

DILEMMA OF SYRIAN ARMENIANS: QUANDARY BETWEEN REFUGEES AND REPATRIATES

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The eruption of the Syrian crisis in 2011 resulted in the outflow of refugees from Syria to different parts of the world. The biggest humanitarian crisis of the XXI century did not bypass Armenia for up to 20,000 Syrian citizens found refuge in Armenia¹. However, the case of Syrian refugees fleeing to Armenia is *sui generis* as on the one hand, the country primarily accepted Syrian nationals who were of Armenian origin². On the other hand, it was the decision of this specific number of the Syrian Armenians to resettle in their ancestral homeland rather than in any other country, which makes the phenomenon similar to repatriation. Hence, the aim of this research is to reveal whether the Syrian Armenians qualify under the status of refugees or repatriates. For this purpose, the study begins with a brief overview of the Syrian Armenian community. Furthermore, the research describes the actions taken by the Government of Armenia for identifying the status of the Syrian Armenians. Consequently, it looks at the international treaties on refugees and repatriation, as well as the Armenian legislation to find out the differences between these two notions.

Although the Armenians were historically present in Syria, the vast majority of nowadays the Syrian Armenians are the descendants of the 1915 Armenian Genocide survivors [1, p. 23]. Over a century ago, the Syrian authorities welcomed the Armenian refugees from the Ottoman Empire, which marked

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¹This number varies from 17,000 to 20,000. According, to Ministry of Diaspora and Ministry of Foreign Affairs the number of Syrian Armenians is around 20, 000.

²There are some Syrian Arabs, who fled to Armenia during the war. Nonetheless, the majority of them are from the mixed families. <https://www.opendemocracy.net/od-russia/mikayel-zolyan/refugees-or-repatriates-syrian-armenians-return-to-armenia>

the start of the emerging Armenian Diaspora in Syria. Importantly, the acquisition of the Syrian citizenship in 1924 facilitated the integration of the Armenian refugees into the Syrian society, as they became highly involved in social, political, economic and cultural life of the country [2, p. 11]. The most prominent center of the Syrian Armenian community has always been Aleppo, with estimated number of 50,000 the Armenians before 2011 [3, p. 23]. Nonetheless, there were also considerable number of the Armenians living in the capital of Damascus (10%), as well as other cities such as Latakia, al-Raqqqa, Qamishli, Deir al-Zour and Hassakeh (10%) [4].

Despite the fact that Syria was considered a dictatorship under al-Assad family reign, the Armenian community has been able to practice numerous minority rights, as long as their activities did not oppose or contradict the ruling party's (Baathist) ideology [5, p. 111]. One of the vivid proofs of this fact embed the several Armenian schools, societies, cultural institutions, as well as churches that were present in Syria. In addition, from time to time some ethnic Armenians were also elected to the Syrian parliament. Hence, the Syrian Armenians did not face persecution based on their ethnicity or religious beliefs, as such. For that reason, when the civil war erupted in Syria, many Armenians feared that any radical change in the regime could diminish their rights [3, p. 19].

After the Syrian war began, the Armenian districts, churches and schools were one of the targets of the rebel forces and terrorists. Obviously, the Christian minorities in Syria faced unprecedented persecution, due to which many of them became refugees in different countries. Taking into consideration the severity of the situation in Syria, starting from 2012 many Syrian Armenians decided to find refuge in Armenia. Apparently, one of the main reasons of this decision is connected with the strong ties that Armenia has always maintained with the Syrian Armenian diaspora even during Soviet Union times. It is noteworthy to mention that the Armenian diaspora in Syria is considered as the "mother community" [6]. Moreover, the discourse of the official stance treated the Syrian Armenians not as foreigners but rather "compatriots" living in a different country. For that reason, when the Syrian Armenians had just started to arrive to Armenia, the Government of Armenia

did not treat them as refugees but rather facilitated the immediate return of ethnic Armenians from Syria to their ancestral homeland. One of the urgent measures that Armenia undertook was the granting of Armenian citizenship to the ethnic Armenians holding Syrian passport. Importantly, according to the Government Decree of July 26 2012, the Syrian citizens of Armenian origins were able to receive Armenian citizenship at diplomatic representations or consular posts of the Republic of Armenia [7]. Consequently, in October 2012, the Government of Armenia issued another decree for exempting foreign citizens of Armenian descent who are fleeing from war-torn countries to apply for visas and residence permits [7]. Hence, Armenian authorities undertook the necessary measures to address the crisis.

