations expressed by some countries. However, this term is widely used in the Russian Federation. According to the laws of the Russian Federation “On Forced Migrants” of 19 February 1993 and “On the Introduction of Amendments into the Law ‘On Forced Migrants’”, “The forced migrant is any citizen of the Russian Federation who has left his place of permanent residence because of violence or persecution in other forms committed against him or his family, or because of real danger of becoming a victim of persecution due to race, nationality, religion, or membership of a particular social group or political opinion serving as a pretext for launching hostile campaigns against a concrete person or a group of persons or, furthermore, because of massive disturbances of law and order”. The Conference used the terms ‘involuntarily relocating persons’ and ‘internally displaced persons’ to designate this category of persons.

8. It should be noted that definitions should be based on the cause of displacement, differentiating between **voluntary and involuntary movements**, and should serve to identify the rights and needs of a given category of persons. The two essential parameters are whether a person has crossed an international border and whether he/she is in need of international protection. While both refugees and migrants cross international borders, the first are forced to flee because of persecution, while the latter move on their free will. As a consequence, refugees cannot any longer enjoy the protection of their country of citizenship and need international protection, while migrants only need assistance, being still protected by their country of citizenship through diplomatic protection. As for internally displaced persons, they have not crossed an international border but owing to the prevailing situation (mostly armed conflict) may need international protection, for it may not be provided by the national authorities.

9. Armed conflicts and ethnic strife (Armenia and Azerbaijan: the conflict over Nagorno-Karabakh; Georgia: Abkhazia and South Ossetia; Moldova: the conflict in the Trans-Dniester area; Russian Federation: North Ossetia and Chechnya) have resulted in large numbers of **refugees** and **internally displaced persons**. In Armenia, Azerbaijan and Georgia, up to 1.5 million people have fled from their homes as a result of armed conflicts.

10. **Voluntary and forced repatriation:** when the Soviet Union broke up, millions of people found themselves living outside the republics of their origin, out of them over 25 million Russians and about 7 million Ukrainians. Since that time, about two million Russians and over half a million Ukrainians have returned to their home countries.

11. **Asylum-seekers** from countries outside the region represent a growing trend in the countries of the region. Some of them fulfil the criteria of the 1951 Geneva Convention relating to the Status of Refugees as they flee from conflicts or persecution, some are **economic migrants**.

12. Between 1936 and 1952, over 3 million people were forcibly transferred to Siberia and Central Asia as part of Stalin's policy of mass deportation of peoples (Chechens, Crimean Tatars, Germans, Black Sea Greeks, Ingush, Karachai, Kalmyks, Meskhetians, Moldovans, Romanians and others). While most of these **deported peoples** were allowed to return in the 1950's and 1960's, the situation of two of these nations - Crimean Tatars and Meskhetians - is far from being resolved.

13. Following the accident at the Chernobyl nuclear power plant in 1986, 150,000 people in Ukraine and 75,000 people in the Russian Federation, became **ecological migrants**. Many from the outlying affected areas, where radioactive contamination levels have dropped, have since gone back. However, those who lived within a 30-kilometre radius of the Chernobyl nuclear power plant will never be able to return home. **Natural disasters** lead to mass displacement of people: as a result of the 1988 earthquake in Armenia, 500,000 people lost their homes, many of them had to move to the south of the republic.

14. **Illegal and illegal transit migration** is a serious problem encountered by the PABSEC member countries. Some of them attract illegal migrants because of their higher standard of living (Greece) while other countries (in particular, Russian Federation and Ukraine) because of their geographic location have become large recipients of transit migration from developing countries to the West. There are estimated 600,000 illegal migrants in the Russian Federation and 65,000 in Ukraine. Illegal and transit migration is often carried out by organised crime groups.

### **III. BASIC PRINCIPLES APPLYING TO THE POLITICAL AND SOCIAL RIGHTS OF REFUGEES AND DISPLACED PERSONS**

15. Because of a wide variety of groups involved, it will often be necessary to make special arrangements for each of them. However, it is essential that both in their legislation and in practice, the PABSEC Member Countries apply a number of basic principles recognised by international law and stemming from the **international legal instruments**, such as:

- the Universal Declaration of Human Rights;
- the 1966 International Covenant on Civil and Political Rights;
- the 1966 International Covenant on Economic, Social and Cultural Rights;
- the 1950 European Convention on Human Rights (Convention for the Protection of Human Rights and Fundamental Freedoms) and its Protocols;
- the 1951 Geneva Convention relating to the Status of Refugees and its 1967 New York Protocol;

- the 1954 Convention relating to the status of Stateless Persons;
  - the 1961 Convention on the Reduction of Statelessness;
  - the 1948 Convention on the Prevention and Punishment of the Crime of Genocide;
  - the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
  - the 1965 Convention on the Elimination of All Forms of Racial Discrimination,
- as well as from **regional legal instruments**, such as OSCE documents and Council of Europe conventions.

