ARMENIA-AZERBAIJAN NAGORNO-KARABAKH
CONFLICT

CONTENTS

I. HISTORY OF THE NAGORNO-KARABAKH REGION OF THE REPUBLIC OF
AZERBAIJAN .............................................................................................................5
II. BEGINNING OF ARMENIA-AZERBAIJAN NAGORNO-KARABAKH CONFLICT ....10
   2.1. Occupied territories of Azerbaijan ........................................................................12
III. HARD SOCIAL-ECONOMIC CONSEQUENCES OF OCCUPATION ....................15
   1. The potential of natural resources in the occupied territories ..................................15
   2. Ecological problems in the occupied lands ..................................................................24
   3. Socio-psychological and economical damages to the population of Azerbaijan as a result of
      Armenian aggression .................................................................................................29
   4. Damages to industrial, housing and social objects ..........................................................30
   5. Damage caused to agriculture of the region ....................................................................32
   6. Material and moral damage caused to Azerbaijan culture as a result of the Armenia-Azerbaijan
      conflict .......................................................................................................................35
IV. HUMANITARIAN MISERY .........................................................................................37
   1. Prisoners of war, hostages and missing persons ..............................................................37
   2. Executed in captivity .....................................................................................................38
   3. Tortures in captivity ......................................................................................................40
V. TRAGEDY OF THE 20TH CENTURY — KHOJALY GENOCIDE .........................42
   1. Khojaly Genocide .......................................................................................................42
   2. Khojaly - The Main Target ..........................................................................................43
   3. Chronicle of Tragedy .....................................................................................................44
   4. Khojaly – in the mirror of foreign mass media ...............................................................45
   5. From the Report of "Memorial" Human Rights Watch Center .......................................51
   6. Regiment No 366 .........................................................................................................53
   7. Khojaly Genocide as an international crime .................................................................54
   8. Legal basis for qualification of khojaly massacre as an international crime ....................56
   9. Extracts from evidences of the Khojali witnesses ..........................................................57
   10. The History will not forget ..........................................................................................58
VI. ARMENIAN TERRORIZM ............................................................................................59
   1. Terrorist organizations of Armenia .................................................................................59
   2. Terrorist-subversive actions committed in the territory of Azerbaijan ............................61
   3. The Republic of Armenia as the supporter of the terrorism .............................................64
VII. KARABAKH PROBLEM IN THE FOCUS OF ATTENTION OF INTERNATIONAL
     ORGANIZATIONS ......................................................................................................65
   1. United Nations Organization (UN) ....................................................................................65
   2. OSCE ............................................................................................................................70
   3. The Organization of Islamic Conference (OIC) ...............................................................74
In the legal consequences of the armed aggression by the republic of Armenia against the occupier of Azerbaijani

VIII. DOCUMENTS ADOPTED BY INTERNATIONAL ORGANIZATIONS


Resolution 822 ................................................................. 88
Resolution 853 ................................................................. 90
Resolution 874 ................................................................. 92
Resolution 884 ................................................................. 94

8.2. Notes by the President of the Security Council ........................................ 96

a. 12 May 1992 ................................................................. 96
b. 26 August 1992 ............................................................... 97
c. 27 October 1992 ............................................................. 98
d. 29 January 1993 ............................................................. 99
e. 6 April 1993 ................................................................. 100
f. 18 August 1993 ............................................................... 101

8.3. Resolutions adopted by the General Assembly ........................................ 102

Emergency international assistance to refugees and displaced persons in Azerbaijan A/RES/48/14103

The situation in the occupied territories of Azerbaijan (60/285.) ........................................ 105

The situation in the occupied territories of Azerbaijan (62/243.) ........................................ 106

Report on the fundamental norm of the territorial integrity of States and the right to self-determination in the light of Armenia’s revisionist claims................................................. 109

Report on the legal consequences of the armed aggression by the republic of Armenia against the republic of Azerbaijan ................................................................. 155

Report on the international legal responsibilities of Armenia as the belligerent occupier of Azerbaijani territory .............................................................................................. 182

Note verbale dated 8 November 1996 from the Permanent Mission of Azerbaijan to the United Nations addressed to the Secretary-General ........................................ 207

The situation in the occupied territories of Azerbaijan Letter dated 17 February 2009 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General 210

Support by States Member of the United Nations and international organizations to Azerbaijan’s position on the conflict in and around the Nagorno Karabakh region of Azerbaijan ........................................ 211

8.4. Conference for Security and Co-operation in Europe .................................. 216

1. First additional meeting of the Council Helsinki, March 1992 .............................. 216
4. Organization for Security and Co-operation in Europe ISTANBUL SUMMIT, 19 November 1999220
5. Organization for Security and Co-operation in Europe BUCHAREST, 3-4 December 2001 ...... 221
6. Organization for Security and Co-operation in Europe PORTO, 6-7 December 2002 ........ 222

8.5. Council of Europe ...................................................................................... 226

1. Declaration on Nagorno-Karabakh 11 March, 1992 ........................................ 226
2. Council of Europe, Committee of Ministers Declaration on the Escalation of the Nagorno Karabakh Conflict .................................................. 227
8. The conflict over the Nagorno-Karabakh region dealt with by the OSCE Minsk Conference Resolution 1416 (2005) .................................................................................................. 234
8.6. Organization of the Islamic conference
1. Resolution No. 12/21-P. Conflict between Armenia and Azerbaijan ........................................... 237
2. Resolution No. 16/22-E. On economic assistance to the Republic of Azerbaijan ...................... 238
3. Resolution no.11/7-p(is). On the conflict between Armenia and Azerbaijan .............................. 239
4. Resolution no. 16/7-e(is). On economic assistance to the Republic of Azerbaijan ...................... 240
7. Resolution no. 18/8-P (IS) on the aggression of the Republic of Armenia against the Republic of Azerbaijan Tehran. 9-11 December, 1997 .......................................................... 244
8. Resolution no. 39/26-c. On the destruction and sabotage of Islamic historical and cultural relics and shrines in the occupied Azeri territories as part of the Republic of Armenia’s aggression against the Republic of Azerbaijan Ouagadougou. From June 28 to July 01, 1999 .................................................. 246
11. Resolution no. 25/9-c (is). On the destruction and desecration of Islamic historical and cultural relics and shrines in the occupied Azeri territories resulting from the Republic of Armenia’s aggression against the Republic of Azerbaijan Doha. 28-30 May, 2003 .......................................................... 253
12. Resolution No.10/30-C. On the destruction and desecration of Islamic historical and cultural relics and shrines in the occupied Azeri territories resulting from the Republic of Armenia’s aggression against the Republic of Azerbaijan Doha. 28-30 May, 2003 .......................................................... 253
14. Report and resolutions on cultural and social affairs Putrajaya, Malaysia. 16-17 October 2003257
15. Resolution no. 21/10-e(is). On economic assistance to the Republic of Azerbaijan Putrajaya, Malaysia. 16-17 October 2003 .......................................................... 258
18. Resolution no. 2/33-C on the protection of Islamic sanctities Baku. 19-21 June 2006 ............ 262
21. Resolution no. 2/11-E (IS) on the activities related to economic assistance to member states and non-OIC countries and Muslim Communities Dakar. March 13-14, 2008.........................265
  8.7. European Union........................................................................................................267
1. European Political Cooperation. Declaration on Nagorno-Karabakh Brussels, 10 March 1992267
8. European Political Cooperation. Statement on Nagorno-Karabakh Brussels, 3 September 1993274
12. Third Meeting of the Cooperation Committee EU-Azerbaijan. Conclusions and assessment of priorities for future bilateral cooperation 12th of July, 2002......................................................278
14. EXCERPTS from the Resolution of the European Parliament "on the need for an EU strategy for the South Caucasus" May 20, 2010 ..........................................................................................280
  8.8. Resolution adopted by the GUAM.................................................................282
IX. LEGAL ASPECTS OF THE NAGORNY KARABAKH CONFLICT ..................................283
1. Arguments of Armenia.................................................................................................283
2. Arguments of Azerbaijan.............................................................................................284
2.1. Nagorny Karabakh in the context of consideration of a question regarding the admission of Azerbaijan and Armenia to the League of Nations .....................................................284
2.2. Nagorny Karabakh within the Azerbaijan SSR .........................................................285
2.3. State succession in respect of territory and boundaries in the context of restoration of the state independence of the Republic of Azerbaijan .........................................................287
X. CHRONOLOGY OF THE ARMENIAN-AZERBAIJANI ARMED CONFLICT .................288
1. Chronology of negotiations.........................................................................................289
2. Arms supplies to Armenia..........................................................................................299
I. HISTORY OF THE NAGORNO-KARABAKH REGION OF THE REPUBLIC OF AZERBAIJAN

The history of Karabakh is rooted in an antiquity, and it is one of the historic provinces of Azerbaijan, an important political, cultural, and spiritual center.

Territorial claims of the Armenians against the Azerbaijani people and Azerbaijan are the main reasons for the so-called “Karabakh problem”.

Karabakh was inalienable part to all the state formations that have existed on the territory of northern Azerbaijan.

From 4th century B.C. to 8th century A.D. the territory of the current Nagorno-Karabakh region of Azerbaijan was one of the provinces of Caucasian Albania, the most ancient state of Northern Azerbaijan. After the fall of the independent Albanian state, Karabakh being inseparable from Azerbaijan both geographically and politically, was a part to the Azerbaijani state of Sajids, in 10th - to the state of Salarids, and in 11-12th centuries - to the state of Sheddadids. During 12-13th centuries Karabakh constituted part of the Atabey-Ildenizids state, in the second half of the 13th century- beginning of 15th century, during the existence of the Mongolian Khalugoid state- part of the Jalairds’ state. In the 15th century it existed within the states of Gharagounlou and Aghgounlou, and during 16th and 17th centuries Karabakh, as a part of the Karabakh beylerbeyyat (duchy), was within the Sefevi state. The latter consisted of 4 beylerbeyyats: Shirvani, Karabakhi, Erivan and Tabrizi, when a part of the Karabakh beylerbeyyat was ruled by the representatives of the Turkic Ziyad-oglu tribe, subordinated to Kajars from 16th till 19th century. In the second half of the 18th century Karabakh belonged to the khanate (principality) and along with the latter was incorporated into Russia.

Thus, Karabakh has never been of part of the Armenian state, which was established in Asia, far from South Caucasus.

In the antiquity the population of Karabakh consisted of Albans, and in the early medieval period of Albans and Turkic-speaking tribes of Barsil, Savir, Hunn, Khazar, which lived on this territory. These tribes were joined by other Kangary. Language of Albans belonged to northeastern-Caucasian family. As it has been established as a result of most recent research, tribes of that family have inhabited the territory, at least, since the mesolithic period, no less than ten thousand years ago.

Arabic conquest of the lowlands of Albania, as well as valleys of Kura and Araz in 7th century, resulted in islamization of the population of the plains and it merging with the Turkic-speaking population of the country. However, Albanian population, ruled by Albanian Mikhranid princes, remained in the mountainous Karabakh along with the Turkic tribes. Descendants of the Mikhranid clan restored the Albanian kingdom in Karabakh in the 9th century. This kingdom was ruled by the Jalalids, descendants of Hasan-Jalal, until 15th century.

After losing political and secular power in the 15th century, the clan of Jalal remained the spiritual leaders of the country. They became Patriarch-Catolicos of the Albanian autonomous church, until 1836, when independence of the church was abolished and subordinated to the Armenian as a result of intrigues of the Armenian clergy.

In the 15th century the Jalalids were granted the title of Melik (count) by Jahanshah. After that the clan broke up and five melikates (smaller autonomous country) appeared in Karabakh: Goulistan, Jraberd, Khachen, Varanda and Dizak. The title of melik was conferred upon the ruling families of the Melikates. Meliks of Karabakh in their letters to the Russian czar call themselves “descendants of the Albanian Arshakids”. The Albanian princes had a title of melik, differing from Armenian titles: ishkhan, tar etc. None of the Albanian Melik Families was of Armenian descent.
Thus, the historical Albanian province of Karabakh until 19th century had been an important political, cultural, spiritual center of Albanian Christian population which managed to preserve its territorial, political, confessional unity and, importantly, - its Albanian self-consciousness.

Appearance of the first ethnic Armenian on the territory of Azerbaijan, in particular, in Karabakh, should be viewed through the prism of the Armenian people’s history.

As it is known, Armenians aren’t aboriginal neither in the Asian part of historical Turkey, nor in the Caucasus. According to Armenologists, the Armenians, who belonged to the Frigian tribes, originally inhabiting the Balkans, following the Cimmerian resettlement appeared in Asia in the 7th century B.C. They have further spread to the east, reaching Euphrates. The last edition of “The history of the Armenian people” states that in the 12th century B.C. groups of Hindo-European Armenian-speaking tribes penetrated territories of the Khurrites and Louvian Khetts in the upper reaches of the Euphrates. These tribes were, referred to as “moushku” and “urumu” by Assirian cuneiform texts, and “arims” by the Greek sources, later called “Armenians”.

The first Armenian state, established in Asia Minor in the 6th century B.C., lasted until 428 and was only nominally a state being de-facto a province of the Persian and Roman Empires. Attempts to restore the Armenian kingdom were made in 9th-10th centuries and in 12th-14th centuries. Thus, in 9th-11th centuries Armenian Bagratid state, with the capital of Ani, was established in the vicinity of Kars and Erzurum. Later, in 12th-14th centuries, an Armenian Kilikian kingdom was founded in a totally different location on the northeastern shore of the Mediterranean.

Since 15th century the Armenian history is closely linked to the Armenian church. Significance and influence of the church have especially grown after the Catolicos’ seat was moved in 1441 from Kilikia to Echmiadzin, in the vicinity of Yerevan. Since that time Echmiadzin assumed both political and general leadership in the life of the Armenians. It became the consolidating and organizing force of the Armenians scattered across many countries.

Thus, Azerbaijani regions of Karabakh, partly populated by Christian Albans, had preserved confessional unity with Armenians while maintaining territorial and political unity with Azerbaijan.

With the emergence of the Ottoman Empire Armenians lost hope to create their state in Asia Minor. This is when the Armenians turned to the Caucasus and historical Azerbaijan with the idea of the Armenian people “introduce into scientific circles the term “Eastern Armenia” shifts both in time and space from east of the Euphrates to the Caucasus.

Beginning from the 18th century the Armenians penetrating Russia are trying to gain favor of the Russian court, first- of the Emperor Paul I, then- Empress Catherine II by all means. Attracting them by the necessity of liberating the so-called “Eastern Armenia” from Turkish and Persian “yoke”, Armenians practically aimed at cleansing Karabakh and the lands of Zangezur from Azerbaijanis, who so-existed with the fragments of Albanian Christians. Another goal was the Russian conquest of these territories. Undoubtedly, Armenian intendent, by separating these lands from Azerbaijan and joining them with Russia, to continue presenting them as “Eastern Armenia”, this time within Russia. In 1805 by peace negotiations Azerbaijani khanates of Karabakh (founded by Panakh Ali-khan, fortress of Shusha which he erected to make the capital of the khanate, was called Panakhabad), Sheki and Shirvan were forced to accept the Russian rule. During the period of 1806-1813 through embittered wars and campaigns by Tsitsianov, Goudovich and general Kotlyarovsky the rest of the Azerbaijani khanates- principalities of Talysk, Baki, Gouba, Ganja, Derbent were conquered. Later, in 1826, Russia annexed the khanates of Nakhchivan and Yerevan, populated mostly by Turkic Azerbaijanis.

According to official documents, Karabakh khanate had 90,000 resident, one town and more than 600 villages, only 150 of them were Armenian. There were 1048 Azerbaijani and 474 resident families in Shusha. In villages: 12,902 and 4,331 accordingly. However, already by the end of the 19th century Nagorny Karabakh had Armenian majority of 58%, while Azerbaijanis constituted 42% of population. Influx of Armenian population in Azerbaijan, especially into Karabakh, was significant during and after World War I.
Increase of Armenian population in the Caucasus and concentration of predominantly pro-Russian Christian Armenians in the areas bordering Turkey and Persia was dictated by interests of Russia. In addition, this way Russia won sympathies of Armenians in Turkey and secured support in Asia Minor.

Both Turkmanchay and Andrianopol treaties included special clauses allowing for migration of Armenians into the Caucasus, into the lands of Azerbaijan and Georgia. This is when first compact Armenian settlements appeared in Zangazur and Karabakh. In the years 1828-1830 alone 130,000 Armenian migrated. Following signing of Turkmenchay treaty in 1828 Tsarist government created new, previously non-existent political entity - the Armenian oblast (district). This district consisted on Azerbaijani lands of Erivan, Nakhchivan and Ordubad districts and was governed Tsarist bureaucrats. This was the first attempt to create an Armenian political entity on the territory of Azerbaijan. In 1849 the Armenian district was abolished and Erivan governorship created instead.

In 1836, in order to secure support of Armenians in Turkey and trying to subordinate them to pro-Russian oriented Armenian Patriarchy in Echmiadzin, Tsarist government made a number of concessions to the Armenian Echmiadzin Church. This concessions included abolition the Albanian Patriarchy, the independent Albanian church, and subordination of it to the Armenian and Georgian Church. Later, in 1909-1910, the Armenian Gerogian church with permission of the Russian Sinod destroyed archives of the Albanian church and eliminated samples of the Albaninan literature. V. L. Velichko wrote that the Armenian clergy had used similar approach to Albanian Christian shrines, the same way the Georgian monuments were treated. After aboliton of the Albanian Church Albans if Karabakh migrated to the left bank of Kura river, preserved their identity and still live in the Azerbaijani village of Nij.

The issue of so-called “Western Armenia” is related to teh situation of Turkey’s Armenian population and following 1878 talks held in Berlin and San-Stefano became “the Armenian question”, which impied Turkey undertaking introduce reforms in the Armenian-populated vilayets (regions). In reality, only Tsarist Russia was pushing for realization “the Armenian question”. Two political parties, “Gnchak” (1887) and “Dashnaktsutyun” was created for that purpose. These parties developed ideological justification for Armenian territorial claims in the Caucasus. “Dashnaktsutyun” used terrorism and armed rebellion to achieve its goal of unifying territories with Armenian migrant population from Iran and Turkey. “Dashnaktsutyun” party frequently changed its orientation from pro-Russian to pro-European and them from supporting Turkish revolutionary movement back to supporting Russia.

During the Balkan war of 1912 -1914 Russia proposed creation of an autonomous Armenian district in Turkey, so-called “Western Armenia” from vilayets of Erzeroum, Van, Bitlis, Diyarbakir, Harput, Sivas This propasal wasn’t supported by the European states. The Armenian political parties mentioned above and authorities of the Russian Empire in an attempt to contain national-liberation movement in the Caucasus provoked first clashes between Armenians and Azeris. Is a result, between 1907 and 1912 about 500,000 Armenians from Iran and Turkey migrated into Kars. Erivan and Elizavetpol districts, which had overhelmingly Azerbaijani population. This look place with assistance of Russian authorities in order make inter-ethnic situation even more tense and strengthen Russia’s dominance in the region.

February and October Revolutions of 1917 marked a new stage in “the Armenian question”. In October 1917 Armenian Congress convened in Tiflis and demanded Russian annexation of East Turkey’s territory occupied by the Russian Army during World War I. On 31 December, of Council of Komissars adopted a decree signed by Lenin and Stalin on free-determination of “Turkish Armenia”.

Following cooalase of the TransCaucasus Parliament the Azerbaijan Democratic Republic (ADR), the first democratic state in the Muslim world, was established on 28, May, 1918. One of the first steps of the ADR’s government was to yield on 29, May, 1918 town of Erivan (Yerevan) to Republic of Armenia, which had declared independence but had no political center. Territory of Armenian Republic was limited to Erivan and Echmiadzin districts with 400,000 residents. Later, all means were employed to implement policies aimed at changing demography of Erivan and Zangezour in favor of Armenians.
Azerbaijan’s foreign policy objectives at that period included developing friendly and neighborly relationship with Armenia. Unfortunately, “Dashnaktsutzun” government of Armenia had expansionist plans and claims on Nakhichevan, Zangezour and Karabakh, all of which were parts of Azerbaijan. This led to the war between Armenia and Azerbaijan in 1918-1920. According to available data, during summer of 1918 alone 115 Azerbaijani villages were destroyed, 7,000 people killed and 50,000 Azerbaijanis left Zangezour.

USA President Wilson accepted instructions from the League of Nations, which stated that Armenia “cannot exist without support” and that its borders must be defined. However, the Senate decided that “the Armenian question” is a European issue and rejected the “mandate of Armenia”.

The French Government acted similarly towards Armenians regarding Kilikia, which had been occupied by France in 1919. In 1921 France concluded peace treaty with Turkey, and gave up Kilikia.