However, the question remains open regarding the status of the Syrian Armenians in Armenia. In order to find out the answer, primarily it is important to look at the legal definitions in international treaties and documents. Undoubtedly, the UN 1951 Refugee Convention, which Armenia ratified in 1993, is the cornerstone international treaty to look for the definition of the refugee. According to the article 1 of this convention with 1967 amendments, in order to be considered as a refugee a person should have “a well-founded fear to be persecuted on the bases of race, religion, nationality, membership of a particular social group or political opinion is outside the country of his nationality and as a result of this persecution is unable or unwilling to return to his country” [8].

There is some documented evidence that ever since the civil war started, terrorist groups and rebel forces persecuted ethnic Armenians in Syria. For instance, the above-mentioned groups destroyed several Armenian churches in Syria [9]. The members of Armenian community in Syria also confirm that some factions within opposition groups have even anti-Armenian agenda [10]. Several states and international organizations, such as the EU, the US and Russia condemned the mass atrocities committed by the terrorist groups against Christian minorities. For instance, the European Parliament passed a resolution in February 2016 qualifying the actions carried out by ISIS towards Christian minorities and Yazidis in Syria and Iraq as genocide [11]. Moreover, Russian Foreign Minister Sergei Lavrov and the US former

Secretary of State John Kerry also considered that the actions of ISIS were genocidal [12, 13]. Thus, there is an existing evidence of persecution that Armenians as ethnic group were facing in Syria, which qualified them under the definition of refugees.

The dilemma concerning the refugee status of Syrian Armenians aroused when the Government of Armenia started to issue Armenian passports to Syrian nationals of Armenian descent. According to first article of the 1951 Refugee Convention, the latter ceases to apply in situations, if the person fleeing persecution “has acquired a new nationality, and enjoys the protection of his new nationality” [8, p. 15]. Thus, the Convention does not consider those Syrian Armenians as refugees who acquired Armenian citizenship. The situation is complicated even more for those Syrian Armenians, who have dual citizenship. In this case, the issue becomes debatable, as the Refugee Convention did not touch upon this question. After not finding the complete answer to the question in the most vital international treaty on refugees, it is important to look at the definition of repatriation in international treaties.

Currently, there is no international treaty on repatriation. Nonetheless, in 2004 International organization for migration (IOM) published a glossary on migration law, where it defines repatriation as “the personal right of a refugee or a prisoner of war to return to his/her country of nationality in accordance to various international legal instruments” [14]. Obviously, this definition is not applicable to the Syrian Armenians, as the word “nationality” in this context means citizenship rather than “ethnicity”. Similarly, the UNHCR perceives repatriation as one of feasible solutions of refugees for returning to their homes [15]. According to this definition, repatriation for Syrian Armenians would have meant to return to Syria, as Armenia is considered their ancestral homeland.

It is noteworthy to mention that in the Armenian legislation the definition of repatriation differs from the ones formulated in the documents of the international organizations. At the same time, the Armenian legislation has separate clauses on both refugees and repatriation. Thus, quite often the term refugee and repatriate overlap as a person’s willingness to resettle in Armenia might also coincide with his fleeing persecution in another country. Pres-

ently, the following core national legal documents regulate the issues connected with refugees and repatriation: 1995 Constitution (amended in 2015), 1995 Law on Citizenship, 1994 Law on Foreigners, 2008 Law on Refugees and Asylum. There is also a draft law on repatriation, which up until now Armenia's National Assembly have not adopted.