16. The exercise by all of the rights, protection and freedoms laid down in the above documents is of essential importance to democracy, rule of law and stability, in particular for social harmony, promotion of tolerance and mutual respect among all parts of the population. The Universal Declaration of Human Rights stresses that the “recognition of the inherent dignity and of the equal and inalienable rights of all the members of the human family is the foundation of freedom, justice and peace in the world”.

17. **The freedom of movement and the choice of residence within one’s own country** belongs to universally recognised fundamental freedoms. Everyone has the right to leave any country, including his/her own, and the right to return to his/her own country, as well as the right to liberty of movement and freedom to choose his/her residence.

18. Everyone has the right to seek and enjoy in other countries **asylum** from persecution. The granting of asylum is a humanitarian act which cannot be regarded as an unfriendly act by any other State.

19. The **prohibition of expulsion or return (non-refoulement)**, as formulated in Article 33 of the Geneva Convention and as resulting from the interpretation and application of Article 3 of the European Convention on Human Rights and from the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, has to be applied strictly. According to this principle, the host state is under the obligation not to return a refugee to the frontiers of territories where he/she fears persecution or where he/she risks to be subjected to torture or inhuman or degrading treatment or punishment.

20. Everyone has the **right to a nationality**. No one shall be arbitrarily deprived of his/her nationality, nor denied the right to change it. States ensure that through the operation of national legislation all persons who were citizens of a predecessor State and are permanently residing on the territory of a successor State, enjoy or be granted citizenship.

21. States adopt appropriate measures to prevent and to reduce **statelessness**, particularly concerning persons residing permanently on their territory.

22. Persons belonging to national, religious or linguistic **minorities** have the right, in addition to their civil and political rights, to enjoy their own culture, to profess and practice their own religion, and to use their language freely in accordance with the legislation of the country of residence. State policies aiming to ensure the rights of

persons belonging to minorities and bilateral and multilateral cooperation on these issues make a major contribution to inter-ethnic peace and stability.

23. **The elimination all forms of racism, racial discrimination, xenophobia and intolerance** is a priority task for all States in order to ensure protection of the rights of migrants and to promote mutual respect, understanding and cooperation between migrants and the populations of host countries.

24. States bear responsibility for the **elimination of consequences of natural disasters, man-made catastrophes and ecological degradation** and should, through emergency preparedness, take steps to reduce the incidence and scope of disasters.

25. Persons belonging to **formerly deported peoples** have the right to voluntary return and assistance in integrating in their historical homeland.

26. International and regional instruments relating to human rights and migration list a number of **social and economic** rights for refugees and migrants: the right to family reunion, the rights with regard to property, social security, education, etc. where the principle is observed that they have the right to the same treatment as is accorded to nationals of the host country or to aliens generally.

#### IV. RECENT INITIATIVES OF INTERNATIONAL ORGANISATIONS

27. The **Regional Conference** to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the countries of the Commonwealth of Independent States and relevant neighbouring States, which was held in Geneva on 30-31 May 1996 in accordance with resolutions passed by the UN General Assembly in 1994 and 1995 and under the auspices the UN High Commissioner for Refugees, the International Organization for Migration and the Organisation for Security and Co-operation in Europe, became the largest international forum to address the problem of involuntary migration movements which emerged following the break-up of the Soviet Union. The Conference was attended by delegations of 87 States, including all the PABSEC member countries except Albania, as well as by 27 international organisations representing the UN system and UN specialised agencies, Council of Europe, CIS Executive Secretariat, European Union, International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies, as well as by 77 non-government organisations.

28. The Conference aimed to achieve three objectives:

- to provide a forum for the countries of the region to discuss population displacement problems in a humanitarian and non-political manner;
- to review the population movements taking place in the region, clarifying the categories of concern;
- to devise an comprehensive strategy to manage migration flows and address the problems of coerced and massive population displacement in the CIS countries.