Thus, the Armenian issue concentrated in the South Caucasus. In March-July 1920 clashes with Dashnak forces took place in Karabakh, especially in Shusha, Nakechivan, Ordubad. Hostilities took place in Khankendi, Tertter, Askeran, Zangezour, Jebrail, Nakhichevan, Ganja, and dozens of Azerbaijani villages were destroyed.

Independence of Azerbaijan was crushed after the Bolshevik 11th red Army had invaded the country and the Soviet Socialist Republic of Azerbaijan was proclaimed on April 28, 1920. Soviet Russia decided not to allow turning Armenian republic into anti-Russian bridgehead. It became a mediator in settling the border disputes between Armenia and Azerbaijan. In July 1920 Dashnak government in Erivan gave a secret order to the Dashnak military forces to begin guerilla punitive activities in Karabakh, Nakhichevan and Zangezour. The same summer the Bolsheviks have crushed the Dashnak troops that had invaded Karabakh, and established Soviet rule here. Later, in November 1920, the Dashnak regime was overthrown in Armenia.

The letter written in 1920 by chairman of the Revolutionary Committee of Azerbaijan N. Narimanov, member of the Caucasus regional committee of the Communist Party of Azerbaijan A. Mikoyan and member of the Communist Party of Armenia A. Noutjianian and the people’s commissary (minister) of foreign affairs G. Chicherin and G. Orjonikidze stated: “As far a supposedly dispute about these places and they must stay within Azerbaijan. The regions of Djulfa and Nakhichevan are populated solely by Muslims...and must join with Azerbaijan”.

G. Orjonikidze, who in his telegrams to V. Lenin, I. Stalin, G. Chicherin has been underlining economic bent of Karabakh and Zangezour for Baku and Azerbaijan government, the Dashnaks, are striving for joining Karabakh with Armenia, but for the population of Karabakh it would mean to be deprived of their life-line, which is Baku, and to be connected to Erivan, with which it hasn’t ever been linked in any way”.

Responding to the territorial claims of the Armenian SSR the Caucasus bureau of the Central Committee of the Russian Communist Party at its meeting dated July 5, 1921 decided: “Proceeding from the necessity to maintain ethnic peace between Muslims and Armenians, economic ties Azerbaijan, Nagorno Karabakh is to be left within Azerbaijan SSR and to be granted broad regional autonomy with the administrative center in Shusha, which is a part of the autonomous region.” Establishment of the autonomous region wasn’t artificial, though it contradicted historic right of Azerbaijan for its own lands. It was a result of complicated situation in Nagorno Karabakh and around it.

In 1922 the Azerbaijan SSR was included into the USSR. Within the latter the attributes of republics’ independence were a formality. On July 7, 1923 the Central Executive Committee of Azerbaijan issued a decree “On the establishment of Nagorno Karabakh autonomous region”. Thus, the government of the Azerbaijan Republic by the act of law created an autonomy on the territory of the Azerbaijan in the interests of its Armenians citizens. At the same time, three hundred thousands of Azerbaijanis who have lived in compact settlements in Armenia were refused even cultural autonomy by the governments of both the USSR and the Armenian SSR. That violated their rights and had eventually led to multiple deportations in 1948-1950 and to more than one dramatic forced resettlement from Armenia, including more than 200,000 in 1988-1989 alone.
It is necessary to emphasize that after the establishment of Soviet rule all over the South Caucasus in 1921, the territories that had been captured and separated from the Republic of Azerbaijan weren’t claimed by government of the Azerbaijan SSR. On the contrary, the next, “peaceful” stage of separation started with the assistance of communist leadership of Russia and the Soviet Union. In 1921 “acquisition” of the province of Zangazour by Armenia was legalized, which led to complete isolation of Nakichevan from Azerbaijan. In 1922 the Bolsheviks dealt with Azerbaijani territories of Dilijan and Geycha in a similar manner. In 1929 several villages were separated from Nakichevan and transferred to Armenian SSR. In 1969 the Armenian SSR again extended its territory by acquiring Azerbaijani lands, this time - in the Gedabeck district. In 1984 under the pressure from central authorities, as it had been in the previous years, Azerbaijan handed a number of villages in the district of Kazakh to Armenia.

Taking into account the above, it’s crucially important to underline that as of January 1, 1920 the territory of the Democratic Republic of Azerbaijan was 113,900 square km. Now the territory of the Republic of Azerbaijan is 86,600 square km. According to the population census of 1989, the population of the Autonomous Region of Nagorno Karabakh (ARNK) was 186,100. 138,600 of them were Armenians (73,5 %) and 47,500 Azerbaijanis (25,3%).

The new stage of the Armenian-Azerbaijani confrontation at the end of the 1980s was caused not by the far-fetched suppositions about “discrimination of the Armenian minority” in Azerbaijan and economic hardships, but by the beginning of implementation of long-conceived plans of expansion. The most favorable conditions for that were created in the period of collapse. Beginning in February 1988, Armenia, with the connivance of the leadership of the USSR, instigated anti-constitutional activities by the administrative structures of the ARNK. Those steps became the prologue of the wide-scale armed aggression of Armenia against Azerbaijan.

http://www.azerigenocide.org
II. BEGINNING OF ARMENIA-AZERBAIJAN NAGORNO-KARABAKH CONFLICT

Following the events of February 1988, separatist groups of the Autonomous Nagorno-Karabakh Province and Armenian militants launched hostilities for invasion of the Nagorny Karabakh. They were soon joined by the USSR troops stationed in Armenia and Nagorny Karabakh. Thus, the events similar to those after the Tsarist regime break-up in February 1917 occurred following the collapse of USSR. Armenian militants, serving within Soviet Army united against Azerbaijanis and launched military actions from a common front.

They began with the occupation of Azeri settlements in Nagorny Karabakh. The Kerkidjahan village was occupied on January 15, 1992, Malybeyli, Gushchular on February 10, the defenseless inhabitants were killed and injured, while the ring surrounding Khodjaly and Shusha was tightened. Hurriedly, the assembled troops of Azeri volunteers hold an unsuccessful ballet at Dashalty. The united Armenian and Soviet troops occupied the Garadaghly village in mid-April. The most tragic event in the whole modern history occurred on the 26th February night, 1992 when Armenian troops committed a horrible genocide against Azerbaijanis in Hodjaly village.

That was the most terrible mass genocide committed by Armenian separatists and Armenian military troops. It can be compared with the fascist bloodsheds during the World War II. The leadership of Azerbaijan which at that time was supporting Moscow instead of defending its own people in the war against the territorial integrity of Azerbaijan was losing its power. As the national liberation movement was gaining its strength, Ayaz Mutalibov's government resigned and this further weakened the defensive capacity of the Republic of Azerbaijan.

As a result Armenian troops occupied Shusha in May 1992, thus invading almost the entire territory of the Nagorny Karabakh. The next step was the occupation of Lachyn, which served as a corridor between Nagorny Karabakh and Armenia. Armenians made use of political instability in Baku and occupied Lachyn as well. The fights for power under the Popular Front regime from May 1992 to June 1993 significantly weakened the defensive capacity of Azerbaijan. In 1993 Armenians captured Kelbedjar. Azerbaijan experienced a deep political crisis in June and in these conditions by demand of the population Heydar Aliyev came to power. Armenia continuing its war with Azerbaijan invaded Aghdam, Fuzuli, Djebrayil and Zengilan between July and October of 1993.

Armenians devastated the occupied lands. 20 thousand Azerbaijanis fell victims of the war, 100 thousand people were wounded, 50 thousand people became invalids. The number of refugees and IDPs exceeds 1 million. According to official sources, 4,852 Azerbaijanis, including 323 women, 54 children and 410 elderly persons were taken hostages. Armenians concealed the real number of hostages from international humanitarian organizations, treated them violently and cruelly, made them work, humiliated and insulted them.

UNO confirmed the fact of occupation of Azeri lands by Armenians and conduction and unfair war against Azerbaijan and its territorial integrity. The UN Security Council ratified four resolutions (No 822, 853, 874, 884) on the Armenia's withdrawal from Azeri lands. Yet Armenians did not follow the resolutions.

Azerbaijan was in need of mobilizing its military-economic and human power in the war against Armenian invaders. For this purpose Heydar Aliyev appealed to the population on radio and TV channels November 2 and serious measures were undertaken. That enabled to radically change the events in Azerbaijani people's struggle against Armenian separatism. The attacks of Armenian troops in direction to Beylagan were rebutted in mid November. As a result of successful operations of Azerbaijan army the strategically important Horadiz district and 22 villages of Fuzuli were released from enemy on January 5, 1994.
After that Azeri troops released part of Djebrayil district, Bozlu, Tekeqaya, Babashlar, Qanlykend, Chepli, Qasymbinesi, Yanshaqbine, Yanshaq, Baghirsaq, Qamyshly settlements. Chichekli Mountain and other strategic peaks were returned, Kelbadjar-Lachyn road's section till the tunnel was taken under control. The enemy lost 4 thousand soldiers and militants, 50 armored techniques and 15 artilleries, etc. The achievements of Azerbaijan in making turn in the war and releasing its occupied lands excited not only in Armenia but also its supporter-countries.

The policy of Armenia's protectors for reinforcement of its military potential, providing it with up-date guns and for turning it to the reactionary force in the region, significantly strengthened. In these conditions Azerbaijan signed the Bishkek protocol on May 8, 1994.

Due to Azerbaijan's progress in fighting its enemy the ceasefire was reached on May 12.

During the occupation war against Azerbaijan Armenia moving forward to 360 kilometers from the border captured 20% of Azeri lands, and took control over the areas from Horadiz district of Fuzuli till Zengilan and 198 kilometers border between Azerbaijan and Iran. As a result of invasions 2 cities, 1 district and 53 villages of Karabakh with the population of nearly 50 thousand people were captured. Beside Karabakh the military invasions resulted in occupation of 890 towns, villages and districts. The destructed establishments, occupied sawn areas and woodlands were as follows: residential buildings-150000, public establishments-7000, secondary schools-693, medical institutions-695, motor ways-800 km, bridges-160, water pipeline-2300 km, electric lines-150000 km, woodlands-280000 hectares, sawn areas-200000 hectares, historical museums and monuments-464. The damage caused to the Azerbaijan was initially estimated to USD 60 billion. Moreover, the occupied lands account for all reserves of mercury, obsidian and pearlite, 35% of building and facing materials, 23.8% of forests, 7.8% of water reserves and other riches. Besides, 2 reserves, 3 game reserves and 3 large water reservoirs locate in these lands.

Institute of History named after A.Bakykhanov of ANAS
http://www.azerbaijan.az
2.1. Occupied territories of Azerbaijan

Nagorny-Karabakh region
Territory - 4,388 sq. km
Population (1989) - 189,085
Armenians - 145,450 (76.9 %)
Azerbaijanis - 40,688 (21.5 %)
Russians - 1922 (1 %)
Others - 1025 (0.6 %)

Shusha district
Territory - 289 sq. km
Population (1989) - 20,579
Azerbaijanis - 19 036 (92.5 %)
Armenians - 1 377 (6.7 %)
Occupied - May 8, 1992

District outside Nagorny-Karabakh region
Occupation Expulsion Lachin - May 18, 1992 - 71 000
Kelbajar - April 2, 1993 - 74 000
Aghdam - July 23, 1993 - 165 600
Fizuli - August 23, 1993 - 146 000
Jabrayil - August 26, 1993 - 66 000
Gubadly - August 31, 1993 - 37 900
Zangilan - October 28, 1993 - 39 500

Victims of aggression
Killed - 20 000
Disabled - 50 000
Missing - 4866

Destruction and damage
Settlements - 890
Houses - 150 000
Public Buildings - 7 000
Schools - 693
Kindergartens - 855
Health Care Facilities - 695
Libraries - 927
Temples - 44
Mosques - 9
Historical Places - 9
Historical Monuments And Museum - 464
Museum Exhibits - 40 000
Industrial and Agricultural Enterprises - 6 000
Motor Ways - 800 km
Bridges - 160
Water Pipelines - 2 300 km
Gas Pipelines - 2 000 km
Electricity Lines - 15 000 km
Forests - 280 000 ha
Sowing Area - 1 000 000 ha
Irrigation Systems - 1 200 km
The total damage is estimated up to 60 billions US $
Refugees and IDP
Refugees from Armenia - 250 000
Internally displaced persons the occupied territories - 660 000
Internally displaced persons along the border with Armenia and line of occupation - 100 000
Total - 1 010 000

Armenian Armed Forces in the occupied territories
Tanks - 316
ACV - 324
Artillery - 322
Personnel - 40 000

Settlers illegally transferred to occupied territories
Nagorny-Karabakh - 8 500
Lachin - 13 000
Kelbajar - 700
Zangilan - 520
Jabrayil - 280
Total - 23 000

www.azembassy.kz
III. HARD SOCIAL-ECONOMIC CONSEQUENCES OF OCCUPATION

1. The potential of natural resources in the occupied territories

Nagorny Karabakh and adjacent administrative regions of the Republic of Azerbaijan - Lachin, Kelbajar, Gubadli, Zangilan, Jabrayil, Agdam (regional center and a large part of the territory) and Fizuli (regional center and a large part of the territory) were occupied by Armenia from 1989 to 1993.

At present, Armenians transgressed a total of 558 km of the state border - the 198 km Azerbaijani-Iranian border from Horadiz settlement of the Fizuli region to the borders of the Zangilan region, and 360 km Azerbaijani-Armenian border. These territories are now under complete control of the Armenian military forces. Armenian forced destroyed buildings, outposts, frontier posts and demarcation lines from the USSR period along the border. The occupied areas along the Azerbaijani-Iranian borders are currently used for uncontrolled smuggling and sometimes for transportation of drugs. Construction materials for residential and public building and cut forest trees are transported from the occupied regions of Azerbaijan through the seized borders to Iran by Armenia.

This robbery, inherited from the ancient historical times, carried out by Armenia which currently introduces itself as a "civilized" state throws down a challenge not only to Azerbaijan but to the world community which shuts its eyes to all of that.

Other from that, the Kerki settlement of Sadarak region in Nakhichevan Autonomous Republic, Ashagi Akipara, Yukhari Askipara, Gushchu Ayrim, Barkhudarli settlements of Gazakh region and other ones situated at the Azerbaijan-Armenia border were destroyed and occupied.

The occupation of these villages represents a serious danger to the water reservoir, which was built on the Agstafa River and is of a high economic importance for the western regions of Azerbaijan. Irrigation canals with a length of 72.3 km supply 120 million cubic meters of water from the Agstafa reservoir to agricultural areas in the foothills, and to the settlements of Gazakh, Agstafa, Tovuz and Shamkir administrative regions.

Nagorny Karabakh is the only conflict area in the former USSR where the borders of an autonomous republic were exceeded and surrounding territories were occupied as well. For example, the conflict area in Abkhazia autonomous republic does not cross the limits of the autonomous republic and not a single inch of the surrounding territories was occupied. What are the international principles and laws which were followed in occupation of Nagorny Karabakh and surrounding regions of Azerbaijan - Lachin, Kelbejer, Gubadli, Zangilan Jabrayil, Fizuli and Agdam.

The occupied areas have different natural monuments, rare species of plants and animals. Occupied mountain zone of the Small Caucasus is a wide forest region. The total forest area is 246,700 hectares.

There were established several natural reserves and game reserves in the occupied territories of the Minor Caucasus in order to preserve the natural landscape, rare species of plants and animals. Among them are Basimchay reserve, Lachin game reserve and others. Basimchay reserve was established in 1974 in Basimchay ravine of the occupied Zangilan area in the South-West of Azerbaijan. It occupies an area of 107 hectares covered with Eastern planes. The plane forests stretch to 12 km along the river. Some trees are over 500 years old. The Eastern Plane is entered into the Red Book.

Lachin game reserve was established in 1961 in the occupied Lachin region of Azerbaijan. Its area is 21,4 thousand hectares. Caucasian goats (about 400 heads), roe deers (500), steppe wild boars (400), francolins (800), partridges (2500) were protected in this game reserve. The Khary Bulbul, which can be found only in Shusha area in Azerbaijan, is a symbol of Karabakh.

The occupied regions are rich in underground and land natural resources. The most widespread minerals are nonferrous metal ores, gold, mercury, chromite, pearlite, lime, marble, agate, mineral waters and
others. The resort-recreation potential of the territory is wide too. The list of the minerals deposits of the occupied by the Armenians regions of the Republic of Azerbaijan is in the bottom table.

The list of the mineral deposits in the occupied regions of the Republic of Azerbaijan

### Aghdere

<table>
<thead>
<tr>
<th>Types of the minerals</th>
<th>Name of the minerals deposit</th>
<th>Resources</th>
<th>Industrial forecast</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gold</td>
<td>1. Gyzylbulag</td>
<td>13,6 in number (copper-47,9 thousand t.)</td>
<td></td>
</tr>
<tr>
<td>Lead</td>
<td>1. Mehrmana</td>
<td>37,3 th.t.</td>
<td></td>
</tr>
<tr>
<td>Zink</td>
<td></td>
<td>40,4 th.t.</td>
<td></td>
</tr>
<tr>
<td>Copper</td>
<td>1. Demirli</td>
<td>1000 600(gold-5 in number)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. Janyatag-Gulyatag</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Block stone</td>
<td>Aghdere</td>
<td>38080th. m³</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Shorbulag-I</td>
<td>6423 th. m³</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Shorbulag-I</td>
<td>2129 &quot;-&quot;</td>
<td></td>
</tr>
<tr>
<td>Plasterboard</td>
<td>Aghdere</td>
<td>200 th. t.</td>
<td></td>
</tr>
<tr>
<td>Subsurface fresh waters</td>
<td>Aghdere</td>
<td>126,6 th. Cubic meter/a day</td>
<td></td>
</tr>
</tbody>
</table>

### Shusha region

<table>
<thead>
<tr>
<th>Types of the minerals</th>
<th>Name of the minerals deposit</th>
<th>Resources</th>
<th>Industrial forecast</th>
</tr>
</thead>
<tbody>
<tr>
<td>Faced stone</td>
<td>Shusha</td>
<td>1140 th. Cubic meter</td>
<td></td>
</tr>
<tr>
<td>Loam</td>
<td>Shusha</td>
<td>397 &quot;-&quot;</td>
<td></td>
</tr>
<tr>
<td>Building stone</td>
<td>Shusha village</td>
<td>12434 th. t.</td>
<td></td>
</tr>
<tr>
<td>Subsurface fresh waters</td>
<td>Shusha village</td>
<td>3,89 th. Cubic meter/a day</td>
<td></td>
</tr>
<tr>
<td>Mineral waters</td>
<td>Shirlan</td>
<td>342 Cubic meter/a day</td>
<td></td>
</tr>
</tbody>
</table>

### Khojali region

<table>
<thead>
<tr>
<th>Types of the minerals</th>
<th>Name of the minerals deposit</th>
<th>Resources</th>
<th>Industrial forecast</th>
</tr>
</thead>
<tbody>
<tr>
<td>Types of the</td>
<td>Name of the minerals</td>
<td>Resources</td>
<td></td>
</tr>
<tr>
<td>-------------</td>
<td>----------------------</td>
<td>-----------</td>
<td></td>
</tr>
<tr>
<td>minerals</td>
<td>deposit</td>
<td>Industrial forecast</td>
<td></td>
</tr>
<tr>
<td>Faced stone</td>
<td>Edish</td>
<td>2034 th. Cubic meter</td>
<td></td>
</tr>
<tr>
<td>Building stone</td>
<td>Khojavend</td>
<td>990 &quot;.&quot;</td>
<td></td>
</tr>
<tr>
<td>Subsurface fresh waters</td>
<td>Khojavend</td>
<td>90,33 th. Cubic meter daily</td>
<td></td>
</tr>
</tbody>
</table>