Initially, the Constitution of the Republic of Armenia has separate clauses both on refugees and on repatriation. On the one hand, article 19 of the newly amended Constitution stresses the importance of the strong ties with Armenian Diaspora and for achieving this end, the country is committing itself to adopt a policy, which will contribute to the preservation of Armenian identity and repatriation [16]. Moreover, article 47 gives priorities to people of Armenian origin to acquire citizenship of the Republic of Armenia upon settling in Armenia and through a simplified procedure [16]. On the other hand, article 54 states that "everyone subjected to political persecution shall have the right to seek political asylum in the Republic of Armenia" [16]. Furthermore, according to the article 13 of the 1995 Law on Citizenship, people of Armenian origin that have resided in the Republic of Armenia have the right to acquire Armenian citizenship [17]. Additionally, 1994 Law on Foreigners grants special resident status to the persons of Armenian origin [18]. Finally, as regards to the 2008 Law on Refugees and Asylum, it incorporated all the main clauses of the 1951 Refugee Convention, such as the definition of refugees, principle of non-refoulement, cases in which the law ceases to apply, etc. Importantly, article 23 of the law states that refugees granted asylum shall have the right to benefit from financial assistance and social services [19].

Taking into consideration the legal framework, Syrian Armenians have several options to choose from. Therefore, the legal status of Syrian Armenians varies depending on their circumstances. The severity of the conditions as a consequence of the war made some portion of Syrian Armenians to apply for refugee status. According to the State Migration Service of the Republic of Armenia, from the period 2012 to March 2017, 817 Syrian citizens received refugee status in Armenia [20]. On the one hand, the refugee status grants them some kind of protection to receive certain socio-economic benefits as it is prescribed by law. On the other hand, according to the UNHCR representa-

tive Anahit Hayrapetyan acquiring refugee status is beneficial for young men as they will be exempted from serving in the Armenian military [21]. This phenomenon also applies in cases when young Syrian Armenians decide to keep their Syrian citizenship.

However, still the majority of the Syrian Armenians either applies for the Armenian citizenship or acquires residency permit. According to the UNHCR data, there are currently 14,000 people from Syrian Arab Republic in refugee-like situations, which are referred as “displaced persons” [22]. The latter term refers to all categories of Syrian Armenians, such as Armenian citizens, Syrian citizens, refugees and asylum seekers.

Over the time Armenia started to present Syrian Armenians as refugees on the international level. For instance, in September 2015 during the 70th session of the UN General Assembly the President Serzh Sargsyan mentioned in his speech that Armenian received more than 16,000 refugees from Syria, which makes the country among the first refugee recipients in Europe [23]. A year later, Armenia’s Foreign Minister Edward Nalbandian reiterated at the 71st session of the UN General Assembly that Armenia accepted more than 20,000 refugees. At the same time, the international community also acknowledges Armenia’s efforts to accept refugees from Syria. The UN Secretary General Ban Ki-moon thanked Armenia for its efforts in providing refugees from northern Iraq and Syria with safe haven [24]. Nonetheless, up until now quite often Armenian internal political discourse refers Syrian Armenians as repatriates or displaced persons.

Conclusion

Evidently, neither international organizations nor governmental bodies can find consensus over the comprehensive status of the Syrian Armenians. Legally, the Syrian Armenians live under different statuses, while de facto their reasons why they left their country are similar. Analyzing the situation, this research concludes that even though the Syrian Armenians have different legal statuses in Armenia, de facto all Syrian Armenians can be considered as refugees for the following reasons. Initially, the phenomenon can be defined as forced migration, rather than repatriation, as the Syrian Armenians fled

conflict. Secondly, there is some evidence, which is also approved by the European Union, USA and Russia that Christian population of Syria faced persecution due to the conflict. Thirdly, even though the 1951 Convention of refugees ceases to apply in cases when refugees enjoy the protection of the host country, Armenia being a developing country cannot provide sufficient financial assistance to the Syrian Armenians fleeing the conflict. Besides analyzing international and national legislation, as well as governmental policies, it is also important to find out opinions of the Syrian Armenians regarding this situation. Thus, for the future, the study suggests to conduct survey among the Syrian Armenians in order to have more complete picture over their status.

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