29. The Geneva Conference adopted a wide-ranging **Programme of Action** based on internationally accepted principles and aiming to manage population movements and to prevent situations leading to involuntary displacement, taking into account the specific situation in each country and the peculiarity of migration flows among them..

30. At the Conference, **UNHCR/IOM Joint Operational Strategy in the Countries of the Commonwealth of Independent States - Years 1996-2000** aiming to assist the concerned countries in implementing the Programme of Action was presented by these two organisations.

31. The Governments of the CIS countries, jointly with the Conference Secretariat, presented fact sheets entitled **Priorities of the CIS Countries**. The fact sheets provided statistical data, outlined population movements since 1989, objectives of national migration policies, measures taken to achieve those objectives and referred to national institutions dealing with migration issues. The Table (*Annex 2*) presents the population and displacement figures for the six PABSEC Member Countries which are also members of the CIS. The information contained there is based upon data received from the Governments concerned, unless otherwise indicated.

32. **The Parliamentary Assembly of the Council of Europe** and its Committee on Migration, Refugees and Demography have extensively dealt with refugees and migration issue both in the European context and at the level of individual countries or groups of countries. The Assembly's recent documents on these issues include Recommendation 1211 (1993) "On clandestine migration: traffickers and employers of clandestine migrants", Recommendation 1236 (1994) "On the right of asylum", Recommendation 1237 "On the situation of asylum seekers whose asylum applications have been rejected", Recommendation 1309 (1996) "On the training of officials receiving asylum-seekers at border points", Resolution 1059 (1995) and Recommendation 1263 (1995) "On the humanitarian situation of the refugees and displaced persons in Armenia and Azerbaijan", Recommendation 1305 (1996) "On the humanitarian situation of the displaced persons in Georgia".

33. A number of important initiatives have been put forward in the above documents, in particular, with regard to the situation in the Caucasus. The Assembly called for an increased humanitarian aid to the affected countries and proposed to establish a unified United Nations agency for the Caucasus along the lines of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, with a broad mandate in humanitarian and development affairs.

34. In its Stockholm Declaration adopted on 9 July 1996, **the OSCE Parliamentary Assembly** called for increased measures at the national and international level to address the problems of refugees and migrants, devoting the entire Chapter III (Democracy, Human Rights and Humanitarian Questions) of the Declaration to migration issues. With regard to the root causes of the massive flows of refugees and displaced persons, the Assembly underlined the critical importance of the OSCE-facilitated settlement of conflicts - Nagorno-Karabakh, Abkhazia, in Transdniestria, in Chechnya and elsewhere.

## V. PROPOSALS OF THE NATIONAL DELEGATIONS

35. **Armenia**

- National parliaments of all the BSEC countries should be called upon to take steps to accede to international legal instruments relating to the problems of refugees and displaced persons so that every migrant irrespective of nationality could be protected by international law.

- An agreement should be elaborated among the BSEC Participating States on the assistance to refugees and displaced persons with provisions for an obligatory compensation for the loss of property by the states which these persons left.
- National parliaments of all the BSEC Participating States should be called upon to expedite the adoption of laws ensuring the legal protection of refugees and displaced persons.
- An appeal should be addressed to international organisations for assistance in solving social and economic needs of refugees and displaced persons.
- Any kind of blockade should be considered inadmissible among the BSEC Participating States.
- A working group should be organised to establish a data bank on refugees and displaced persons in the BSEC Participating States and to study their social, economic and legal problems.

### 36. **Azerbaijan**

- In order to fully and objectively consider this issue at the next PABSEC General Assembly, to establish a group composed of members of parliaments with a view to studying on-site the living conditions of refugees and forced migrants.

### 37. **Georgia**

- The initiative of the President of Georgia 'For a Peaceful Caucasus' must be supported and all possible steps must be taken towards its implementation. The peace process should be expedited through direct contacts between conflicting sides with an increased role of international organisations, such as OSCE, UN and others
- The national parliaments should be recommended to speed up the elaboration of the legislative framework relating to refugees and displaced persons. Social and economic aspects should be given special attention.
- The PABSEC could work out a special document on the unconditional return of refugees and the restitution of the territorial integrity of states.
- Since all the PABSEC member countries recognise the territorial integrity of Georgia, the Assembly could adopt a special document to condemn the separatist movement in Abkhazia, recommending the national governments not to allow either official or secret relations with this movement. The territory of Abkhazia should be recognised as temporarily occupied and the consequences of this aggression as genocide and the ethnic cleansing of the Georgian people.