Khojavend region

<table>
<thead>
<tr>
<th>Types of the</th>
<th>Name of the minerals</th>
<th>Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>minerals</td>
<td>deposit</td>
<td>Industrial forecast</td>
</tr>
<tr>
<td>Gold</td>
<td>1.Zod (soyudlu)</td>
<td>112,5 in number</td>
</tr>
<tr>
<td></td>
<td>2.Agduzdag</td>
<td>- 5 in number</td>
</tr>
<tr>
<td></td>
<td>3.Tuthum</td>
<td>- 8 in number</td>
</tr>
<tr>
<td>Mercury</td>
<td>1.Agyatag</td>
<td>190 t. 150 t.</td>
</tr>
<tr>
<td></td>
<td>2.Levchay</td>
<td>503 t.(stibium-1000t)</td>
</tr>
<tr>
<td></td>
<td>3.shorbulag</td>
<td>30 t.</td>
</tr>
<tr>
<td></td>
<td>4. aggaya</td>
<td>-</td>
</tr>
<tr>
<td>Block stone</td>
<td>1.kilsali</td>
<td>10927 th. Cubic meter</td>
</tr>
<tr>
<td>Loam</td>
<td>1.keshdek</td>
<td>1312 &quot;.&quot;</td>
</tr>
<tr>
<td>Pearlite</td>
<td>1. kechaldag</td>
<td>4473 &quot;.&quot;</td>
</tr>
<tr>
<td>Sand-gravel</td>
<td>1. challi</td>
<td>2540 &quot;.&quot;</td>
</tr>
<tr>
<td>Building stone</td>
<td>2. deposit</td>
<td>12,34 mil. Cubic meter</td>
</tr>
<tr>
<td>Faced stone</td>
<td>3. deposit</td>
<td>2,2 mil. Cubic meter</td>
</tr>
<tr>
<td>Precious stone:</td>
<td>- obsidian</td>
<td>2337 t</td>
</tr>
<tr>
<td>Types of the minerals</td>
<td>Name of the minerals deposit</td>
<td>Resources</td>
</tr>
<tr>
<td>-----------------------</td>
<td>-------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Industrial forecast</td>
</tr>
<tr>
<td>Mercury</td>
<td>1.Chilkaz</td>
<td>733,8 t.</td>
</tr>
<tr>
<td></td>
<td>2.Narzanly</td>
<td>441,6 t.</td>
</tr>
<tr>
<td>Block stone</td>
<td>Ahmedli</td>
<td>4752 th.Cubic meter</td>
</tr>
<tr>
<td>Faced stone</td>
<td>Hojaz</td>
<td>2533 &quot;.&quot;</td>
</tr>
<tr>
<td>Building stone</td>
<td>Lachin 1 deposit</td>
<td>4457 &quot;.&quot;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1,7 mil. Cubic meter</td>
</tr>
<tr>
<td>Loam</td>
<td>Novruzlu</td>
<td>998 &quot;.&quot;</td>
</tr>
<tr>
<td>Sand-gravel</td>
<td>Yukhary-Akarachay</td>
<td>15794 &quot;.&quot;</td>
</tr>
<tr>
<td>Pumic  stone</td>
<td>Gushchu</td>
<td>2144 &quot;.&quot;</td>
</tr>
<tr>
<td>Vermuculite</td>
<td>3 deposit</td>
<td>10449 th.t.</td>
</tr>
<tr>
<td>Pumice stone and</td>
<td>17 deposit</td>
<td>46,2 mil. Cubic meter</td>
</tr>
<tr>
<td>volcanic ashes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agate</td>
<td>1 deposit</td>
<td>10 t.</td>
</tr>
<tr>
<td>Iodine</td>
<td>1 deposit</td>
<td>0,9 t.</td>
</tr>
<tr>
<td>Faced stones</td>
<td>4 deposit</td>
<td>14,7 mil. Cubic meter</td>
</tr>
<tr>
<td>Mineral waters</td>
<td>Minkend</td>
<td>4300 Cubic meter/a day</td>
</tr>
</tbody>
</table>

**Lachin**

**Gubatly**
<table>
<thead>
<tr>
<th>Block stone</th>
<th>Hajyly</th>
<th>6118 th. Cubic meter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loam</td>
<td>Hanlyg</td>
<td>990 th. Cubic meter</td>
</tr>
<tr>
<td>Building stone</td>
<td>3 deposit</td>
<td>3,0 mil. Cubic meter</td>
</tr>
<tr>
<td>Faced stone</td>
<td>5 deposit</td>
<td>18,4 mil.Cubic meter</td>
</tr>
<tr>
<td>Precious stone</td>
<td>1 deposit</td>
<td>1.1 th. t.</td>
</tr>
<tr>
<td>Subsurface fresh waters</td>
<td>Gubatly</td>
<td>84 th. Cubic meter/a day</td>
</tr>
</tbody>
</table>

### Zangilan

<table>
<thead>
<tr>
<th>Types of the minerals</th>
<th>Name of the minerals deposit</th>
<th>Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gold</td>
<td>Veynali</td>
<td>6,5 t.(copper-3,0 th.t.)</td>
</tr>
<tr>
<td>Faced stone</td>
<td>Okhchuchay</td>
<td>6618 th. Cubic meter</td>
</tr>
<tr>
<td>Lime stone for the soda production</td>
<td>Zangilan</td>
<td>129833 &quot;-&quot;</td>
</tr>
<tr>
<td>Loam</td>
<td>Zangilan</td>
<td>1102 &quot;-&quot;</td>
</tr>
<tr>
<td>Building stone</td>
<td>Bartaz-I, Bartaz-II, Zangilan</td>
<td>3903 &quot;-&quot;, 24927 &quot;-&quot;, 6028 &quot;-&quot;</td>
</tr>
<tr>
<td>Sand-gravel</td>
<td>Zangilan</td>
<td>17367 &quot;-&quot;</td>
</tr>
<tr>
<td>Sand</td>
<td>Sharifan</td>
<td>2937 th. Cubic meter</td>
</tr>
</tbody>
</table>

### Jebrayil

<table>
<thead>
<tr>
<th>Types of the minerals</th>
<th>Name of the minerals deposit</th>
<th>Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Block stone</td>
<td>Tuluz</td>
<td>296 &quot;-&quot;</td>
</tr>
<tr>
<td>Loam</td>
<td>Garajaly, Garajally</td>
<td>4672 th. Cubic meter</td>
</tr>
<tr>
<td>Sand</td>
<td>Soltanly, Chakhmakhchay, 4 deposit</td>
<td>762 th. Cubic meter</td>
</tr>
<tr>
<td>Damp cement</td>
<td>Goyarchin-Veysalli</td>
<td>6644 th. t.</td>
</tr>
<tr>
<td><strong>Minerals</strong></td>
<td><strong>Name</strong></td>
<td><strong>Resources</strong></td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>---------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Plasterboard</td>
<td>Minbashyly</td>
<td>1325 &quot;-&quot;</td>
</tr>
<tr>
<td>Building stone</td>
<td>Agtapa</td>
<td>5226 th.t.</td>
</tr>
<tr>
<td>Sand-gravel</td>
<td>Jafarabad</td>
<td>4130 th. t.</td>
</tr>
<tr>
<td>Gypsum, anhydride, plasterboard</td>
<td>7 deposit</td>
<td>5,74</td>
</tr>
<tr>
<td>Pumice stone and volcanic ashes</td>
<td>3 deposit</td>
<td>3,73 mil. Cubic meter</td>
</tr>
<tr>
<td>Precious stone:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-jasper</td>
<td>Shahverdiler</td>
<td>504 t.</td>
</tr>
<tr>
<td>-chalcedony</td>
<td>Chakhmakhgaya</td>
<td>1348 t.</td>
</tr>
<tr>
<td>Subsurface fresh waters</td>
<td>Regional resources of the lowlands in the foothills of Jebrayil</td>
<td></td>
</tr>
</tbody>
</table>

**Fizuli**

<table>
<thead>
<tr>
<th>Types of the minerals</th>
<th>Name of the minerals deposit</th>
<th>Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td><strong>Industrial forecast</strong></td>
</tr>
<tr>
<td>Block stone</td>
<td>Dovletyarly Dilegerdi</td>
<td>15449 th. Cubic meter</td>
</tr>
<tr>
<td></td>
<td></td>
<td>40057&quot;-&quot;</td>
</tr>
<tr>
<td>Loam</td>
<td>Kurdmahmudlu</td>
<td>11211 &quot;-&quot;</td>
</tr>
<tr>
<td>Sand-gravel</td>
<td>Guruchay</td>
<td>13047 &quot;-&quot;</td>
</tr>
<tr>
<td>Subsurface fresh waters</td>
<td>Mountainous Region Fizuli Jabrail</td>
<td>204,3 th. Cubic meter/ a day</td>
</tr>
</tbody>
</table>

**Aghdam**

<table>
<thead>
<tr>
<th>Types of the minerals</th>
<th>Name of the minerals deposit</th>
<th>Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td><strong>Industrial forecast</strong></td>
</tr>
<tr>
<td>Block stone</td>
<td>Shahbulag</td>
<td>64767</td>
</tr>
<tr>
<td>Faced stone</td>
<td>Gulably</td>
<td>3999 &quot;-&quot;</td>
</tr>
<tr>
<td>Damp cement</td>
<td>Chobandag Boyahmedli Shahbulag</td>
<td>140464 th.t.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>44709 &quot;-&quot;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>25197&quot;-&quot;</td>
</tr>
<tr>
<td>Loam</td>
<td>Aghdam</td>
<td>1599 th.Cubic meter</td>
</tr>
<tr>
<td>Sand-gravel</td>
<td>Gargarchay-I</td>
<td>17500 &quot;-&quot;</td>
</tr>
<tr>
<td></td>
<td>Gargarchay- II</td>
<td>7230 &quot;-&quot;</td>
</tr>
</tbody>
</table>
As you can see, the rare and valuable mineral deposits have spread over the occupied region. Copper and zinc resources are concentrated in the Mehma deposit place in western part of the Minor Caucasus. Explored ore resources are ready for the exploitation in this area. Mercury resources of industrial significance are in Shorbulag and Agyatat of Kelbejer region.

Occupied regions are rich in different types of building materials, which are of great importance for Azerbaijan industry and building. Large resources of such materials are found in Chobandag located in the territory of Agdam region (lime resources are 140 million ton and clays are 20 million ton); Shahbulag (25 million ton of clays resources); Boyahmedi (45 million ton of clays resources) and other deposits. Large building stone deposits are in Hankendi, and the marble is in Harovdak.

There are more than 120 different compositions mineral water deposits of with high treatment capacity in the occupied areas. Among them are Yukhary (Upper) and Ashahy (Lower) Istriu, Bagysag, Keshdak in Kelbejer region; Iligsu, Minkend in Lachin region, Turshsu, Sirlan in Shusha region and other mineral waters attract particular attention. Istriu mineral water of Kelbajar region stands out particularly for the useful gas and chemical composition, high temperature, large natural resources. Its waters are useful both for the treatment of external and internal diseases.

A large resort and mineral waters packing factory were built on this spring in the 80s. This factory produced 800 thousand litres a day.

Turshsu (salt water) mineral spring is to 17 km of Shusha. Turshsu is used for different internal illnesses treatment, Shusha supply with the water through the water pipe. Turshsu and Isa springs for many centuries were the places where hold poetic and musical meetings of Karabakh.

It is significant that 39,9% of general geological resources of Azerbaijan mineral waters are located in the occupied areas.

One of the main conditions of the formation of national territories is close internal economic relations. At present, former Nagorny Karabakh Autonomous Region which fell a victim of the unfounded territorial claims of Armenia, was always a part of Azerbaijan and governed by its political system. The center of the region Hankendi directly connects with Azerbaijani railways and highways and in whole with the transport-communication system of the republic. Railway from this center to Baku extends to 392 km.

The most part of the Armenians in Nagorny Karabakh had close relations with Baku. A lot of their family members lived in high social-economic level and worked in this city. Represented by the Soviet authorities malicious nationalist A. Mikoyan, taking into the consideration the factor of economic relations which play a very important role on 20 May 1920 wrote: "Agentes of Armenia State Dashnak try to unite Karabakh and Armenia, but this will deprive the population of Karabakh of their living sources - Baku and they will be forced to direct their views to Yerevan which has no relations with them".

Truth said above by the Armenians leader that Nagorny Karabakh economically always was an inseparable part of Azerbaijan explains by the geographical position and special features of nature of this area. Thus, the mountainous part of Karabakh developed close economic relations with low-lying Karabakh for many centuries.

<table>
<thead>
<tr>
<th>Subsurface fresh waters</th>
<th>Groundwaters of Gargarchay Delta of the river Gargarchay (Agdam area) Ovruzlu-Yusifli area Regional resoucers of the lowlands in the foothill of Karabakh</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>29,4 th.Cubic meter/a day 72,23 th. Cubic meter/a day 1857,9 &quot;-&quot;</td>
</tr>
</tbody>
</table>

(The tables are based on the information of the Ministry of Ecology and Natural resources of the Republic of Azerbaijan)
The ways along the river mouth firmly connect these two areas in economical way. Occupation by the Armenians of the Yukhary (Upper) Karabakh, in defiance of all this historical-geographical reality and its forcible separation from the low land Karabakh created serious problems for the population and economy of the region.

For long years most of the enterprise located in Karabakh used fuel, raw materials and materials brought from Azerbaijan regions, many were the branches of Baku large-scale enterprises.

The former Nagorny Karabakh had the multilateral connections with Azerbaijan in the following directions:

1) Production cooperative relations - that is, merely production relations, including over feed-fuel sources; 2) commodity circulation; 3) material-technical equipment; 4) transport-cargo relations; 5) scientific-and-technical relations; 6) public administration relations; 7) cultural enlightener relations and others.

So, analysing every demonstrated relations it is possible to create a real view of the close relations between Nagorny Karabakh and Azerbaijan in that period. It is enough to point out that 8% of all raw silk cocoons incoming to the Karabakh Hankendi large-scale Silk Industrial complex in 1985 were produced in Nagorny Karabakh. The rest 92% were brought from other Azerbaijan regions. In 1986 in the field of external economic relations Nagorny Karabakh export quota with Armenia Republic was 0.3%, import - 1.4%, the export with Azerbaijan came to 33.3%, and an import quota was much higher.

United transport-communication system, operating in the occupied territories for many years were destroyed because of Armenia aggression. Nakhichevan Autonomous Republic situated aside from Karabakh zone and blockaded by Armenia suffers from this destruction very much.

With relation to transport-communication system Nagorny Karabakh territory are a far away from the capital of Armenia Yerevan and other large economic centers; the mountainous roads connected them are not suitable for cargo transportation because of natural disasters.

So, all currently occupied by Armenia regions have been closely related with Azerbaijan. Transport-communication system, tendency to common economy formed the base of these relations. Consequently there no any basis for the territorial claims of the Armenians only based on their national self-determination principles directed to Nagorny Karabakh which from the social-economic point of view is inseparable part of Azerbaijan.

Invaders regarding Azerbaijan as their property destroyed the important historical monuments in Shusha which was the historical capital of Karabakh, destructed national architecture, and rebuild them as they want.

In Azerbaijan Lachin corridor in the view of military engineering are hold completely new construction works.

Occupation of Azerbaijan lands and making there all wishful changes is not acceptable from the contemporary international law point of view. With relation to international law all resources in this area continue to be a property of Azerbaijan. This property only temporarily considers to be occupied and undoubtedly it must be return to its legal owner which is Azerbaijan.

All this confirms that the Nagorny Karabakh conflict which is presented as the efforts of national minorities for free definition of their fate has no any legal, social-economic base.

Water sources are under the blockade. Water problem solving is of great importance for Azerbaijan today. Since Azerbaijan is considered as a droughty region the development of irrigative agriculture, providing the cities and villages with water is a vitally important for the country. Close river network in the occupied mountains of the Small Caucasus are of great importance for the water resources forming in the Republic. The rivers taken their sources from these mountains, particular related to the Kura right branch Terter, Hakari, Hachinchay, Kondelenchay and others supply with large quantities of water the low-lying regions, the artificial lakes and irrigation canal are built on some of their. One of the complexes used in irrigation and receiving the electric energy is Terter hydrocomplex. This complex was built in 1976 at the
expense of given for Azerbaijan SSR investments. The blockade by Armenia these and others vital for Azerbaijan irrigative systems and water sources changed into the great threat source for our country.

Sarsang reservoir and power station built on this Tartar hydrocomplex are currently under the control of the Armenian military forces. Volume of Sarsang reservoir is 560 thousand cubic meter. Long-distance channels taken their sources from this reservoir irrigate 80,1 thousand hectare of the low-lying regions Terter, Agdam, Barda, Goranboy. At present because of the occupation of the canals by the Armenians the crops in the mentioned regions don't yield a harvest.

Department of Economic and Social Geography of BSU
http://www.azerbaijan.az
2. Ecological problems in the occupied lands

The absence of information about the current ecological situation in the occupied lands creates great obstacles. Armenians hide the real ecological state of these areas and, therefore, it is possible to express only general views on the matter. It's well-known that all the natural elements of the region closely interact with each other and changes in one of the elements will transfer to others. The districts Kelbadjar, Lachyn, Qubadly, Zengilan, Djebryal, Fizuli and Aghdam surrounding the occupied Nagornoy Karabakh are currently out of control and are not cultivated therefore causing great ecological disaster.

Almost all of the rivers that originate in Armenia enter the Kur and Araz rivers of Azerbaijan and the Caspian Sea. The rivers Okhchu, Zengi, Araz, Agstafa, that have been flowing from our countries for years, pollute waters of the rivers of Azerbaijan. The wastes of the Gafan copper fields thrown into rivers joining the Bokhchuchay and the utilized waters of Armenia enter Azerbaijan by the rivers. It's also known that the radioactive wastes utilized at the station are buried in the occupied lands of Azerbaijan.

Heavy military technique, moving across the occupied lands, large quantity of exploded canisters and buried mines caused a great damage to the soils and plants of these regions. No one is concerned with the environmental protection in these neglected regions: forests are cut and brought to the neighbor countries, the rare plants and animals are terminated. The destruction of the canals that originate in the occupied lands struck a hard blow on the agriculture of the foothill regions in Azerbaijan. As can be seen, the occupation caused damage to the nature of Azerbaijan along with the loss of people.

Armenians, aware of their temporal staying in these lands, use the natural reserves, minerals of the regions barbarously. Mineral waters, different technical materials and reserves are widely assimilated by Armenians.

As the illegal regime of Nagorny Karabakh is not responsible for the environmental protection in the occupied lands before any international organization the ecological state is deteriorating in the said region. Therefore, after the lands are released from the occupation it's necessary to demand the repayment of the great damage caused by the occupants for the improvement of the ecological situation.

The reserves which are under occupation are shown below. The reserve regime has been eliminated there: (according to the first report of the Ministry of Ecology and Natural Resources.

The Beshitchay state reserve

The Beshitchay state reserve was established in the Zangelan district by the decree of the Azerbaijani government of July 4, 1974. It is located in the south-west in the Beshitchay valley. The reserve aims to protect the landscape complex, especially the rare plane tree forests. It covers the area of 107 hectares and extends to 15 kilometers and in some places to 150-200 meters. The reserve is surrounded by the forests of Armenia. Sparse woods account for 14% of 79.4% of the total are of woodlands, while the area free of forests-for 6.5%. The area covered with forests is mainly mountainous and it reaches a height of 600-800 meters. The climatic conditions are favorable for restoration and development of the plane forests. The annual number of sun hours totals 2200-2500, the average annual temperature is 1° in January and 25° in July.

The annual level of precipitations totals 600 mm, the snow cover reaches the level of 10-30 cm in some places-70-80 cm. The relative humidity makes up 60-70%.

The Beshitchay river extends to 44 kilometers and covers the area of 354 km². It originates from the Zangezur mountains and flows into the Araz.

The plane forests account for 100 hectares of the total area of the state reserve of Beshitchay. There are also the mixed plane-tree woodlands which comprise the Greek walnut-tree, mulberry, willow tree, poplar, haw, dog-rose, brimstone, Jerusalem thorn, etc. The average age of the plane trees of the reserve
equals 165 years, the average height is 35 meters and the average diameter totals 1 meter, there are also such trees the age of which equals 1200-1500 years, height-50 meters, diameter-4 meters. The tree reserves of the forest are 190 m³ of the total 16200 m³, and the annual growth of forests reaches 1.22 m³ out of the total 1 hectare. A number of researchers regard them as the survivals of ancient forests. According to A.A.Grossheymin, some of them consider the forests to be the remnants of the natural plane tree forests widely spread in the river valleys of the south-western Transcaucasia.

The plane-trees are multiplied by seeds and young growth in the Beshitchay forests. The plane trees that were generated from young growth accounted for 80%, while those from seeds only for 20%. One of the greatest plane-trees of the reserve is 1200 years of age, 53 meters in height and 4 meters in diameter. Over 185 young growths appeared from its root bole. These young growths also resemble the giant trees as the eldest of them are 100-150 years of age with 40 meters in height.

Our people always highly appreciated the plane-trees and considered them to be the shah trees of the plant kingdom.

Likewise birch tree is the symbol of the plant kingdom of Russia, the plane-tree is also considered the symbol of the plant kingdom of Azerbaijan and its people regards this tree with favor. We are fully right to do that. The plane-tree is as magnificent as our pride and as ancient as our history. They are the charms and the pride of our nature.

Unfortunately, our wealth has been ruined by Armenian occupants since 1993; the forests are inflicted reprisals and are used in furniture production.