### 38. **Greece**

- Illegal migration constitutes the most serious obstacle for an efficient protection of refugees and displaced persons. Among the BSEC states, migration should be regulated by bilateral treaties between the state of origin of the immigrant and the state of destination. Illegal activities of criminal groups which exploit desperate people and promote or assist the illegal trafficking of persons should not be tolerated. Such activities encourage related illegal activities and constitute serious obstacles to the friendly relations among our nations. Prevention and suppression of this phenomenon should constitute two pillars of a common policy.
- As soon as a conflict is terminated, displaced persons should be allowed to return. In its recent jurisprudence, the European Court of Human Rights has broken new ground and recognised the right of displaced people to return to their homes and

regain their property. The solutions being offered by the ECHR open the only perspective for normalising the situation in the BSEC region.

### 39. **Romania**

- It is essential that the PABSEC countries apply a number of basic principles recognised in international law and based on international legal instruments in the field of human rights.
- Priority fields of action for the PABSEC Member countries include developing a legislative framework, ensuring a fair administrative procedure for asylum seekers, removing obstacles to freedom to take up residence, material assistance to refugees and displaced persons, and repatriation of illegal migrants and asylum-seekers whose asylum requests are rejected
- The PABSEC Cultural, Educational and Social Affairs Committee must closely cooperate with the Committee on Migration, Refugees and Demography of the Parliamentary Assembly of the Council of Europe. They could jointly organise a seminar on this subject in a PABSEC Member Country.

### 40. **Russian Federation**

The principal condition for resolving the problem of refugees and forced migrants at this stage is to establish the necessary legal framework. For this purpose, the following should be sought:

- accession of the PABSEC member countries which are also CIS members to the Agreement on the assistance to refugees and forced migrants (24 September 1993) or conclusion of bilateral agreements;
- accession to the CIS Decision on the establishment of the Inter-State Fund for the Assistance to Refugees and Forced Migrants;
- conclusion of bilateral agreements on regulating migration process and protection of migrants' rights (one such agreement has been signed with Georgia);
- ratification of agreements signed;
- drafting a multilateral agreement on common measures to prevent and suppress illegal migration;
- elaboration of the implementing and monitoring mechanism for the concluded agreements.

## **VI. CONCLUSIONS: PRIORITY FIELDS OF ACTION FOR THE PABSEC MEMBER COUNTRIES**

41. It is important that the parliaments and governments provide their full support to the implementation of the Programme of Action adopted by the 1996 Geneva Conference and actively participate in the Conference follow-up process designed to last until the year 2000.

### A. LEGISLATIVE FRAMEWORK

42. Since most of the PABSEC Member Countries have no tradition of receiving refugees, national legislation on refugees and other forms of involuntary displacement is still being worked out. In the states which have not acceded to international legal instruments, legislation is often non-existent or contrary to international law.

43. It is essential that all the PABSEC Member Countries sign and ratify **the 1951 Geneva Convention** relating to the Status of Refugees and its 1967 Protocol as well

as accede to other international and regional legal instruments referred to in Paragraph 14 of this Report.

44. It is necessary to speed up the elaboration and revision of **national legislation** in conformity with the above mentioned legal instruments and other respective international commitments.

## B. ADMINISTRATIVE MEASURES

45. Appropriate administrative structures for migration management should be established or strengthened. A **high-level governmental agency** could be established at the national level with branch offices at the local level and at borders. In addition to operational responsibilities, such an agency would develop policy and coordinate all relevant governmental structures involved in migration matters.

46. **Fair procedures** should enable asylum-seekers to have access to assistance in presenting their claims and should guarantee that these claims are examined by a clearly defined and qualified governmental body. For this purpose, national **refugee status determination procedures** should be developed. Such a procedure has been established, for example, by Turkey whose national delegation provided information to the Rapporteur.

47. **Border crossing procedures** should guarantee migrants and refugees due process and non-discriminatory treatment. Adequate training of staff is of major importance. The staff at border checkpoints, who are usually the first officials an asylum-seeker will ask, must be familiar with refugees' rights and human rights generally. Cooperation agreement on border crossing procedures among neighbouring countries would increase the efficiency of controls and prevent illegal migration.

48. Among other shortcomings which is absolutely indispensable to remedy is the authorities' reluctance to issue documents to refugees and displaced persons, making it virtually impossible for them to find accommodation or employment, or to obtain social benefits, medical care, schooling, etc.

49. Restrictions which continue to exist in some of the CIS countries on freedom to choose one's residence (the propiska system) should be abolished as contrary to international law.

## C. OPERATIONAL MEASURES

50. Operational measures addressing the short- and long-term assistance and protection needs of beneficiary groups include:

- emergency assistance;
- voluntary repatriation of refugees and persons in refugee-like situations;
- return of internally displaced persons;
- return of persons belonging to formerly deported peoples and resettlement of involuntarily relocating persons;
- local integration;
- return/readmission of illegal migrants and measures to combat illegal migration and criminal activities often related to it.

## D. PREVENTIVE MEASURES

51. Preventive measures help to avoid situations which bring about population displacement. These measures may include in particular the following::

- protection of human rights and respect for international humanitarian law;
- measures to prevent and reduce statelessness;

- protection of the rights of persons belonging to minorities;
- prohibition of discrimination based on race, colour, sex, language, religion, political or other opinion, nationality or social origin, property, birth or other status;
- social and economic policies aiming to prevent poverty and ensure social stability;
- measures to prevent environmental degradation and ecological disasters and to ensure the safety of nuclear and chemical installations.

#### E. CONFLICT PREVENTION AND RESOLUTION

52. The countries should adhere to the principle of peaceful settlement of disputes in accordance with international law. Preventive diplomacy should be promoted and full use made of OSCE instruments and mechanisms for conflict prevention, peaceful settlement of disputes and crisis management.

#### F. INTERNATIONAL COOPERATION

53. **Bilateral agreements** are of great importance for addressing more specific matters concerning a limited number of countries. However, particular care needs to be taken that their provisions are consistent with the basic principles of protection of refugees and displaced persons.

54. **Multilateral agreements** among PABSEC Member Countries would help to co-ordinate migration policies and address problems specific for a number of countries. CIS countries concluded on 9 October 1992 an agreement on questions relating to the restitution of rights of deported persons, national minorities and peoples (not signed by Azerbaijan; Georgia did not belong to the CIS at the time), and on 24 September 1993, an agreement on the assistance to refugees and forced migrants (not signed by Ukraine and Moldova; Georgia did not belong to the CIS at the time). A multilateral agreement has been signed by the CIS countries on cooperation in the field of labour migration and social protection of migrant workers.

55. PABSEC Member Countries should co-operate, both bilaterally and multilaterally, **to combat illegal migration and criminal activities** often related to illegal migration, such as trafficking in persons and illegal drugs and arms trafficking. To this end, they could consider signing bilateral and multilateral agreements, particularly within the framework of the BSEC Meeting of the Ministers of Internal Affairs.

56. **Cooperation with international organisations** is of great importance both in terms of technical assistance and in terms of emergency assistance, humanitarian aid and implementation of programmes of repatriation, return, resettlement and integration.

57. The PABSEC should promote **inter-parliamentary cooperation** and dialogue in this field both among the national parliaments of the member countries, as well as with other inter-parliamentary organisations, such as the Parliamentary Assembly of the Council of Europe, the OSCE Parliamentary Assembly and the Inter-Parliamentary Assembly of CIS.

#### G. NON-GOVERNMENT ORGANISATIONS

58. The PABSEC Member countries should encourage and facilitate the involvement, at the local, national and international levels, of non-government organisations which provide humanitarian aid, provide legal and other assistance to refugees and migrants, mobilise public opinion, thus contributing to finding solutions to population displacement problems.

## ANNEX 1

*Working Definitions adopted by the Geneva Conference (30-31 May 1996)*

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**Working Definitions**

1. The complexity of the population movements in the CIS countries stems from the combination of pre-existing flows (which have acquired a new dimension due to their transformation from internal to international patterns), with new flows. The form of these new flows is in some cases already known to the international community. In other cases, however, the international community has little previous experience. This Conference process has had to address the types of movements found in the CIS countries and formulate working definitions for the sake of mutual understanding.