The Garagol State Reserve

The Garagol state reserve was established by the order of November 17, 1987 of the Ministries’ Council of the Republic of Azerbaijan. Garagol state reserve is located at a height of 2658 meters above sea level on the border of Lachyn and Gorush districts. The reserve covers the area of 240 hectares. It includes the Garagol lake water area and the area of 64 hectares 100 in width along the shore of the lake.

The Garagol is surrounded by the Damirdash and small Ishighly mountain (3452) in the north-west on the north of the great Ishyghly mountain (3548 meters) in the source of the Agoglan river, which is the branch if the Hakari river, in the south part of the Karabakh volcanic mountains at a height of 2658 meters above sea level and by the moraine bloc in the east and Djanqutaran mountain in the north. The lake is a relict water source resembling the crater of an extinct volcano. Stratigraphically, the Garagol region lies among the pliosen aged rocks.

The lake extends to 1950 meters, its maximum width is 1250 meters and the length of its coastline is 5500 meters, the depth-7.8 meters and the area of the basin is 13 km². The water volume in the lake is 10 million m³. The limpidity of the lake water is 4.6 meters. The ground of the lake nearing the shore is composed of stones of different size. The size of the stones declines in the direction to the center and the central part of the lake ground is composed of small sediments.

It is covered with ice beginning from the second half of October to late April. The thickness of ice reaches 50 sm at a distance of 20-25 meters from the shore to the center. The reserve accounts for 102 plant and animal species that fall into 68 types and 27 families.

As the lake was isolated from other water sources and its water was very pure and healing, the people of Azerbaijan regarded is as the holy place.

The establishment of cattle farms on the Armenian side of the lake in 1964, the utilization of its water for the irrigating of the sawing areas of the Goruz region through the construction of powerful pumping stations caused the pollution of the lake and the decline in its water level. The protests of Lachyn inhabitants against such attitude of Armenians restricted their activity. The intensive utilization of the water of the uncontrolled lake may currently lead to the unpreventable negative consequences.
The state game reserve of Lachyn

The state game reserve of Lachyn was established in the Lachyn district in November of 1961. The game reserve aimed to protect the animals and birds populating this region.

The game reserve is inhabited by roe deer, mountain goat, wild boar, bear, and such birds as Turaj, partridge and others. The game reserve covers an area of 21.4 hectares that makes up 0.25% of the territory of the Republic and 8.8% of all reserves of the country. Woodlands account for 34.5% or 7369 hectares, Alpine meadows-for 6.8% or 1448, Sub-alpine meadows-for 34.8% or 7400 hectares, pastures-for 20% or 4257 hectares, rocks-for 4% or 862 hectares and specially designed lands -for 34 hectares.

It has the landscape typical of that of the middle and high mountain areas.

The highest alp Gyrkhgyz (2825 meters) is sharply indented by the deep valleys of the Salva, Pidjanis, Qorchu and other rivers. The cold climate of dry winters is typical of the game reserve. According to the types of the plants the region is divided into the zone of Iberian oak mountain forests (1000-1700 meters), high mountain forests of oriental oak (1700-2200 meters), sub-alpine (2200-2500 meters) and alpine (2500-2800 meters) meadows. The forests mainly consist of hornbeam, lime-tree, birch and other trees, the forests of the hornbeam dominance are quite rear (8.1%), the mountain forests of oak, hornbeam and birch also occupy small area due to the pasturing that is widely spread there.

It is also characterized with the predominance of the relatively humid mezofil meadows of the dry slopes of Subalpine zone and different meadows of the Alpine zone and weakly developed Alpite herb carpet.

The primitive, scarce, mountain-meadow, typical, carbon, brown, rot-carbon mountain-meadow, typical and brown mountain-meadow soils are spread in the reserve.

The mountain and meadow zones as well as the mountain zones are subject to a greater influence by the industrial activity of people compared with forests.

At the same time, favorable conditions exist for the settlement of a number of animal and bird species in the region. They settle here in quite sufficient number.

According to the checking of 1989, the number of mountain goats settled in the region totaled 96, boar-360, roe deer-320, bear-110, wolf, badger and other animals also settled there and the number of settled peasants equaled 200, partridge-1500.

The enumeration of March 1991 showed that the number of animals and birds was reduced by Armenians (as is known, one part of the reserve is located on the territory of Nagornory Karabakh and Armenians use the conflict for hunting animals and birds. Thus the number of animals and birds is stated in the table below.

<table>
<thead>
<tr>
<th>№</th>
<th>Names of animals and birds</th>
<th>1989</th>
<th>1991</th>
<th>Reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Boar</td>
<td>3</td>
<td>2</td>
<td>90</td>
</tr>
<tr>
<td></td>
<td></td>
<td>60</td>
<td>70</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Roe deer</td>
<td>3</td>
<td>2</td>
<td>55</td>
</tr>
<tr>
<td></td>
<td></td>
<td>20</td>
<td>65</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Bear</td>
<td>1</td>
<td>5</td>
<td>55</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Mountain goat</td>
<td>9</td>
<td>7</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Pheasant</td>
<td>2</td>
<td>-</td>
<td>200</td>
</tr>
<tr>
<td></td>
<td></td>
<td>00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The most valuable red oak is found in the Hadjysamly forest of the reserve. French people constructed a road by destroying of the Gyrkhgyz mountain in Khankendi for utilization of the said oak in the times of Tsarist government. Yet they were not able to transport materials due to the establishment of the Soviet Union. The materials received from the tree were used for the production of valuable furniture and in storage of cognac. The tree is found only in the said reserve in the territory of Azerbaijan.

The said trees and other forests are terminated by Armenians barbarously.

The Qubadly reserve

The state game reserve of Gubadly was established on the territory of the Qubadly and Lachyn districts under the jurisdiction of the state reserve of Beshitchay in June of 1996. The reserve covers the south part of the Lachyn region and the north part of Qubadly and is composed of the mountain-steppe region. The reserve aims to protect the animal kingdom of the region, especially the roe deer, wild boar, pheasant and other animals and birds. The reserve covers an area of 20 thousand hectares and accounts for 8.2% of the country's game reserves. The reserve is characterized by forest, bush and forest-steppe areas.

The region covers the areas above the lower mountain ones. The temperate climate with dry winter is typical of the reserve. The average annual temperature of the region reaches 12-13° the level of precipitation equals 550-600 mm, the evaporation-750-800 mm. The average temperature equals 0.6° in January and 23° in July.

The area mainly comprises red oak and hornbeam. At the same time, the juniper, haw, dog-rose and blackberry are also widely spread in the region.

The ecological factors of the region created conditions for the normal existence of animals and birds. The enumeration conducted before the occupation of the region showed that the reserve accounts for 101 wild boars, 21 brown bear, 35 roe deer, 420 hares, 25 wolves, 310 jackal, 75 badgers. The partridge is the most widely spread among the birds of the region. Pheasants, turaj, quail and dove are the permanent inhabitants of the reserve.

The reserve has been under Armenian occupation for nearly nine years and Armenians use the wealth barbarously.

The Arazboyu game reserve

The Arazboyu game reserve was established on the bank of the Araz river on the Iran border in the Zangilan district under the jurisdiction of the Beshitchay state reserve in 1993. It is 50 kilometers in length, 50-100 meters in width (in some places it reaches 200-400 meters, and it covers an area of 5 thousand hectares).

The game reserve aims to protect the flora and fauna existing in the region. It is characterized by a climate with warm summers and temperate winters. The average annual temperature equals 20-25° (1° in January and 35-38° in June-July). It is also notable for fertile clayey soils. The region comprises trees which need large quantities of water. The climate and fertile soil create normal conditions for the growth and development of plants.

According to the enumeration of animals, the reserve accounts for nearly 300 wild boars, 7 gray bears, 350 foxes, 300 jackals, 15 wolves, 70 badgers, 12 roe deer. Turaj, pheasants, partridges, quail and greenhead ducks are the permanent inhabitants of the reserve.

The Dashalty game reserve
The Dashalty game reserve was established for the protection of rare natural complexes of Shusha and Askeran in 1998. It covers an area of 450 hectares. The reserve which was occupied in 1992 was completely destroyed.

Department of Economic and Social Geography of BSU
http://www.azerbaijan.az
3. Socio-psychological and economical damages to the population of Azerbaijan as a result of Armenian aggression

The entire Azeri population of 250,000 was forced to leave 22 regions of the Republic of Azerbaijan and set their hopes on Azerbaijan at the first stages of the conflict in 1988-1989. In the process of urging these resettlement years’ 410 Azeri people were subjected to tortures by the Armenians executioners, including 57 women, 23 children who were brutally killed, received different physical injuries, and their houses and properties were ransacked. In total, 9 thousands sq. km. of the territory where Azerbaijanis lived was occupied.

The natural increase among the population of the occupied territories fell steeply, children death-rate rose because of the deterioration of living conditions. Compared to the figures from 1989, birth rate fell abruptly in all occupied regions in 1998. During the same period, death rate grew and natality per 1,000 persons strongly reduced. This decrease (for every 1000 persons) was in all regions between 11.2-22.6 men. Natural increasement of the population of Jebrayil, Gubatly, Zangilan and Aghdam in new settled areas much more fell off in shown years (between 16,9 and 22,6 men). Demography rate in occupied regions were lower than the middle level of the Republic.

The main reasons of the natality decrease in the occupied regions: too hard social and economic conditions, life conditions of the mountainous and foothills zones; uncompatibility with the warm climate in low-lying areas and others.

One of the important problems of the refugees and settlers connects with unemployment difficulties. According to the information of the Refugees Committee of the Republic of Azerbaijan 301359 in number were able-bodied refugees and IDPs, 196380 of them or 65.2% of all working resources are out of work.

74 thousand of IDPs because of lack of the necessary conditions lived in tent towns; 99 thousand in prefabricated houses settlements; 17.5 thousand in public buildings, schools, nursey schools and in hostels; 20.2 thousand at their relatives; the rest are in occupied flats; in unfinished buildings, farms; freight cars and barely on the edge of roads (1999).

Lack of normal heating, electric-power supply, hygiene and sanitary conditions pose a hazard to health of born children, their parents in such refugee's locations.

So, as a result of the aggression of Armenia more than 1 million in number became refugees and IDPs, 20 thousand perished, 50 thousand became the invalids, 5,1 thousand (according to June 1st, 1992) were taken hostage and were missing, natality in occupied territories fell to 22-26 in number (for every 1000 men).
4. Damages to industrial, housing and social objects

The decree concerning the development of productive forces in the mountainous regions, including Nagorny Karabakh autonomous area was passed before the beginning Nagorny Karabakh conflict. There were intensive construction works going on in Nagorny Karabakh and the occupied regions at time of the beginning of the conflict. Large-scale enterprises were opened and new machinery and transport vehicles were delivered to the area. Large enterprises producing building materials and marble factory were also built in Nagorny Karabakh. The entire material-technical basis established for new construction projects was destroyed and none of the potential projects were implemented as a result of Armenian occupation.

The industries of the occupied areas played an important role in the economy of Azerbaijan. Food, light industry and building enterprises were strongly developed.

Large agricultural and natural resources produced the most positive impact upon the development of the foregoing branches.

Butter-cheese, wine making and partly light industries of great importance provided the population with food-stuffs and were the most developed than other industrial branches in occupied territory. Nagorny Karabakh Autonomous Region because of its industrial branches structure and the development level took the 4th place among the economical regions of former Azerbaijan SSR (Absheron, Ganja-Gazakh, Nakhicchevan AR).

The industrial potential of the occupied regions was mainly concentrated in the area of Nagorny Karabakh Autonomous Region. Most of the industrial and building enterprises (137 enterprises) were located in this area. It produced 40% industrial product in the occupied areas and concentrated 18.7% of key assets. Fizuli and Agdam regions had 5% industrial product and 41% key assets. The place in industries and construction sector was occupied by Aghdam and Fizuli administrative regions (51% industrial product and 41% key assets). The industry of the remaining five administrative regions - Lachin, Kelbejer, Jabrail, Gubadly and Zangilan was too weak. 27% of common industrial products, 3,4% of key assets in 1988, in Azerbaijan formed a share of occupied regions.

The occupied regions had the following specific weights in the Azerbaijan SSR:

- Materials for the walls building - 11.0%, building lime - 7.8%, building materials - 3.0%, shoe - 11.0%, meat - 5.0%, tinned foods - 6.9%, cow's milk - 25.2%, wine materials - 35%, raw silk - 13.5%, wool - 19.3% mineral water - 11.5% and etc.

- Istisu and Turshsu mineral water-packing enterprises, Karabakh and Agdam marble, faced stone factories, high-quality and widely popular wines Agdam and other products of wine factories, butter-cheese enterprises, weaving mill, shoe factory, Karabakh silk Complex and others showed their activity in these regions. More than 50 branches of Baku enterprises remain in the occupied areas. In total, over 183 industrial and 127 construction enterprises are remaining in the region.

Communication objects: powerful communication lines and objects have been established in the region. 25,000 km of motor and country roads, 160 bridges with a total length of 3,984 m; electric lines with a total length of 14,500 km, 2,500 transformers, 2,300 km of water pipes, 2,000 km of gas pipes, 240 km of sewage lines, 160 water basins, more than 34 gas distribution stations and phone stations for 35,000 numbers were destroyed in the area.

At present, there are four airports, Baku-Agdam and Horadiz-Nakhchyyvan gas pipelines and other strategic objects left in the occupied areas.

So, more than 310 industrial and building objects left in the occupied by Armenia regions. These objects gave 11.0% of wall materials, 11% of shoe production, 25.2% of cow' butter, 35% of wine materials, 13.5% raw silk, 15% of mineral waters and others produced in Azerbaijan.
5. Damage caused to agriculture of the region

The occupied areas of Nagorny Karabakh represented a large agricultural region within Azerbaijan. Suitable intermountain and foothill plains, plateaus and the occupied parts of the Minor Caucasus create the favorable conditions for development of plant-growing and cattle-breeding fields. Grain-growing, fodder production, vine-growing, tobacco-growing, potato-growing, cotton-growing, dairy farming and meat farming, particularly sheep-breeding dominated in the agriculture.

Attention to vine-growing field of the Nagorny Karabakh, developed since ancient times, increased in 1970s. Large specialized sovkhoz-plants with modern techniques was established in connection with development of vine-growing and wine-growing. One of the new commodities in the region was tobacco-growing.

Numbers of agriculture enterprises, including kolkhozes, sovkhozes, agriculture unions and agro firms, operating in the occupied territories, stopped their activity in result of Armenian aggression (table 7).

Thus, 311 agriculture enterprises, 145 new established vine and wine sovkhozes, equipped with up-to-date technique and particularly Aghdam horse sovkhoz, bred well known Karabakh pedigree horses, 135 kolkhozes and 31 inter-economy enterprises were ruined in the occupied territories. 1365 trailer transports, 3425 different sowing and trailer tractors, grain and cotton combiners etc., presented material-technical base of agriculture and not available for farmer by their current prices remained in the occupied territories.

The agriculture enterprises and technique of the occupied territories
(the data of 1988).

<table>
<thead>
<tr>
<th>Occupied regions</th>
<th>Agriculture enterprises</th>
<th>Including</th>
<th>Transport</th>
<th>Tractors</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Sovkhozes</td>
<td>Kolkhozes</td>
<td>Inter-economic enterprises</td>
<td></td>
</tr>
<tr>
<td>The NKAR</td>
<td>99</td>
<td>43</td>
<td>49</td>
<td>7</td>
</tr>
<tr>
<td>Lachin</td>
<td>30</td>
<td>28</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>Kalbadjar</td>
<td>37</td>
<td>4</td>
<td>30</td>
<td>3</td>
</tr>
<tr>
<td>Aghdam</td>
<td>34</td>
<td>1</td>
<td>10</td>
<td>6</td>
</tr>
<tr>
<td>Fuzuli</td>
<td>44</td>
<td>25</td>
<td>15</td>
<td>4</td>
</tr>
<tr>
<td>Jabrayil</td>
<td>24</td>
<td>7</td>
<td>14</td>
<td>3</td>
</tr>
<tr>
<td>Gubadli</td>
<td>25</td>
<td>10</td>
<td>12</td>
<td>3</td>
</tr>
<tr>
<td>Zangilan</td>
<td>18</td>
<td>10</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>311</td>
<td>145</td>
<td>135</td>
<td>31</td>
</tr>
</tbody>
</table>
7296 hydraulic units, 36 pumping stations, 26 irrigation systems, 18 head plants of irrigation system, inter-economic irrigation channels of 1200 km, 5600 km intra-economic systems were destroyed, 127.7 thousand hectares fertile lands remained. Thousands of peoples were deprived of life source - land in the Caucasus region with insufficient lands.

Internal displaced persons, deprived of aforesaid agriculture technique, met with difficulties in the new regions, where they settled. They should rent agriculture techniques by high prices or use manual labor. All these complicated the daily life of refugees and internal displaced persons.

611.3 thousand internal displaced persons, exiled from occupied regions of the Nagorny Karabakh, are deprived of agricultural products, cultivated on the native lands. The plain territories, where IMPs settled, own other climate and agricultural products, cultivated appropriate to it. It is very difficult to grow such agricultural products in the new territories. Villager, bred cattle in the mountain territory of Kalbadjar, faced with great difficulties in cotton-growing of the Barda region, where they settled. Table 9 shows production of plant-growing and cattle-breeding in the occupied regions.

Eventually, 14.3% of grain, 31.5% of vine, 14.5% of meat, 17.1% of milk, 19.3 of wool and 17% of cocoon, produced in the Azerbaijan Republic, fell to the share of the occupied regions. Ecologically pure and qualitative products were produced in these regions.

The data on production of agriculture products in the occupied Nagorny Karabakh Autonomous Republic and adjacent regions of Azerbaijan (1988)

<table>
<thead>
<tr>
<th>Occupied regions</th>
<th>Plant products</th>
<th>Cattle-breeding products</th>
</tr>
</thead>
<tbody>
<tr>
<td>The NKAR</td>
<td>100,0</td>
<td>-</td>
</tr>
<tr>
<td>Lachin</td>
<td>3,0</td>
<td>-</td>
</tr>
<tr>
<td>Kalbadjar</td>
<td>1,0</td>
<td>-</td>
</tr>
<tr>
<td>Aghdam</td>
<td>30,1</td>
<td>19,0</td>
</tr>
<tr>
<td>Fuzuli</td>
<td>31,9</td>
<td>1,5</td>
</tr>
<tr>
<td>Jabraiyil</td>
<td>20,1</td>
<td>42,0</td>
</tr>
<tr>
<td>Gubadli</td>
<td>6,7</td>
<td>2,9</td>
</tr>
<tr>
<td>Zangilan</td>
<td>4,6</td>
<td>-</td>
</tr>
<tr>
<td>Total:</td>
<td>179,4</td>
<td>20,5</td>
</tr>
<tr>
<td>Az. Repin %</td>
<td>14,3</td>
<td>3,3</td>
</tr>
</tbody>
</table>
Armenian aggression caused more damage to the highly developed cattle-breeding fields of these regions. As Azerbaijan SSR directed great deal of means to the mountainous regions, decreased taxes, developed individual farms in order to catch up the backlog in these territories. All these measures led to development of cattle-breeding fields in the occupied mountainous regions.

Unexpected and consecutive occupation of Azerbaijan regions did not allow leading livestock out of war zone beforehand. Small groups of leaded out livestock died of starvation and thirsty on the way.