2. Eight categories of movements are addressed in the CIS Conference process: refugees, internally displaced persons, illegal migrants, persons in refugee-like situations, repatriants, involuntarily relocating persons, formerly deported peoples and ecological migrants. Other categories of movements, such as labour migrants, deported persons and returning military personnel, although they exist in the CIS countries, are not part of the scope of the Conference.

**A. For the following categories of persons, reference is made to a universal definition and widely accepted concepts:**

3. *Refugees*<sup>1</sup> are persons who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, are outside the country of their nationality and are unable or, owing to such fear, are unwilling to avail themselves of the protection of that country; or who, not having a nationality and being outside the country of their former habitual residence as a result of such events, are unable or, owing to such fear, are unwilling to return to it.

4. *Internally displaced persons*<sup>2</sup> are persons or groups of persons who have been forced to flee their homes or places of habitual residence suddenly or unexpectedly as a result of armed conflict, internal strife, systematic violations of human rights or natural or man-made disasters and who have not crossed an internationally recognized State border.

5. *Illegal migrants*<sup>3</sup> are persons who are in an irregular<sup>3</sup> situation, not fulfilling the requirements concerning entry, stay and exercise of an economic activity established by the

State where they are present. The term "illegal migrants" is used without prejudice to refugee status determination.

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- <sup>1</sup> Article 1, paragraph A(2) of the Convention relating to the Status of Refugees (1951).
- <sup>2</sup> Working definition used by the Representative of the UN Secretary-General on Internally Displaced Persons (Document No. E/CN.4/1995/50 of 2 February 1995. )
- <sup>3</sup> This definition is based on the Program of Action of the International Conference on Population and Development (Document A/CONFERENCE.171/13 of 18 October 1994.)

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**B. For the specific purposes of this Conference process, a number of working definitions applying to situations in CIS countries have been developed by these countries. These definitions do not carry a universal or binding character.**

6. *Persons in refugee-like situations*<sup>4</sup> are persons who fled their country of citizenship or, if they are stateless, the country of their permanent residence, as a consequence of armed conflicts because their lives, safety or freedom were threatened. These persons are in need of an international protection but may not all be covered by the 1951 Convention and its 1967 Protocol.

7. *Repatriants* are persons, who for economic, social or personal reasons, have voluntarily resettled in the country of their citizenship or origin for the purpose of permanent residence.

8. *Involuntarily relocating persons*<sup>5</sup> are persons who are forced to relocate to the country of their citizenship as a result of circumstances endangering their lives, such as armed conflict, internal disorder, inter-ethnic conflict or systematic violations of human rights and who are in need of assistance to resettle in their countries of citizenship.

9. *Formerly deported peoples* are peoples who were deported from their historic homeland during the Soviet period. Some of the persons belonging to this category may be stateless.

10. Ecological migrants are persons who are obliged to leave their place of permanent residence and who move within their country, or across its borders, due to severe environmental degradation or ecological disasters.

<sup>4</sup> In some CIS countries, these persons are referred to in national legislation as "refugees".

<sup>5</sup> In the Russian Federation, such persons are included in the category "forced migrants", which may also include "internally displaced persons".

## ANNEX 2

**Table. Population and Displacement Figures**

Category	Armenia	Azerbaijan	Georgia	Moldova	Russian Federation	Ukraine
Population	3,753,500	7,500,000	5,400,841	4,362,000	148,000,000	51,079,400
Refugees/ Persons in Refugee-like situations	304,000 54,000 from Nagorno- Karabakh	233,000 incl. Meskhetians	348 registered, exact figure unknown			88,000 incl. 3,000 registered by UNHCR
Refugees/ Asylum seekers from outside CIS					46,572 registered by UNHCR	
Internally Displaced persons	72,000	668,000	300,000 (281,676 from Abkhazia)	100,000 (51,389 officially registered in 1992)	577,000 as of 01.05.96	
Repatriants	35,000					624,000 ethnic Ukrainians who returned in 1991-94
Involuntarily Relocating Persons					909,000 as of 01.04.96	

Formerly Deported Peoples		46,000 included above				250,000 <sup>1</sup> mostly Crimean Tatars
Ecological Migrants					75,000 <sup>2</sup>	30,000
Illegal and Illegal Transit Migrants					600,000	65,000

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<sup>1</sup> A further 250,000 formerly deported people remain abroad waiting to return

<sup>2</sup> Source: the UN Secretary-General's report to the General Assembly