### Number of the cattle in the regions occupied in 1988

<table>
<thead>
<tr>
<th>Occupied regions</th>
<th>Cattle</th>
<th>Including cows and buffalos</th>
<th>Sheep and goats</th>
<th>Pigs</th>
</tr>
</thead>
<tbody>
<tr>
<td>The NKAR</td>
<td>90227</td>
<td>29524</td>
<td>225791</td>
<td>81434</td>
</tr>
<tr>
<td>Lachin</td>
<td>42057</td>
<td>15284</td>
<td>242775</td>
<td>-</td>
</tr>
<tr>
<td>Kalbadjar</td>
<td>33298</td>
<td>11736</td>
<td>107760</td>
<td>-</td>
</tr>
<tr>
<td>Agdam</td>
<td>45127</td>
<td>16351</td>
<td>194300</td>
<td>1210</td>
</tr>
<tr>
<td>Fuzuli</td>
<td>36820</td>
<td>13578</td>
<td>144370</td>
<td>-</td>
</tr>
<tr>
<td>Jabrayil</td>
<td>26489</td>
<td>9536</td>
<td>118885</td>
<td>-</td>
</tr>
<tr>
<td>Gubadli</td>
<td>21026</td>
<td>8392</td>
<td>30098</td>
<td>-</td>
</tr>
<tr>
<td>Zangilan</td>
<td>18085</td>
<td>6843</td>
<td>34902</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>313129</td>
<td>111244</td>
<td>1098881</td>
<td>-</td>
</tr>
<tr>
<td><strong>Az. Rep. Specific weight in %</strong></td>
<td>15,8</td>
<td>14,9</td>
<td>19,2</td>
<td>38,7</td>
</tr>
</tbody>
</table>

Eventually, 311 agriculture enterprises, including 145 new vine-wine plants, 1365 automobiles, 3425 sowing and trailer tractors, 7296 hydraulic units, 62 water pumps and irrigation aggregates, 1200 inter-economic droves, 645,5 thousand hectares land fit for agriculture, 185,5 thousand hectares plough lands, 40 thousand hectares new vine plantations, beard fruit, were destroyed, annually on average 79,4 thousand ton grain, 20,5 thousand ton cotton, 324,3 thousand vine, 23,5 thousand ton potato and other plant products, 313,1 thousand heads of cattle, including 111,2 thousand heads of cow and buffalo, 1 million 98 thousand heads of sheep and goat, as well as 20 thousand ton meat, 75,5 thousand ton milk, 846 ton cattle-breeding products were lost in result of occupation of Azerbaijan territories since 1989.
6. Material and moral damage caused to Azerbaijan culture as a result of the Armenia-Azerbaijan conflict

The military forces of Armenia, raised unfounded territorial claims against the Azerbaijan Republic in early 1990s, and broking international norms, occupied 20 percent of the territory of our country that was officially recognized by the UN member-countries, barbarously destroyed national culture monuments.

The first human dwellings like the well known caves Azikh and Taghlar, burial mounds Garakopak, Uzarlik tapa, located in the occupied territory, are expressly used for military purposes and destroyed. Cemeteries, mausoleums, monuments, mosques, temples, monuments belonged to the Caucasus Albania and other national culture heritage in the territory of the occupied regions Shusha, Lachin, Kalbadjar, Gubadli, Zangilan, Fuzuli were destroyed along with burial mounds in the regions Khodjali, Aghdam, Aghdara, Fuzuli, Jabrayil.

Armenian vandals destroyed Ashaghi and Yukhari Govharagha, Kocharli, Mardinli, Juma mosques, museum houses of genius composer Uzeyir Hadjibayov and founder of professional vocal art Bulbul, Khurshud Banu Natavan's palace complex, estates of Firudin bay Kocharli and the Zohrabbayovs, poet, artist and scientist Mir Movsun Navvab's house, ancient cemetery, mausoleum of great poet and vizier of Karabakh khan M.P.Vagif, majority of dwelling houses with eastern architecture peculiarity in the territory of historical-architectural reserve Shusha, Panah khan's estate, Juma mosque in Aghdam, palaces of Hamza Sultan and Soltan Ahmad, mosques, sanctuaries and temples, stone statues, ancient graves, burial mounds, dwelling houses representing historical importance in Lachin, and took transportable material culture monuments to Yerevan.

Destroying of our material culture monuments in the occupied territories is continuing till nowadays. Occupiers conduct wide-scale and unprofessional archeological excavations, destroy burial mounds, conveyed loot to Armenia. 13 monuments of universal importance (6 architectural and 7 archeological ones), 292 of state importance (119 architectural and 173 archeological) and 330 of local importance (270 architectural, 22 archeological, 23 parks, monumental and memorial monuments, 15 decorative art examples) remained in the ancient Azerbaijan lands Nagorny Karabakh and adjacent regions, occupied by Armenian terrorists.

Besides, 22 museums, where were collected 40 thousand exhibits, 927 libraries with 4.6 million books, 808 clubs, 4 theatres and 2 concert places, 8 culture and rest parks, 4 picture galleries, 85 musical schools, 103.2 thousand furniture equipments, 5640 musical instruments, 481 cinema units, 20 movie cameras, 423 videotape recorders, 5920 national male and female cloths, 40 loudspeakers, 25 large and 40 small attractions remained under occupation.

General damage caused to our republic, excepting immovable historical and culture monuments, the value of which is impossible to determine, accounts 23 trillion 680 million manats or US$ 6 billion 71 million. (The caused damage is approximately calculate on basis of documents of 1994).

The Aghdam Bred museum, the only in the former USSR, was razed to the ground during bombing of the town. About 13 thousand valuable and rare exhibits of the world-famed Kalbadjar historical and study of local lore museum, about 5 thousand exhibits of the Lachin historical and study of local lore museum were taken to Armenia.

Hard blow was strike in our morality in result of occupation of Shusha. 8 museums, 31 libraries, 8 culture houses were destroyed and ruined only in Shusha.

About 5 thousand exhibits of the Shusha historical museum, about 1000 exhibits of the Shusha branch of the Azerbaijan Carpet and Popular Applied Art State museum, the State Karabakh Historical museum, more than 300 exhibits of the museum house of composer Uzeyir Hadjibayov, the founder of professional Azerbaijan music, more than 400 exhibits of the museum house of founder of vocal art Bulbul, more than 100 exhibits of the memorial museums of famous musician and artist Mir Movsum Navvab, more than 2
thousand exhibits of the Aghdam historical and study of local lore, more than 3 thousand exhibits of the Gubadli historical and study of local lore museum, about 6 thousand exhibits of the Zangilan historical and study of local lore museum were looted. The memorial museum of famous Azerbaijan musician Gurban Pirimov in the Agdam region, the historical and study of local lore museums of the Jabrayil, Fuzuli, Khodjali regions were destroyed as well.

Valuable exhibits, pictures and sculptures, world famed Azerbaijan carpets, memorial objects of well known Azerbaijan persons and other valuable exhibits were in the museums, looted by Armenian aggressors.

Funds of the Shusha, Lachin and Gubadli art galleries, consisted of works of famous Azerbaijan artists and sculptors, were also destroyed.

Armenian aggressors, demonstrating special barbarism, conveyed statues of great Azerbaijan music workers Uzeyir Hadjibayov and Bulbul, as well as poetess Khurshud Banu Natavan from Shusha to the territory of Armenia. These monuments were shot and damaged with heavy technique in contradictory to all moral norms. They were hardly brought to Baku and now demonstrated in the Fine Art Museum.

It is impossible to determine the price of these destroyed, ancient, irreplaceable, valuable, culture monuments of Azerbaijan people.

Preservation of history and culture monuments, remained in the Azerbaijan Republic territory as memory of our people's centuries-old history, is problem of international importance as Azerbaijan people's cultural heritage is integral part of the world culture.


Ministry of Culture
http://www.azerbaijan.az
IV. HUMANITARIAN MISERY

1. Prisoners of war, hostages and missing persons


1392 Azerbaijan citizens were released from Armenian captivity in 1988-2007. There are 168 children, 343 women and 289 elderly ones among them (on 1.07.2007).

According to the well-founded information we possess on our side, one part of 4407 missing Azerbaijan citizens are remaining in the Armenian captivity at the moment, this fact is still hidden by the Armenian party from international organizations, including the ICRC. The list of these persons has been compiled on the grounds of testimonies of those released from Armenian captivity, as well as through.

The international organizations such ICRC, International Working Group for the release of the Prisoners of war, Hostages and Missing Persons comprising human right activists from Germany, Russia, and Georgia confirmed the fact of concealment of information pertaining to captivity and further destiny of part of these people.

Based on the information we possess, while in the Armenian captivity the majority of these people were either killed, or died from tortures and diseases, whereas the rest of them are being currently kept in penal servitude.

http://www.human.gov.az
2. Executed in captivity

The facts collected by the State Commission for Prisoners of War, Hostages, and Missing Persons prove that the Armenian Republic tramples on the norms of international law, violating the 1949 Geneva Convention “On protection of war victims”, by killing, crippling, torturing, and psychologically damaging captured Azerbaijani citizens.

For example, during the military aggression of Armenia against Azerbaijan, there was mass execution of the peaceful populace. Azerbaijani citizens held in captivity in Armenia and the occupied territories of Azerbaijan are subject to horrible tortures and psychological damage. Many were driven to suicide through cruel treatment and psychological torture. Others were executed or tortured to death.

The following document specific cases:

During the occupation of the Khojavend district on 17 February 1992, Armenian armed forces executed on the spot 80 of 117 hostages taken in Garadagli village. Village residents Seyyur Khanlar oglı Nagiev, Shakhruz Amirkhan oglı Aliyev, and others personally witnessed this.

Hagigat Yusif gizi Huseynova, a resident of Garadagli village, witnessed 10 of her compatriots burnt to death on 10 February 1992.

During a large-scale attack of Armenian armed forces on Kelbadjar district of Azerbaijan begun 1 April 1993, an urgent order was transmitted from the main radio station GSM-7 in the Vardenis district of Armenia to the main radio station in Kelbadjar and all mobile radio stations. The order demanded the immediate elimination of captured Azerbaijani citizens, including women, children, and the elderly. The reason for haste was to hide the evidence of atrocities committed against Azerbaijanis from an international delegation and journalists visiting the region. The text of this radio transmission was recorded by the radio counterintelligence department of the Azerbaijan Ministry of National Security on 6-7 April 1993.

During the occupation of the Kelbadjar district, 15 residents of Bashlibel village, including Mukhammed Amraliyev, Surkhay Amraliyev, Chingiz Amraliyev, Aygun Amraliyeva, Busat Ahmadova, and Chichek Hasanova, were executed on the spot. Khasay Mukhammed oglı Amraliyev and Binnet Abdulali oglı Ahmadov witnessed this atrocity.

According to the testimony of Imarat Mamishova, who was held captive along with her two young sons, Armenians shot and burnt the bodies of eight civilians including her eight-year-old son Taleh in her presence. Afterwards, the Armenians took her, her ten-year-old son Yadigar, and other women, children, and elderly people to Khankendi and subjected them to horrible torture.

According to the testimony of the Ahmadovs, who witnessed the events and were subsequently freed from Armenian captivity in 1994, on 17 August 1993, the Armenians executed 25 residents of Gajar Village in the Fuzuli district of Azerbaijan.

Hasan Mejid oglı Huseynov, who was held in Armenian captivity, said that about 40 residents were killed along the Horadiz-Fuzuli highway in 1993.

On 16 February 1994, the Armenian Ministry of Foreign Affairs announced that eight Azerbaijani prisoners of war were killed while attempting to escape from prison. During a medical examination of the bodies in Baku, Professor Derrick Pounder, a member of International Academy Presidium of juridical and social medicine and is also a member of British organization “Physicians for human rights”, declared that the Azerbaijani POWs had been executed using the same pistol shot at a short distance from the temple and rejected the notion that they had been killed while trying to escape.

After being freed from captivity, Niyaz Balay oglı Zeynalov said that on 11 February 1992, the Armenians executed by burning the following residents of Gushchular village of the Shusha district: Sariya Tagi gizi Zeynalova (born 1910), Yegana Dadash gizi Madatova (born 1920), and Movsum Abdulrahim oglı Ahmadov.

The 61-year-old former hostage Budag Ali oglı Alishanov witnessed five Azerbaijanis used as
slaves for hard physical labor and then killed in Drmbon village in Nagorno-Karabakh.

Former hostage Ismail Sarif oglu Ismailov said that the Armenians beheaded three Azerbaijani hostages on an Armenian grave.

Lachin district resident Samaya Karimova could not withstand the torture of her and her two-year-old daughter Nurlana and committed suicide in captivity.

Talekh Madat oglu Ibishov, born in 1977, was taken hostage with his family during the occupation of the Lachin district on 18 May 1992. The Armenians ruthlessly murdered his father Madat Avaz oglu Ibishov and sister, Yegana Madat gizi Ibishova, born in 1967.


A medical examination of the remains of twenty-year-old Farhad Rahman oglu Atakishiye proved that he was executed by regular beatings and other tortures.

On 24 December 1994, Yardimli district resident Heydar Heydarov died in Shusha prison because of Armenian torture. Former hostages Habib Aliyev, Avaz Mukhtarov, Abulfat Gasimov, and others witnessed it.

According to the testimony of Abuzar Manafov, H. Huseynov, and Aydin Maharramov, on 14 February 1994 in Shusha prison, guards “Kolya”, “Slavik” and “Gor” killed Beilagan resident Ilgar Anver oglu Gurbanov by torturing him.

Shamkir district resident Fikrat Hasan oglu Huseynov died in Armenian captivity on 18 June 1993 due to torture and regular beatings. Former captives Bakhtiyar Ibrahim oglu Taghiyev and Matlab Shiraslan oglu Allahverdiye are witnesses to this fact. A medical examination of Huseynov’s body carried out in Baku discovered a rib break in his body.

According to the testimony of Zohrab Nadir oglu Heydarov, on 21 May 1993, Zahid Nasibulla oglu Amrullahayev, born in 1973, was killed by strangulation by Armenian guards in Shusha prison.

Former hostage Mashallah Bandaliyev said that he was held in a garage in Khankendi in May 1992. The garage owners, “Mero” and Vazgen Sarkisyan, tortured and then beheaded one hostage, whose name he didn't know.

http://www.human.gov.az
3. Tortures in captivity

Materials collected by the State Commission for Prisoners of War, Hostages, and Missing Persons prove that the Armenians follow a policy of genocide against Azerbaijani captives and hostages. Hundreds of Azerbaijani citizens, including women, children and the elderly, suffered unbearable torture in Armenian captivity. They were severely beaten, intentionally crippled, and branded on the chest. They had their nails and teeth removed, wounds filled with salt, and benzene injected into their veins.

The following document specific cases:

Shovgi Khagani ogl Aliyev was three years old when he was taken hostage on 24 July 1993. His humerus was removed by Armenian “doctors”, as a result of which he became an invalid.

Guljamal Guilyeva was taken hostage on 31 March 1993 during the occupation of the Kelbadjar district. Her son Arzu Hajiyev was born shortly thereafter. Armenian “doctor” Aida Serobyan injected her son with an unknown substance, as a result of which he became an invalid.

Former hostage G. Hudiyeva confirmed that her grandson Babek Ilyasov was a seven-month-old baby when the Armenians shot his mother Afet Mirzoyeva and grandfather Aslan Mirzoyev. Although splinters wounded Babek’s right eye, the Armenians did not treat him and only released him with other hostages four months later. Babek is now blind in this eye.

The Armenians horribly tortured and cut off the ears of the father of fifteen-year-old hostage N. Mammadova in her presence. Her mother became extremely distraught. The girl was ransomed back to her family for four million Russian rubles.

Zamina Goyush gizi Dadashova was wounded in the arm while being taken hostage. The wound festered and became gangrenous. The arm is now useless. The Armenians shot her father Goyush Dadashov and grandmother Goncha Ibadova on the spot.

Armenian guards horribly tortured and pulled 16 teeth from Kaklik Hasanova, who was taken hostage in the Agdam district.

Shargiya Rza gizi Shirinova was an elderly woman when she was taken hostage by the Armenians during the occupation of the Agdam district. Her eight gold teeth were pulled and she was subject to torture for six months.

65-year-old Binish Rasul ogl Mammadova and 69-year-old Sara Mirish gizi Ismayilova were taken hostage during the occupation of the Gubadli district and were held in a military united in Khankendi. They were made to do forced labor during the day and then severely beaten at night. Two women held with them in captivity, Mrs. Shahsana and Mrs. Asli, could not withstand this torture and died in captivity.

Former Agdam resident, ethnic Russian Vladimir Ivanovich Shevelev was tortured. He said he 89-year-old mother Vera Davidova, elderly sister Svetlana Ivanova, and 58-year-old sick brother Anatoli Ivanovich were killed and burned by Armenians during the 1994 occupation of Agdam. He also saw a large number of bodies of women and children near the Agdam canal. Moreover, he said that during the occupation of the Agdam region, the Armenians took seven mentally ill people as hostage, including two women held in the hospital for the mentally ill. One of them was freed and another died from beating during captivity, the fate of the others is unknown.

Agdam resident Ali Rasul Abbasov, born in 1930, was regularly beaten and burned by cigarettes in Armenian captivity. He could not recover from this torture and died shortly after being freed.

Murvat Fetish ogl Agayev was taken hostage in the Fuzuli district. He was beaten, had his ear cut off, hung from a tree with his hands tied behind his back, and burned when a fire was lit under his feet by Armenian soldiers.

Prisoners of war Novruz Muhammad ogl Dashdamirov and Namig Javashir ogl Garayev became mentally ill after being beaten, branded with hot objects, and hit on the head.

Abdulazim Majnun oglu Mammadov was wounded while being taken hostage. He was then beaten
with rubber batons, had his wounds reopened, and tortured by a specially trained dog.

Mail Mammadov had his breast branded and benzine injected into his veins.

Javid Aga oglu Huseynov had his jaw and breastbone broken through beating. The Armenians branded his arm and poured out acid on his wound.

http://www.human.gov.az
V. TRAGEDY OF THE 20TH CENTURY — KHOJALY GENOCIDE

1. Khojaly Genocide

Over the night from February 25 to 26, 1992 Armenian armed forces implemented the capture of the Khojaly city with support of hard equipment and the personnel of the infantry guards regiment #366 of former Soviet Union.

The massed firing with using artillery weapon, hard military equipment, which was began in the evening of February 25, preceded assault of the city.

As a result of this the fire began in the city and by five o'clock in the morning the whole city was in fire. The population (about 2500 people) remained in the city were forced to leave their houses in the hope to find the way to Aghdam - the district center and the nearest place mainly populated by Azerbaijanis.

But these plans have failed. Armenian armed forces with the military support of the infantry guards regiment destroyed Khojaly city and with particular brutality implemented carnage over the peaceful population. As a result:

- 613 people were killed, among them;
- 63 children,
- 106 women,
- 70 the elderly.
- 8 families were killed completely.
- 25 children lost both parents.
- 130 children lost one of the parents.
- 487 people were wounded, including;
- 76 children
- 1275 people were hostages
- 150 people were missing

The damage done to both state and private property estimated 5 billion rubles (according to the prices for 01.04.92)

These figures show the results of the most bloody tragedy of Nagorno-Karabakh conflict, which began on February, 1988 with illegal demands of ethnic Armenians of Nagorno-Karabakh Autonomous Oblast of Azerbaijan SSR to join Armenia SSR that was provoked with direct support of ruling circles of the Armenian SSR, consent and inactivity of central authorities of Soviet Union.

http://president.gov.az
2. Khojaly - The Main Target

Khojaly assault by Armenian armed forces was predetermined by strategic location of the city. The city with population of 7000 people is situated 10 kilometers to South-East from Khankendi. Khojaly is situated on the way Aghdam-Shusha, Askeran-Khankendi and has an airport, the only in Nagorno-Karabakh.

Khojaly is the historical place and memorials of ancient history have still remained here. The memorials of Khojaly -Kedabek culture of XIV-VII centuries B.C. are near Khojaly village. The funeral memorials - the stone boxes, barrows and necropolis of the late Bronze Age and early Iron Age, as well as architectural memorials - round crypt (1356-1357) and mausoleum (XIV century) were found here. The various stone, bronze, bone adornment, the ceramics household goods were found during the archeological excavations. The name of the Assyrian king Adadnerari (807-788 cc. B.C.) was written on one of the beads found in Khojaly.

The population ranched and done with the wine-growing, beekeeping and grain farming. There were the textile factories, 2 secondary schools and 2 partial secondary schools in the city.

In connection with the events of last years 54 Turks-Meskhets families - refugees from Fergana (Uzbekistan), as well as Azerbaijanis expatriated from Armenia have taken refuge in this city. Because of that the construction of branches of big industrial enterprises of Azerbaijan, residential buildings and other sites were developed.

Later the Armenian side admitted that one of the first goals of Armenian armed forces was the liquidation of Khojaly base to open the corridor connected Askeran village and Stepanakert across the city and unblocking of the only airport, which was under control of the Azerbaijanis.

Pay attention to the phrase "the liquidation of Khojaly base". These words, which are also heard today, disclose motives of mass extirpation of children and women, motives of bloody massacre implemented by Armenians.

http://president.gov.az
3. Chronicle of Tragedy

Khojaly was under blockade since October, 1991. On October, 30 the ground traffic was cut off and helicopter was the only way of transportation. The last civilian helicopter arrived in Khojaly on January, 28 and after civilian helicopter was brought down over Shusha city, as a result of which 40 people died, the helicopter traffic also stopped its functioning. Beginning from January 2 there was no electricity in the city. The city lived due to the courage of population and heroism of his defenders. Defense of the city was organized by local guard forces, militia and fighters of National Army armed mainly by submachine guns.

From the second part of February Khojaly was encircled by Armenian armed forces and subjected to daily artillery and hard military equipment firing, attack attempts of the Armenian side.

Preparation for Khojaly attack began in the evening of February, 25 when the military equipment of regiment No 366 began to take positions around the city. The assault of the city began with the 2 hours firing by tanks, armored cars and guns with the missile "Alazan". Khojaly was blocked from three sides and the people tried to escape in Askeran direction. But very soon they understood that it was the ominous trap. Near Nakhchivanik village the Armenian armed forces opened the fire on the unarmed people. Just here, in Askeran-Nakhchivanik shallow gully many of the children and women, the elderly, frostbitten and weaken in the snow of forests and mountain passes became the victims of the brutality of Armenian armed forces.

These events took place when Foreign Minister of Islamic Republic of Iran Ali Akbar Vilayati visited the region with mediatory mission. On February, 25 he met with leadership of Azerbaijan in Baku and on February, 27 he planned to go to the Karabakh, and then to Armenia. In connection with that according to agreement of both parts three days cease fire was declared from February, 27 till March, 1, but it was also ignored by the Armenian side. It was also happened on February, 12 when the mission of Council of Security and Cooperation in Europe arrived in Karabakh with the aim to acquaint and analyse the situation in the conflict zone and possibilities of its settlement, and then it planned to go to Yerevan and Baku. Exactly on February, 12 Armenian extremists carried out capture of Malibeyli and Gushchular villages of Shusha district, as a result of which the villages were completely destroyed and burnt. Only in Malibeyli about 50 people were killed, wounded and taken as hostages.

Those days Azerbaijani forces couldn't burst through to help the population of Khojaly, and there was also no ability to take away the dead bodies. At the same time special groups of Armenians in white camouflage cloaks using helicopters searched the people in the forests, groups of people who came out the forest were shot or taken as hostages and subjected to tortures.

On February 28 the group of local journalists could reach the place of massacre of Azerbaijanis by two helicopters. Awful sight shocked all - the field was covered by dead bodies. Despite the convoy of the second helicopter they could take only 4 dead bodies because of firing of the helicopters by Armenian militants. On March, 1 when the group of the foreign and local journalists could come to this place, the sight that they saw was more terrible. The dead bodies were mutilated. Many of them had the bullet wounds to head and this showed that the wounded people were finished. After medical checkup of dead bodies it was determined that they were scalped, their ears and other organs were cut off, the eyes were put out, their extremities were chopped off, they have numerous of gun wounds, many of them pressed by hard equipment.

http://president.gov.az
4. Khojaly – in the mirror of foreign mass media

Newsweek, 16 March 1992
THE FACE OF A MASSACRE: By Pascal Privat with Steve Le Vine in Moscow. Azerbaijan was a charnel house again last week: a place of mourning refugees and dozens of mangled corpses dragged to a makeshift morgue behind the mosque. They were ordinary Azerbaijan men, women and children of Khojaly, a small village in war-torn Nagorno-Karabakh overrun by Armenian forces on Feb. 25-26. Many were killed at close range while trying to flee; some had their faces mutilated, others were scalped. While the victims' families mourned.

MASSACRE BY ARMENIANS: Agdam, Azerbaijan, March 2 (Reuters) - Fresh evidence emerged today of a massacre of civilians by Armenian militants in Nagorno-Karabakh, a predominantly Armenian enclave of Azerbaijan.

Scalping Reported - Azerbaijani officials and journalists who flew briefly to the region by helicopter brought back three dead children with the back of their heads blown off. They said shooting by Armenians has prevented them from retrieving more bodies.

"Women and children have been scalped," said Assad Faradshev, an aide to Nagorno-Karabakh's Azerbaijani Governor. "When we began to pick up bodies, they began firing at us."

The Azerbaijani militia chief in Agdam, Rashid Mammadov, said: "The bodies are lying there like flocks of sheep. Even the fascists did nothing like this."

Truckloads of Bodies - Near Agdam on the outskirts of Nagorno-Karabakh, a Reuters photographer, Frederique Lengaigne, said she had seen two trucks filled with Azerbaijani bodies.

"In the first one I counted 35, and it looked as though there were as many in the second," she said. "Some had their head cut off, and many had been burned. They were all men, and a few had been wearing khaki uniforms."

The Sunday Times, 1 March 1992
ARMENIAN SOLDIERS MASSACRE HUNDREDS OF FLEEING FAMILIES: By Thomas Goltz, Agdam, Azerbaijan - Survivors reported that Armenian soldiers shot and bayoneted more than 450 Azeris, many of them women and children. Hundreds, possibly thousands, were missing and feared dead.

The attackers killed most of the soldiers and volunteers defending the women and children. They then turned their guns on the terrified refugees. The few survivors later described what happened: “That's when the real slaughter began”, said Azer Hajiev, one of three soldiers to survive. “The Armenians just shot and shot. And then they came in and started carving up people with their bayonets and knives” (but don’t tell that these words were said by an Azeri. If the newspaper took the responsibility to publish it, it is more than sure, having the facts that it took place). “They were shooting, shooting, shooting”, echoed Rasia Aslanova, who arrived in Agdam with other women and children who made their way through Armenian lines. She said her husband, Kayun, and a son-in-law were massacred in front of her. Her daughter was still missing. One boy who arrived in Agdam had an ear sliced off. The survivors said 2000 others, some of whom had fled separately, were still missing in the grueling terrain; many could perish from their wounds or the cold. By late yesterday, 479 deaths had been registered at the morgue in Agdam's morgue, and 29 bodies had been buried in the cemetery. Of the seven corpses I saw awaiting burial, two were children and three were women, one shot through the chest at point blank range. Agdam hospital was a scene of carnage and terror. Doctors said they had 140 patients who escaped slaughter, most with bullet injuries or deep stab wounds. Nor were they safe in Agdam. On Friday night rockets fell on the city which has a population of 150,000, destroying several buildings and killing one person.

The Times, 2 March 1992
CORPSES LITTER HILLS IN KARABAKH (ANATOL LIEVEN COMES UNDER FIRE WHILE FLYING TO INVESTIGATE THE MASS KILLINGS OF REFUGEES BY ARMENIAN TROOPS): As we swooped low over the snow-covered hills of Nagorno-Karabakh we saw the scattered corpses. Apparently, the refugees had been shot down as they ran. An Azerbaijani film of the places we flew over, shown to journalists afterwards, showed DOZENS OF CORPSES lying in various parts of the hills. The Azerbaijanis claim that AS MANY AS 1000 have died in a MASS KILLING of AZERBAIJANIS fleeing from the town of Khojaly, seized by Armenians last week. A further 4,000 are believed to be wounded, frozen to death or missing. The civilian helicopter's job was to land in the mountains and pick up bodies at sites of the mass killings. The civilian helicopter picked up four corpses, and it was during this and a previous mission that an Azerbaijani cameraman filmed the several dozen bodies on the hillsides. Back at the airfield in Agdam, we took a look at the bodies the civilian helicopter had picked up. Two old men a small girl were covered with blood, their limbs contorted by the cold and rigor mortis. They had been shot.

TIME, 16 March 1992 MASSACRE IN KHOJALY: By Jill SMOLOWE
Reported by Yuri ZARAKHOVICH/Moscow - While the details are argued, this much is plain: something grim and unconscionable happened in the Azerbaijani town of Khojaly two weeks ago. So far, some 200 dead Azerbaijanis, many of them mutilated, have been transported out of the town tucked inside the Armenian-dominated enclave of Nagorno-Karabakh for burial in neighboring Azerbaijan. The total number of deaths - the Azerbaijanis claim 1,324 civilians have been slaughtered, most of them women and children - is unknown. Videotapes circulated by the Azerbaijanis include images of defaced civilians, some of them scalped, others shot in the head.

BBC Morning News, 3 March 1992 BBC reporter was live on line and he claimed that he saw more than 100 bodies of Azeri men, women and children as well as a baby who are shot dead from their heads from a very short distance.

BBC1 Morning News, 3 March 1992. Very disturbing picture has shown that many civilian corpses who were picked up from mountain. Reporter said he, cameraman and Western Journalists have seen more than 100 corpses, who are men, women, children, massacred by Armenians. They have been shot dead from their heads as close as 1 meter. Picture also has shown nearly ten bodies (mainly women and children) are shot dead from their heads. Azerbaijan claimed that more than 1000 civilians massacred by Armenian forces.

Channel 4 News, 2 March 1992 2 French journalists have seen 32 corpses of men, women and children in civilian clothes. Many of them shot dead from their heads as close as less than 1 meter. Report from Karabakhpress - A merciless massacre of the civilian population of the small Azeri town of Khojaly (Population 6000) in Karabakh, Azerbaijan, is reported to have taken place on the night of February 28 by the Soviet Armenian Army. Close to 1000 people are reported to have been massacred. Elderly and children were not spared. Many were badly beaten and shot at close range. A sense of rage and helplessness has overwhelmed the Azeri population in face of the well armed and equipped Armenian Army. The neighboring Azeri city of Agdam outside of the Karabakh region has come under heavy Armenian artillery shelling. City hospital was hit and two pregnant women as well as a new born infant were killed. Azerbaijan is appealing to the international community to condemn such barbaric and ruthless attacks on its population and its sovereignty.

Boston Sunday Globe, 21 November 1993
By Jon Auerbach Globe Correspondent - CHAKHARLI, Azerbaijan -- The truckloads of scared and lost children, the sobbing mothers, the stench of sickness and the sea of blank faces in this mud-covered refugee camp obscure the deeper issue of why tens of thousands of Azeris have fled here. What we see now is a systematic destruction of every village in their way, said one senior US official. It's one of the most disgusting things we've seen. It's vandalism, the US official said. The idea that there is an aggressive intent in a sound conclusion. The United Nations estimates that there are more than 1 million refugees in Azerbaijan, roughly one seventh of the former Soviet republic's entire population. Thousands who fled to neighboring Iran are being slowly repatriated to refugee camps already bursting at the seams. But because of the
Karabakh Armenians' policy of burning villages, relief organizations say there is no hope that the Azeris could return home anytime soon.

**The Times, 3 March 1992**

**MASSACRE UNCOVERED:** By ANATOL LIEVEN - More than sixty bodies, including those of women and children, have been spotted on hillsides in Nagorno-Karabakh, confirming claims that Armenian troops massacred Azeri refugees. Hundreds are missing. Scattered amid the withered grass and bushes along a small valley and across the hillside beyond are the bodies of last Wednesday's massacre by Armenian forces of Azerbaijani refugees. In all, 31 bodies could be counted at the scene. At least another 31 have been taken into Agdam over the past five days. These figures do not include civilians reported killed when the Armenians stormed the Azerbaijani town of Khojaly on Tuesday night. The figures also do not include other as yet undiscovered bodies.

Zahid Jabarov, a survivor of the massacre, said he saw up to 200 people shot down at the point we visited, and refugees who came by different routes have also told of being shot at repeatedly and of leaving a trail of bodies along their path. Around the bodies we saw were scattered possessions, clothing and personnel documents. The bodies themselves have been preserved by the bitter cold which killed others as they hid in the hills and forest after the massacre. All are the bodies of ordinary people, dressed in the poor, ugly clothing of workers.

Of the 31 we saw, only one policeman and two apparent national volunteers were wearing uniform. All the rest were civilians, including eight women and three small children. Two groups, apparently families, had fallen together, the children cradled in the women's arms. Several of them, including one small girl, had terrible head injuries: only her face was left. Survivors have told how they saw Armenians shooting them point blank as they lay on the ground.

**The Age, Melbourne, 6 March 1992**

By Helen WOMACK - Agdam, Azerbaijan, Thursday - The exact number of victims is still unclear, but there can be little doubt that Azeri civilians were massacred by Armenian Army in the snowy mountains of Nagorno-Karabakh last week.

Refugees from the enclave town of Khojaly, sheltering in the Azeri border town of Agdam, give largely consistent accounts of how Armenians attacked their homes on the night of 25 February, chased those who fled and shot them in the surrounding forests. Yesterday, I saw 75 freshly dug graves in one cemetery in addition to four mutilated corpses we were shown in the mosque when we arrived in Agdam late on Tuesday. I also saw women and children with bullet wounds in a makeshift hospital in a string of railway carriages.

Khojaly, an Azeri settlement in the enclave mostly populated by Armenians, had a population of about 6000. Mr. Rashid Mammadov Commander of Police in Agdam, said only about 500 escaped to his town. So where are the rest? Some might have taken prisoner, he said, or fled. Many bodies were still lying in the mountains because the Azeris were short of helicopters to retrieve them. He believed more than 1000 had perished, some of cold in temperatures as low as minus 10 degrees.

When Azeris saw the Armenians with a convoy of armored personnel carriers, they realized they could not hope to defend themselves, and fled into the forests. In the small hours, the massacre started. Mr. Nasiru, who believes his wife and two children were taken prisoner, repeated what many other refugees have said - that troops of the former Soviet army helped the Armenians to attack Khojaly. It is not my opinion, I saw it with my own eyes.

**The Washington Post, 28 February 1992**

Nagorno-Karabakh Victims Buried in Azerbaijani Town: "Refugees claim hundreds died in Armenian Attack...Of seven bodies seen here today, two were children and three were women, one shot through the chest at what appeared to be close range. Another 120 refugees being treated at Agdam's hospital include many with multiple stab wounds."

**The Washington Times, 2 March 1992**
Armenian Raid Leaves Azeris Dead or Fleeing: "...about 1,000 of Khojaly's 10,000 people were massacred by the Armenian Army in Tuesdays attack. Azerbaijani television showed truckloads of corpses being evacuated from the Khojaly area."

**The Independent, 29 February 1992**

By Helen Womack - "Elif Kaban, a Reuter correspondent in Agdam, reported that after a massacre on Wednesday, Azeris were burying scores of people who died when Armenians overran the town of Khojaly, the second-biggest Azeri settlement in the area. 'The world is turning its back on what's happening here. We are dying and you are just watching, one mourner shouted at a group of journalists.'"

**The Washington Post, 3 March 1992**

Killings Rife in Nagorno-Karabakh: "Journalists in the area reported seeing dozens of corpses, including one of the civilians, and Azerbaijani officials said Armenians began shooting at them when they sought to recover the bodies."

**The Times (London), 3 March 1992**

Bodies Mark Site of Karabakh Massacre: "A local truce was enforced to allow the Azerbaijaniis to collect their dead and any refugees still hiding in the hills and forest. All are the bodies of ordinary people, dressed in the poor, ugly clothing of workers...All the rest were civilians, including eight women and three small children. Two groups, apparently families, had fallen together, the children cradled in the women's arms. Several of them, including one small girl, had terrible head injuries: only her face was left. Survivors have told how they saw Armenians shooting them point blank as they lay on the ground."

**The SUNDAY TIMES, 8 March 1992**

Thomas Goltz, the first to report the massacre by Armenian soldiers, reports from Agdam. Khojaly used to be a barren Azeri town, with empty shops and treeless dirt roads. Yet it was still home to thousands of Azeri people who, in happier times, tended fields and flocks of geese. Last week it was wiped off the map.

As sickening reports trickled in to the Azerbaijani border town of Agdam, and the bodies piled up in the morgue, there was little doubt that Khojaly and the stark foothills and gullies around it had been the site of the most terrible massacre since the Soviet Union broke apart.

I was the last Westerner to visit Khojaly. That was in January and people were predicting their fate with grim resignation. Zumrut Ezoya, a mother of four on board the helicopter that ferried us into the town, called her community "sitting ducks, ready to get shot". She and her family were among the victims of the massacre by the Armenians on February 26.

"The Armenians have taken all the outlying villages, one by one, and the government does nothing." Balakishi Sakikov, 55, a father of five, said. "Next they will drive us out or kill us all," said Dilbar, his wife. The couple, their three sons and three daughters were killed in the massacre, as were many other people I had spoken to.

"It was close to the Armenian lines we knew we would have to cross. There was a road, and the first units of the column ran across then all hell broke loose. Bullets were raining down from all sides. we had just entered their trap."

The Azeri defenders picked off one by one. Survivors say that Armenian forces then began a pitiless slaughter, firing at anything moved in the gullies. A video taken by an Azeri cameraman, wailing and crying as he filmed body after body, showed a grizzly trail of death leading towards higher, forested ground where the villagers had sought refuge from the Armenians.

"The Armenians just shot and shot and shot," said Omar Veyselov, lying in hospital in Agdam with shrapnel wounds. "I saw my wife and daughter fall right by me."

People wandered through the hospital corridors looking for news of the loved ones. Some vented their fury on foreigners: "Where is my daughter, where is my son?" waired a mother. "Raped. Butchered. Lost."

**The Independent, London, 12 June 1992**

Painful Search: The gruesome extent of February's killings of Azeris by Armenians in the town of Khojaly is at last emerging in Azerbaijan - about 600 men, women and children dead.
The State Prosecutor, Aydin Rasulov, the chief investigator of a 15-man team looking into what Azerbaijan calls the "Khojaly Massacre", said his figure of 600 people dead was a minimum on preliminary findings. A similar estimate was given by Elman Mammadov, the mayor of Khojaly. An even higher one was printed in the Baku newspaper Ordu in May - 479 dead people named and more than 200 bodies reported unidentified. This figure of nearly 700 dead is quoted as official by Leila Yunusova, the new spokeswoman of the Azeri Ministry of Defense.

FranCois Zen Ruffinen, head of delegation of the International Red Cross in Baku, said the Muslim imam of the nearby city of Agdam had reported a figure of 580 bodies received at his mosque from Khojaly, most of them civilians. "We did not count the bodies. But the figure seems reasonable. It is no fantasy," Mr. Zen Ruffinen said. "We have some idea since we gave the body bags and products to wash the dead."

Mr. Rasulov endeavors to give an unemotional estimate of the number of dead in the massacre. "Don't get worked up. It will take several months to get a final figure," the 43-year-old lawyer said at his small office.

Mr. Rasulov knows about these things. It took him two years to reach a firm conclusion that 131 people were killed and 714 wounded when Soviet troops and tanks crushed a nationalist uprising in Baku in January 1990.

Officially, 184 people have so far been certified as dead, being the number of people that could be medically examined by the republic's forensic department. "This is just a small percentage of the dead," said Rafiq Yusifov, the republic's chief forensic scientist. "They were the only bodies brought to us. Remember the chaos and the fact that we are Muslims and have to wash and bury our dead within 24 hours."

Of these 184 people, 51 were women, and 13 were children under 14 years old. Gunshots killed 151 people, shrapnel killed 20 and axes or blunt instruments killed 10. Exposure in the highland snows killed the last three. Thirty-three people showed signs of deliberate mutilation, including ears, noses, breasts or penises cut off and eyes gouged out, according to Professor Yusifov's report. Those 184 bodies examined were less than a third of those believed to have been killed, Mr. Rasulov said.

"There were too many bodies of dead and wounded on the ground to count properly: 470-500 in Khojaly, 650-700 people by the stream and the road and 85-100 visible around Nakhichevanik village," Mr. Manafov wrote in a statement countersigned by the helicopter pilot.

"People waved up to us for help. We saw three dead children and one two-year-old alive by one dead woman. The live one was pulling at her arm for the mother to get up. We tried to land but Armenians started a barrage against our helicopter and we had to return."

There has been no consolidation of the lists and figures in circulation because of the political upheavals of the last few months and the fact that nobody knows exactly who was in Khojaly at the time - many inhabitants were displaced from other villages taken over by Armenian forces.

The Independent, London, 12 June 1992

Photographs: Liu Heung / AP Freerique Lengaigne / Reuter - Aref Sadikov sat quietly in the shade of a cafe-bar on the Caspian Sea esplanade of Baku and showed a line of stitches in his trousers, torn by an Armenian bullet as he fled the town of Khojaly just over three months ago, writes Hugh Pope.

"I'm still wearing the same clothes, I don't have any others," the 51-year-old carpenter said, beginning his account of the Khojaly disaster. "I was wounded in five places, but I am lucky to be alive."

Mr. Sadikov and his wife were short of food, without electricity for more than a month, and cut off from helicopter flights for 12 days. They sensed the Armenian noose was tightening around the 2,000 to 3,000 people left in the straggling Azeri town on the edge of Karabakh.

"At about 11pm a bombardment started such as we had never heard before, eight or nine kinds of weapons, artillery, heavy machine-guns, the lot," Mr. Sadikov said.
Soon neighbors were pouring down the street from the direction of the attack. Some huddled in shelters but others started fleeing the town, down a hill, through a stream and through the snow into a forest on the other side.

To escape, the townspeople had to reach the Azeri town of Agdam about 15 miles away. They thought they were going to make it, until at about dawn they reached a bottleneck between the two Azeri villages of Nakhichevanik and Sadarak.

"None of my group was hurt up to then ... Then we were spotted by a car on the road, and the Armenian outposts started opening fire," Mr. Sadikov said. Mr. Sadikov said only 10 people from his group of 80 made it through, including his wife and militiaman son. Seven of his immediate relations died, including his 67-year-old elder brother.

"I only had time to reach down and cover his face with his hat," he said, pulling his own big flat Turkish cap over his eyes. "We have never got any of the bodies back."

The first groups were lucky to have the benefit of covering fire. One hero of the evacuation, Alef Hajiev, was shot dead as he struggled to change a magazine while covering the third group's crossing, Mr. Sadikov said.

Another hero, Elman Mammadov, the mayor of Khojaly, said that he and several others had spent the whole day of 26 February in the bushy hillside, surrounded by dead bodies as they tried to keep three Armenian armoured personnel carriers at bay.

As the survivors staggered the last mile into Agdam, there was little comfort in a town from which most of the population was soon to flee.

"The night after we reached the town there was a big Armenian rocket attack. Some people just kept going," Mr. Sadikov said. "I had to get to the hospital for treatment. I was in a bad way. They even found a bullet in my sock."

Victims of massacre: An Azeri woman mourns her son, killed in the Khojaly massacre in February (left). Nurses struggled in primitive conditions (centre) to save a wounded man in a makeshift operating theatre set up in a train carriage. Grief-stricken relatives in the town of Agdam (right) weep over the coffin of another of the massacre victims. Calculating the final death toll has been complicated because Muslims bury their dead within 24 hours.

5. From the Report of "Memorial" Human Rights Watch Center

"Khojaly"

...Since autumn of 1991 Khojaly has been practically blocked by Armenian armed formations and after withdrawal of internal troops from Nagorno-Karabakh, full blockade of Khojaly was imposed. Beginning from January, 1992 electrical energy transfer to Khojaly was stopped. Part of inhabitants left blocked city, however, despite insistent requests of head of executive power of Khojaly city Elman Mammadov, total evacuation of peaceful population was not organized. On February, 25 Armenian armed formations began assault of Khojaly.

Participants of assault
...Units of Artsakh National Liberation Army participated in the assault using armored equipment - armored troop-carriers, combat infantry cars and tanks.

Course of assault
Artillery firing of Khojaly began about 11 p.m. on February 25. Barracks located in housing estate and outposts were destroyed first of all. Entering of infantry units into the city took place from 1 a.m. till 4 a.m. in the morning on February 26.
...The last resistance was broken by 7 a.m. in the morning.
...As a result of firing of the city unknown number of peaceful inhabitants was killed on the territory of Khojaly during the assault.

The "free corridor" for population leaving
...60 people fled from Khojaly during the city assault were questioned by "Memorial" observers in Aghdam and Baku. Only one man of all questioned people said that he knew about existence of "free corridor".
...These refugees proceeded along the "free corridor" situated on the territory adjoined to Aghdam district of Azerbaijan were fired, that resulted in death of many people.

Fate of the inhabitants who stayed in the city
After the occupation of the city by Armenian armed formations about 300 peaceful inhabitants including 86 Turks-Meskhets were in the city.
...According to information received from both sides over 700 captive inhabitants of Khojaly took as hostages in the city and on the way to Aghdam were passed to Azerbaijani side by March 23, 1992. Among them were mainly women and children.

Fate of property of Khojaly inhabitants
Inhabitants of Khojaly who could fled had no possibility to take with them even the most necessary part of their property. The inhabitants who were taken as captives by members of Armenian armed formations also had no possibility to take the part of their property.

Observers from "Memorial" Human Rights Watch Center became witnesses of active unlimited marauding in the occupied city. The property left by Khojaly inhabitants got out from the city by inhabitants of Khankendi (Stepanakert) and neighbouring settlements. The names of new owners were written on the gates of the most of houses.

Estimation of findings
Mass violence against peaceful population of Khojaly city took place during implementation the of military operation on the occupation of the city.
...The majority of Khojaly inhabitants were not informed about existence of the "free corridor".
...Mass murders of peaceful inhabitants in the zone of the "free corridor" and adjacent territory can not be justified by any circumstances.
...Servicemen of infantry guards regiment No 366 belonged to Commonwealth of Independent States troops have participated in Khojaly assault.

"Memorial" Human Rights Watch Center establishes that actions of Armenian armed forces of Nagorno-Karabakh towards Khojaly peaceful inhabitants during the assault of Khojaly city roughly violate Geneva conventions as well as the following articles of Human Rights Declaration (adopted by UN General Assembly on December 10, 1948):

**Article 2**, declaring that "every person must have all rights and all freedoms, declared by this declaration without any distinction of...language, religion, national...origin, ... or any other position";

**Article 3**, admitting rights of every person to life, freedom and personal immunity;

**Article 5**, forbidding brutal, inhuman or humiliate treatment of person;

**Article 9**, forbidding arbitrary arrests, detention or expatriation;

**Article 17**, declaring right of every person to have property and forbidding to deprive arbitrary the person of his property.

Actions of armed formations roughly violated Declaration on protection of women and children in emergency and during armed conflicts (declared by UN General Assembly on December 14, 1974).
6. Regiment No 366

It is necessary to note the part in Khojaly tragedy of infantry guards regiment No 366 billeted in Khankendi.

This regiment repeatedly engaged in firing of Azerbaijani villages, Shusha and Khojaly cities. Evidence of deserters of this regiment points to these facts and allows us to imagine moral picture and mutual relations among the personnel of the regiment. Clear evidence of engaging of regiment No 366 in Khojaly events is rash withdrawal of this regiment from Khankendi that points to intention to conceal vestiges of this tragedy.

Moral degradation of the officers of regiment No 366 reached such a level that infantry guards regiment failed to implement itself withdrawal of troops allegedly because of interference of local residents. Forces of landing division located in Ganja city was involved in implementation of this operation. However, before commandos arrived, 103 people of personnel of the regiment, who were mainly Armenians clearly admitting their guilty in the outrage refused to obey the order and remained in Karabakh. According to criminal agreement of the high command of the regiment and because of inactivity of other higher commanders who were responsible for troops withdrawal, part of arms of regiment including armored equipment was transferred to Armenians, factually, to commit the further crimes, to continue separatist actions against Azerbaijan. This is clear fact of participation of the regiment No 366 in implementation of Khojaly tragedy!

http://president.gov.az
7. Khojaly Genocide as an international crime

The legal definition of genocide was provided for by the Convention on the Prevention and Punishment of the Crime of Genocide and adopted by the UN General Assembly on December 9, 1948 (resolution number 260 (III) as any of the following acts committed with an intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- killing members of the group;
- causing serious bodily or mental harm to members of the group;
- deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- imposing measures intended to prevent birth within the group;
- forcibly transferring children of the group to another group.

Special intention is a prerequisite for an act to be qualified as genocide. This aspect distinguishes genocide from similar international crimes. All actions to be qualified as genocide, must be committed deliberately. Such actions cannot be taken incidentally or negligently. However, merely having an intent to commit acts, mentioned above, as well as general understanding of their possible consequences is not enough to qualify them as genocide. What is required here, is revelation of the link between the specific intent of the perpetrator and the harmful results of his/her conduct. Nonetheless, direct and public incitement to commit genocide is a complete crime regardless of whether actual harm was caused or not.

In Khojaly case, the existence of the genocidal intent can be inferred, inter alia, from the fact that special traps were prepared in advance and then used for shooting civil Azeris, who were trying to escape.

The fact that those acts were aimed at the Azeri national group was also obvious.

The analysis of the crime of genocide shows that there are three major elements thereof:

- victims of the above-mentioned violent acts must belong to a particular national, ethnical, racial or religious group;
- there must be a specific intent (mens rea) to destroy such group in whole or in part;
- any of the genocidal acts must be actually committed (actus reus). Consequently, genocide can be committed only against certain national, ethnical, racial or religious group. Similar actions directed against, for example, political or social group cannot be qualified as genocide.

The concept of genocide requires the existence of a specific intent regarding general consequences of an illegal deed. As a feature of genocide, intent includes following aspects:

- intent must not to be directed against one or more persons belonging to a certain group, but rather to the group as such. In other words, the qualifying criteria is not the victims’ personalities, but their being a member of the certain group;
- intent must be aimed at a group, as such. Genocide means denial to accept the right to exist of entire human group. To the contrary, killing of a human being (homicide) is characterized as a denial of the right to exist of an individual being. Consequently, actus reus (prohibited act) may be committed against even one person, but mens rea (intent) must be directed against the existence of the entire human group;
- intent must contain the desire to destroy a group in whole or in part;
- such group must be national, ethnical, racial or religious.

It is not required that a group be indeed totally or partially destroyed, so that the responsibility for genocide be inferred. For that, it is necessary that the acts, constituting the material element of the crime concerned, be committed with such intent.

The concept of extermination, which constitutes a material element of genocide, includes, inter alia, killings by means of different methods.
The International Court of Justice held in its judgment on Barcelona Traction case that prohibiting acts of genocide constituted an erga omnes obligation. The ICJ has considered the basic principles of the Convention on the Prevention and Punishment of the Crime of Genocide as a part of the customary international law obligatory for all states.

8. Legal basis for qualification of khojaly massacre as an international crime

The following instruments must be considered as a legal basis for qualifying Khojaly massacre as an international crime.

1. Convention on the Prevention and Punishment of the Crime of Genocide (came into force in 1951) adopted by UN General Assembly on December 9, 1948 (resolution number 260 (III)).
2. Statute of the Nuremberg Military Tribunal (although this statute does not point out genocide actions directly, these actions constituting genocide are considered to be crimes against humanity and war crimes);
3. Statute of the International Criminal Tribunal for the Former Yugoslavia (par. 4);
4. Statute of the International Criminal Tribunal for Rwanda (par. 1);
5. Statute of the International Criminal Court (par. 6);
6. Criminal Code of the Republic of Azerbaijan (par. 103);

9. Extracts from evidences of the Khojali witnesses

The chests of the murdered Azerbaijani children were torn, their hearts splintered, and most of the corpses were cut to pieces.

Jamal Abdulhusein oglu Heydarov – “There were the mutilated, disfigured corpses of a great number of Azerbaijanis 2 km away from the farm near a place called Garagaya, the chests and hearts of the murdered children were torn, the majority of bodies were cut to pieces.”

Shahin Zulfugar oglu Heydarov – “There were 80 corpses near the village of Nakhchivanik (near Khojali); they were mutilated, disfigured, and beheaded. Militia Major Alif Hajiyev, his close relatives Fakhraeddin Salimov, Mikail Salimov were among them.”

Jalil Humbatali oglu Humbatov – “The Armenians shot my wife Firuza, my son Mungan, my daughter Simuzer, my daughter-in-law Sudaba were in my presence”.

Kubra Adil qizi Pashayeva - “When we entered the forest of Ketik, we found ourselves under siege by the Armenians. I saw from the bushes how they shot my husband Shura Tapdig oglu Pashayev my son Elshad Shura oglu Pashayev.”

Khashangul Tavakkul qizi Amirova – “My family was wholly taken hostage by the armed Armenians when Khojali was occupied. They shot and killed my mother Raya, my seven-years old sister Yegana, and my aunt Goycha. They poured petrol on my father Tavakkul and set him on fire.”

Zoya Ali gizi Aliyeva – “We hid in the forest for 3 days; we were 150 people. Ahmadova Dunya and her sister Gulkhar froze and died”.

Kubra Alish gizi Mustafayeva – “As the Armenians took us hostages, they shot 6 people in front of me.”

Saida Gurban gizi Karimova – “12 of us were taken hostages. The Armenians murdered my daughter Nazakat. Then Tapdig, Saadat and Irada were tortured to death.”

Ali Agamali oglu Najafov – “The Armenians surrounded the escaping people and shot 30-40 people right there.”

http://www.human.gov.az
10. The History will not forget

Milli Majlis (Parliament) of Azerbaijan declared February 26 as the "Day of Khojaly genocide". Every year at 5 p.m. on February 26 people of Azerbaijan honors memory of Khojaly victims in a minute of silence.

Khojaly inhabitants became refugees and took temporary refuge in 48 districts in Azerbaijan are waiting fair solving of Nagorno-Karabakh conflict, end of aggression of Armenia against Azerbaijan, restoration of territorial integrity of the republic. They appeal to the people of the world, states and international organizations to protect the truth and justice, condemn facts of terrorism, ethnic cleaning implemented in Khojaly.

Culprits of Khojaly tragedy, its organizers and executors must get deserved punishment. There is no and can not be crime without punishment. XX century witnessed many bloody pages which are the history of genocide and ethnic cleaning. Khojaly is one of the most terrible tragedies among them. Everybody implicated in this terrible crime now has responsibility just before its conscience, but the day will come and they will answer for all before court of history.

History remembers everything.

http://president.gov.az
VI. ARMENIAN TERRORIZM

1. Terrorist organizations of Armenia

Names of the Armenian terrorist organizations guilty in bloody terrorist actions in various corners of the world:

- **Armenakan party**: founded in 1885, committed armed clashes and terrorist actions in Van, Mush, Bitlis, Trabzon of Turkey, collaborated with Armenians living in Russia and Iran.

- **Hnchak party**: founded in Geneva in 1887, its aim is to create a Greater Armenia by joining the Anadolu region of Turkey, the territories called the Russian and Iranian territories of Armenia. Article 4 of the charter of the party says: “The method of propagation, agitation, terrorism and destruction must be used for achieving the goal, an organization must be founded for using this method.”

- **Dashnaksutyun (Dashnaks)**: Armenian Federal Revolutionary party: founded in 1890 in Tbilisi. The main purpose was to create the Great Armenia in the territories of the Nagorno-Karabakh and Nakhchivan of Azerbaijan and Anatolia of Turkey. It held its first congress in Tbilisi in 1892 and adopted a resolution on the organization of terrorist acts attempts on Turkey. Just after the resolution, Dashnaksutyun ordered to kill the Turks, Kurds everywhere, in all circumstances, to kill those who break their promise, the treacherous Armenians, take revenge!

There are several terrorist groups created by Dashnaksutyun: Revengers of the Armenian genocide, founded in 1973, murdered the Turkish diplomats in 1980-1982 in Austria, Denmark and Portugal. Secret terrorist group of DRO and its divisions: DRO-8, DRO-88, DRO-888 and DRO-8888. The Dashnaks continue their activities in this direction.

- **Armenian Secret Liberation Army (ASOA)**: founded in Beirut in 1975. Its headquarters is in Damask. It has over 1000 militants undergone training in the bases in Palestine. In the first six years of its activities it has murdered 19 Turkish diplomats in various countries of the world by committing terrorist actions.

- **Armenian Secret Army for the Liberation of Armenia (ASALA)**: founded in 1975. Its headquarters is in Beirut; its military training bases are in Syria. Its aim is to create a Greater Armenia by joining the territories of the eastern Turkey, Nakhchivan and the Nagorno-Karabakh of Azerbaijan and the Northern Iran. ASALA is engaged in terrorist actions against the citizens of Turkey and Azerbaijan. It collaborates with such terrorist organizations as Abu Nidal and the Dark September. The leader of the organization Akop Akopyan plays an important role in the relations with the mentioned organizations. He took the responsibility for the murder of the Turkish ambassador in Athens in 1980. His pseudonym is Mujahid. In an interview published in The New-York Times on August 1, 1980, he declared: Our enemy is the Turkish regime, NATO and those Armenians who do not cooperate with us.

In April 1980, ASALA reached an agreement in Lebanon with the Kurdish terrorist organization the Kurdistan Workers Party (PKK) on joint terrorist actions. In its statement disclosed in Beirut on August 28, 1993, ASALA announced that it would not allow the construction of a Pan-Turkish oil pipeline (Baku-Tbilisi-Geyhan).

- **Geqaron**: founded by ASALA in the February of 2001. Its aim is to organize terrorist actions against political leaders, diplomats and businessmen of Turkic origin in the Southern Caucasus and Central Asia.

- **Armenian Liberation Movement (AOD)**: founded in 1991 in France. It commits terrorist actions in close cooperation with ASALA.

- **Armenian Liberation Front**: founded in 1979, it is an integral part of ASALA. It is engaged in the training of terrorists against Turkey and Azerbaijan.
• **Orly group**: founded in 1981 by the youth of Armenian origin living in France. It committed over 10 terrorist acts in various airports of the world before 1987.

• **Armenian genocide justice commandos**: founded in 1972 in Vienna in the congress of Dashnaksutyun. Its purpose is to draw the young Lebanese citizens of Armenian origin to military formations, to organize terrorist actions against the Turkish and Azerbaijans.

• **Armenian Unity**: founded in 1988 in Moscow. It has close links with ASALA, supplies the terrorists in the former Soviet space with false documents. It participates in the supply of Karabakh with arms and mercenaries.

• **Democratic Front**: It was founded in the United States, Canada and Western Europe. Its main aim is to split Turkey.

**Apostle**: founded on April 29, 2001 by the Union of the Defense of Armenia which consists mainly of the citizens of Armenia, Syria and Lebanon. Its aim is to commit terrorist actions in the territories of Turkey and Azerbaijan.
2. Terrorist-subversive actions committed in the territory of Azerbaijan

Beginning since the late 1980s, Armenian terrorist organizations, functioning in various countries of the world, began a constant and horrible terrorist war against Azerbaijan with the financial support of Armenia and the Armenian Diaspora. To spread horror among the population, to achieve great casualties during the occupation of the Nagorno-Karabakh territory of Azerbaijan and the adjoining 7 administrative districts, the special intelligence services of Armenia organized and committed terrorist actions in locations populated by peaceful Azerbaijanis far from the territories where the battles were waged, and as a result more than 2 thousand of innocent people were killed and wounded.

September 16, 1989. A bus moving by the route “Tbilisi-Baku” was blown up, as a result 5 people were killed, and 25 were wounded.

February 18, 1990. A bus moving along the route “Shusha-Baku” was blown up at the 105-th km of the highway Yevlakh-Lachin, as a result 6 persons were killed, 15 wounded.

July 11, 1990. The passenger bus “Tartar”-Kelbadjar” was blown up and as a result of terror attack against car column with civilians 14 men were killed and 35 persons were wounded.

August 10, 1990. A bus moving along the route “Tbilisi-Agdam” was blown up, as a result 20 people were killed, and 33 were wounded. A.Avanesyan and M.Tatevosyan were charged for the committed crime.

At the same day on “Shamkhor-Ganja” road near Nadel village of Khanlar district passenger bus “LAZ” (state number-plate 43-80 AGF) was blown up, as a result 17 men perished, 26 were wounded.

November 30, 1990. The passenger bus was blown up near the Khankendi airport, 2 persons perished, 11 were wounded.

January 09, 1991. As a result of terrorist attack against the car with the reporter of newspaper “Molodyoj Azerbaygana” Salatin Askerova and 3 militants inside 4 persons were killed. The members of terrorist group A.Mkrtchyan, G.Petrasyan, A.Mangasaryan and G.Aristamyan were put on trial.

May 30, 1991. The “Moscow-Baku” passenger train was blown up near the station of Khasavyur in the territory of Dagestan of the Russian Federation, as a result 11 people were killed, 22 wounded.

June 19, 1991. At the 106-th km. of “Yevlax-Lachin” road the car “UAZ-469” was exploded, 3 men was perished, 2 were heavily wounded.

July 31, 1991. The “Moscow-Baku” passenger train was blown up near the station of Temirtau in the territory of Dagestan of the Russian Federation, as a result 16 people were killed, 20 were wounded.

August 2, 1991. In the village Dolanlar of Hadrut district was exploded the car “GAZ-53”, as a result 4 men perished, 8 were heavily wounded.

August 21, 1991. Near the village Shadakht of Hadrut district was exploded passenger bus (state number-plate: 70-30 AQQ), as a result 2 men perished, 10 were injured.

September 8, 1991. A bus moving along the route “Agdam-Khojavend” was machine-gunned, as a result 6 people were killed, 34 people received injuries of various degrees. It was proved that the terrorist action was committed by ethnic Armenians Valodi Khachaturyan, Saro Yeremyan, Sasha Chalyan, Armo Arustamyan.

At the same day a bus moving along the route “Agdam-Garadagli” was machine-gunned by the Armenian terrorists, as a result 8 people were killed, 42 people got injuries of various degrees.

September 26, 1991. On the road “Yevlakh-Lachin” was exploded the car “VAZ-2106” (state number-plate: D 72-07 AQ), as a result 2 men perished, 14 were wounded.

October 19, 1991. Near the village Sirhavend of Agdere district was exploded the car “UAZ-469”, as a result 3 men perished, 2 was heavily wounded.

November 20, 1991. Helicopter MI-8 was shot down near the village of Garakent of the
Khojavend district. All 19 passengers and the crew of the helicopter were killed. They included public figures and government officials of Azerbaijan and also observers from Russia and Kazakhstan.

December 26, 1991. On the 4-th km of Shusha-Lachin district were exploded the cars “ZIL-130” and “Moskvich”, as a result 5 men perished, 4 were wounded.

January 8, 1992. As a result of the terrorist action in the ferry sailing from Krasnovodsk to Baku 25 people were killed, 88 were wounded.

January 28, 1992. Civil helicopter MI-8 flying along the route “Agdam-Shusha” was shot down by the Armenian terrorists. As a result 44 people were killed, including mostly children and women.

In January 1992. Armenian terrorist groups killed 80 men in the village Kargigahan, in February 1992 Armenians killed 77 persons in the village Garadagli of Khogavend district and on February 26, 1992 in the city Khojali 613 civilians were killed and 650 wounded.

March 22, 1992. On the territory of Gazakh district was exploded the car “UAZ 469” (state number-plate: 60-25 AZU), as a result 3 men perished, 2 were wounded.

May 20, 1992. Near the Qaranchi village of Zangilan district the car “UAZ 469” (state number-plate: 80-33 AQD) was attacked by armed persons, as a result 2 men were killed, 2 injured.

February 28, 1993. A passenger train moving along the route “Kislovodsk-Baku” was blown up near the station of Guermes in the Southern Caucasian territory of Russia; as a result 11 people were killed and were wounded.

June 2, 1993. An explosion in a van in the Baku railway station inflicted enormous material losses and damages. The terrorist action was committed by Igor Khatkovsky, a Russian citizen, who confessed that he was mobilized by the chief of the main intelligence department of the ministry of National Security of Armenia colonel Djaan Ohanesyan and sent to Azerbaijan for spying and committing terrorist actions. He had been tasked to carry out explosions resulting in numerous casualties. The investigations proved that the group, to which he belonged, committed explosions in the passenger trains coming from Russia to Baku.

July 22, 1993. As a result of explosion in Tartar district 5 men perished, 18 were wounded.

At the same day as a result of explosion in Gazakh district 6 men perished, 10 were wounded.

August 30, 1993. On the territory of Hadrut district was exploded the car “ZIL”, as a result 2 men perished. Several days later on the same territory was exploded passenger bus “GAZ-66” with 12 passengers inside. As a result 4 persons have perished, 8 heavily wounded;

February 1, 1993. A terrorist action was committed in the passenger train “Kislovodsk-Baku” in the railway station in Baku, as a result 3 people were killed and 20 people were wounded.

March 18, 1994. Near the city Khankendi the plane “Herkules” belonging to Iran Air Forces was shot down, as a result perished 34 diplomats and their family members.

March 19, 1994. As a result of an explosion in the subway station “January 20” of Baku, 14 people were killed and 49 people were wounded. It was proved in court that this terrorist action was prepared by the special services of Armenia and committed by members of the separatist Lezghi organization (Sadval).

It became known that the activists of the separatist organization (Sadval) had visited Armenia several times since 1992. The main department of National Security of Armenia has closely participated in the formation, financing and armament of this organization. In April-May 1992, 17 Azerbaijani citizens, Lezghi by nationality, underwent special training in subversion at the training base located in the settlement of Lusakert in the district of Nairi of Armenia. It has become evident in the process of investigation that the saboteurs planned to commit explosions in the cinema house of Nizami of Baku and in the Republican Palace, in the Baku Lamp Producing Plant in conformity with the instructions given to them.
30 former members of the separatist Sadval organization were charged with the explosion in the subway station of “January 20”, all of them had undergone special terrorist-subversive training in Armenia.

**April 13, 1994.** The Moscow-Baku passenger train was blown up near the station “Dagestanskie Ogni” of the Republic of Dagestan, as a result 6 people were killed and 3 people were wounded.

**July 3, 1994.** 13 people were killed and 42 people injured as a result of the explosion between the subway stations “May 28” and “Genjlik” in Baku.

The terrorist action was committed by Aslanov Azer Salman oglu, citizen of Azerbaijan. He was taken captive by the Armenians in the battles in Nagorno-Karabakh in 1994 and then recruited by special agencies of Armenia. It was proved in court that on January 14, 1994, one of the ideologists of the Armenian separatist’s writer Zori Balayan met Azer Aslanov, a military captive, Lezghi by nationality, and tried to persuade him that it is necessary to unite all the minorities and fight against Azerbaijan and make use of terrorist actions. On June 9, 1994, a man by name of Arthur from the special service agency of Armenia rang the flat of A. Aslanov in Baku, saying that he was alive and asked one of his close relatives to come to Yerevan for negotiations for his release. On June 16, 1994, Tajibat Aslanova, mother of Azer Aslanov, went to Yerevan. Azer Aslanov was told that the life of his mother was in danger and under the threat he was compelled to be recruited as a permanent agent under the pseudonym of “Omar-75”. To organize his arrival in Azerbaijan without any obstacle he was provided with false documents, explosives were hidden in boxes of chocolate, biscuits and perfumery.

A. Aslanov arrived in Baku by the route “Yerevan-Mineralnievodi-Baku”, and on July 3, 1994, he committed the terrorist action in the underground train between the stations “May 28” and “Genjlik” in Baku and again returned to Yerevan. Only then his mother, who had remained as a hostage in Yerevan, was released.

The investigation revealed that the organizers of the terrorist action were Karen Bagdasaryan (colonel) and Seyran Sarkisyian (captain) from the special service agency of Armenia.

It was completely proved during the investigation led by Supreme Court of the Republic of Azerbaijan that all terrorist actions mentioned above were organized, sponsored and logistically supported by functionaries of the illegal regime of Nagorno-Karabakh, Special Services and other governmental institutes of Armenia.

3. The Republic of Armenia as the supporter of the terrorism

After the collapse of the Soviet Union, when Armenia gained independence, it began to support terrorism on an official level, as a state, it adopted terrorism as an integral part of its aggressive policy.

Much evidence and forensic investigations prove that terrorist actions against civil population of Azerbaijan (among them explosions of vehicles) were committed by special services of Armenia and financed by the Government of this state.

In the beginning of the 1990’s the official circles of Armenia started to campaign for the rehabilitation of the activists of Dashnaksutyn, ASALA, MAG, the Armenian Unity, the Armenian Liberation Front and of other terrorist organizations, they were rendered shelters, necessary financial support and created conditions for their living and activities.

Armenia began officially to collect signatures for the release of Varojyan Garabedyan who committed a terrorist action in the Orly Airport of Paris in the July of 1983. As a result of this action, 8 people were killed and 60 were wounded. The terrorist was sentenced to life imprisonment. In 2001, the French court released him and he has found shelter in Armenia officially.

Monte Melkonyan, a popular terrorist, leader of the grouping of the revolutionary movement of ASALA in the Western Europe, was sentenced to for six-year imprisonment by the French court on November 28, 1985 and was released in 1990. He came to Armenia and then sent to the Nagorno-Karabakh to continue his terrorist actions. Monte Melkonyan was the commander of the Armenian terrorist detachment during the occupation of the Khojavand district of Azerbaijan. He was killed in Nagorno-Karabakh in 1993 and buried in Yerevan. The officials of Armenia, including the Armenian president, took part in his funeral. He was declared a national hero of Armenia and one of the subversive centers of the Ministry of Defense began to bear the name of this international terrorist.

A popular terrorist, a member of the terrorist group of “Dro” of Dashnaksutyn party Grant Markaryan was one of the creators of the terrorist group in Nagorno-Karabakh and active participant of arming of the terrorist groups with the aid of arms, which were brought from Armenia.

Vazgen Sislyan, organizer of the attack on the Turkish embassy in Paris in 1981, was awarded with the title of the heroes of the Karabakh war by the Armenian President Robert Kocharyan for his active participation in the terrorist actions against Azerbaijanis.

Abu Ali and Hilbert Minasyan, terrorists from the Middle East by origin, are protected by special intelligence agencies of Armenia for slaughtering the peaceful Azerbaijani citizens.

http://www.human.gov.az
VII. KARABAKH PROBLEM IN THE FOCUS OF ATTENTION OF INTERNATIONAL ORGANIZATIONS

1. United Nations Organization (UN)

After the Armenia-Azerbaijan, Nagorno-Karabakh conflict started, this problem did not draw the attention of the international community for a long time. The first reason of this was that at the initial stage when, the conflict started, the world community was not interested in its elimination. This problem was one of the many factors which speeded up the collapse process of the USSR, and its elimination could impede the destructive processes going on inside the Soviet Union.

Interestingly that appearance of the Nagorno-Karabakh conflict took place directly based on the Kremlin's scenario. Basing on the "divide and govern" principle, the Union's leadership tried to distract attention from the country's main problems by creating regional conflicts and thus to obstruct expansion of the national liberty movement observed in the union republics. However, this plan played the role of a boomerang for the USSR, and ethnic conflicts not only failed to prevent collapse of the empire, but also speeded up the process even more.

Armenians had conducted a serious campaign for getting support of the international community even before the conflict started. Here the opportunities of the Armenian lobby were used extensively as well. It is enough to cite just one fact that today there are very warm relations between the USA Congress, which has opportunities to control actually the social-political and economic processes going on in the world directly, and the Armenian lobby. The same words can be said as well about the French Senate.

The fact that Armenia pursues aggressive policy against Azerbaijan was always accompanied with an indifferent attitude by the international union. Already in 1992 the Armenian armed units had sufficiently expanded the scope of their military operations targeted at occupation of our republic's territories. However, not a single international organization gave an objective assessment of these occupational actions, which were going on in front of everybody and violated international legal norms in a rude way. True, at different times certain resolutions, statements of UN, OSCE and the European Union concerning this issue appeared, but those documents did not assess accurately the true reasons of the conflict, did not put any difference between the aggressor party and the party that was subject to aggression.

In 1991, after declaring its independence, the Azerbaijan Republic addressed all the international organizations, including the UN and world states, concerning this. That address showed that the principles of democracy, liberty and equality are the main strategic ways of the republic and expressed the country's desire to be accepted to the UN. In March 1992, Azerbaijan was accepted to the UN membership. In March the same year, Permanent Representation of Azerbaijan at UN opened in New York.

Thereafter, Azerbaijan turned to the UN asking it to express its attitude toward the aggressive policy of Armenia and prevent this country's aggressive actions. A UN delegation paid a visit to the region based on this address and gave appropriate information concerning this to the UN General Secretary. The UN General Secretary stated it supports the efforts of the CSCE (Conference for Security & Cooperation in Europe - since January 1995 OSCE - Organization for Security & Cooperation in Europe) and is ready to render assistance to this organization for achieving the appropriate results. This was already the first symptom of the international community's cold attitude to the issue.

In 1992 the occupation of Shusha made Azerbaijan turn to the UN once again. On May 12 the Security Council of UN sufficed by discussing the Nagorno-Karabakh problem and issuing a statement. The statement was spread on behalf of the chairman of the Security Council. The statement expressed anxiety about the worsening situation in Nagorno-Karabakh and the necessity of rendering urgent assistance to the internally displaced persons. The document called the parties concerned to put an end to the violence and invited them to obey the provisions of the UN Charter. "The Members of the Security Council call upon all
concerned to take all steps necessary to bring the violence to an end, to facilitate the work of the Secretary General's mission and to ensure the safety of its personnel. They recall the statements made on their behalf by the President of the Council on 29 January (S/23496) and 14 February 1992 (S/23597) on the admission respectively of Armenia and Azerbaijan to the United Nations, in particular the reference to the Charter principles relating to the peaceful settlement of disputes and non-use of force", said the document. This displayed that the statement is in fact a common document not expressing anything about the real essence of the conflict. The only positive step of the UN Security Council was that the letter of the Permanent Representation of Azerbaijan to the chairman of the Security Council was spread as the official document of the latter. This letter assessed the military operations conducted by Armenia as an effort to violate the territorial integrity of a sovereign state. Naturally, Armenia was also trying to take alternative steps. Because of this, in August 1992 a new meeting of the UN Security Council was held based on Armenia's appeal, and a new statement of the Security Council chairman was spread. This document also called the parties concerned for a ceasefire and expressed UN's deep concern at the deterioration of the situation. In October 1992, the chairman of the UN Security Council accepted one more statement. However, this document did not differ at all from the previous ones either for its content or for its political essence. It also expressed deep concern at the grave situation, as well as the loss of human life, and stated that it supports the CSCE's activity concerning the settlement of the conflict. Noting the necessity of an urgent negotiation process for regulation of the problem, the Security Council invited the parties to take concrete steps in this direction. In 1993, one more region of Azerbaijan, Kalbajar, was occupied by Armenians. Azerbaijan appealed to the UN regarding this and asked it to assess the aggressor's actions. On April 6, the statement of the UN Security Council was accepted. The statement expressed deep concern at the deterioration of the tension between Armenia and Azerbaijan and invasion of Kalbajar by "local Armenian forces". The statement once more reaffirmed the principle of sovereignty and territorial integrity of all the states and once again expressed its support for the CSCE peace process. However, this statement did not assess the problem properly. The point is that the attitude to Armenia's invasive policy was not reflected in the document and it stressed that ostensibly the "local Armenians" occupied Kalbajar. Let us note that this statement was mainly based on the information provided by Armenia. Armenia refuted the facts put down by Azerbaijan concerning participation in the occupation of Kalbajar and tried to prove that "local Armenians" were to blame in the region's occupation. The same year, on April 30, the UN Security Council adopted its first resolution regarding the Armenia-Azerbaijan, Nagorno-Karabakh conflict. This document titled "United Nations Security Council resolution 822" was prepared with reference to the statements the chairman of the Security Council had given on January 29 and April 6, 1993. The resolution pointed out that stability and public order in the region is under threat, expressed grave concern at the displacement of a large number of civilians and the humanitarian emergency in the region. UN SC demanded the immediate cessation of all hostilities and hostile acts with a view to establishing a durable ceasefire as well as immediate withdrawal of all occupying forces from Kalbajar district and other recently occupied areas of Azerbaijan. "Recalling the statements of the President of the Security Council of 29 January 1993 (S/25199) and of 6 April 1993 (S/25539) concerning the Nagorno-Karabakh conflict, Taking note of the report of the Secretary-General dated 14 April 1993 (S/25600), Expressing its serious concern at the deterioration of the relations between the Republic of Armenia and the Republic of Azerbaijan, Noting with alarm the escalation in armed hostilities and, in particular, the latest invasion of the Kalbajar district of the Republic of Azerbaijan by local Armenian forces, Concerned that this situation endangers peace and security in the region, Expressing grave concern at the displacement of a large number of civilians and the humanitarian emergency in the region, in particular in the Kalbajar district,
Reaffirming the respect for sovereignty and territorial integrity of all States in the region,
Reaffirming also the inviolability of international borders and the inadmissibility of the use of force
for the acquisition of territory,
Expressing its support for the peace process being pursued within the framework of the Conference on
Security and Cooperation in Europe and deeply concerned at the disruptive effect that the escalation in armed
hostilities can have on that process,

1 Demands the immediate cessation of all hostilities and hostile acts with a view to establishing a
durable cease-fire, as well as immediate withdrawal of all occupying forces from the Kalbajar district and
other recently occupied areas of Azerbaijan; 2. Urges the parties concerned immediately to resume
negotiations for the resolution of the conflict within the framework of the peace process of the Minsk Group
of the Conference on Security and Cooperation in Europe and refrain from any action that will obstruct a
peaceful solution of the problem”, - said the resolution.

However, this resolution was in fact not powerful enough to stimulate the achievement of peace in the
region. First because the resolution of the UN Security Council was loaded with only general words and did
not serve the purpose of giving any concrete assessment to the issue. On the other hand, the resolution did
not reflect implementation mechanisms of the provisions contained in it. Though the document confirmed the
fact that Azerbaijan territories have been invaded, it did not specify who had done it and stressed that
ostensibly the "local Armenians" had achieved the military operations. This, surely, did not provide an
opportunity to define the aggressive party and explain concrete ways for settlement of the conflict.

On July 23, 1993, the Armenian armed units occupied Aghdam region of Azerbaijan. Let us note that
this already proved that Armenia does not care at all about the resolution adopted by the UN Security
Council. At the end of July, the UN Security Council held a meeting and adopted the Resolution 853
concerning the Armenia-Azerbaijan, Nagorno-Karabakh conflict. This resolution also demands the
withdrawal of all the occupying forces from all the occupied areas of Azerbaijan, including Aghdam. The
resolution expressed once again its grave concern at the displacement of large number of civilians in the
Azerbaijan Republic and demanded the parties concerned to achieve a ceasefire in order to stop the conflict.
The Security Council reaffirmed once again the sovereignty and territorial integrity of Azerbaijan Republic
and all other states in the region and endorsed the continuing efforts by the Minsk Group of the CSCE to
achieve a peaceful solution. Meanwhile, the document particularly noted the deterioration of the relations
between Armenia and Azerbaijan and the fact that some territories of Azerbaijan have been occupied, and as
well concerned that this situation endangers peace and security in the region. Though in general, Resolution
853 of the UN Security Council looks more objective for some features than Resolution 822, here the issue
was not accurately assessed as well because the Security Council did not name the aggressor, and preferred
only sufficing with the "local Armenians" phrase, while already everybody knew who the aggressor was.
And now only one thing was left to do - to confirm this officially. However, the UN Security Council did not
take this step.

In August 1993 after Armenia intensified its military operations in order to occupy the Fizuli region of
Azerbaijan, anew statement of the UN Security Council was spread. The statement confirmed the fact of the
occupation of Azerbaijan territories, stressed that Nagorno-Karabakh is an integral part of Azerbaijan, and
expressed serious concern at the tensions in the region.

The document stated that UN Security Council supports the settlement of the issue within the
framework of CSCE, and at the same time is sure of the necessity that the parties themselves should take
appropriate measures in order to eliminate the conflict. "The Security Council expresses its serious concern
at the deterioration of relations between the Republic of Armenia and the Azerbaijani Republic and at the
tensions between them. The Council calls upon the Government of the Republic of Armenia to use its
influence to achieve compliance by the Armenians of the Nagorno-Karabakh region of the Azerbaijani
Republic with its resolutions 822 (1993) and 853 (1993)".
The Council also expresses its deep concern at the recent intensification of fighting in the area of Fizuli. The Council condemns the attack on the Fizuli region from the Nagorno-Karabakh region of the Azerbaijani Republic, just as it has previously condemned the invasion and seizure of the districts of Kalbajar and Agdam of the Azerbaijani Republic. The Council demands a stop to all attacks and an immediate cessation of the hostilities and bombardments, which endanger peace and security in the region, and an immediate, complete and unconditional withdrawal of occupying forces from the area of Fizuli, and from the districts of Kalbajar and Agdam and other recently occupied areas of the Azerbaijani Republic. The Council calls upon the Government of the Republic of Armenia to use its unique influence to this end.

"The Council reaffirms the sovereignty and territorial integrity of the Azerbaijani Republic and of all other States in the region and the inviolability of their borders, and expresses its grave concern at the effect these hostilities have had on the efforts of the Minsk Group of the Conference on Security and Cooperation in Europe (CSCE) to achieve a peaceful solution to the conflict."

The Statement reflected as well the necessity of the conflict parties to accept the specified version of the "Timetable of Urgent Steps" to implement UN Security Council resolutions 822 and 853. However, this Statement did not differ much from the previous documents either because it did not confess the fact that Armenia is the aggressive party, and the conflict was characterized as a problem between the Armenians living in the Nagorno-Karabakh region of Azerbaijan and Azerbaijan.

This indefinite attitude created a favorable condition for the expansion of Armenia's aggressive operations. Armenians made use of the fact that the international union did not display an objective reaction to the events, and they achieved new aggression acts by invading Azerbaijan territories.

Thus, Fizuli and Jabrayil regions were occupied as well. Notwithstanding that an agreement on ceasefire was achieved in August 1993, Armenians did not obey this and invaded Gubadli as well. Azerbaijan had to turn to the UN Security Council once more. This appeal reflected that Azerbaijan does not agree with the "Renewed Timetable of Urgent Steps" prepared by the Minsk group. On October 14, 1993 the UN Security Council once again put the Nagorno-Karabakh problem to discussion and adopted the Resolution 874. This Resolution backed the "Renewed Timetable of Urgent Steps" prepared by the Minsk group and stated that it is possible to regulate the conflict based on this plan.

This Resolution did not differ from the previous ones for its essence either. It also expressed concern at tensions between Armenia and Azerbaijan, reinforcement of the military operations in the front region, the deaths of many people, and occupation of Azerbaijan territories. It supported the CSCE's efforts in the direction of the elimination of the conflict and confirmed once more the inviolability of states' territorial integrity. However, meanwhile, it again did not name the aggressor party and the party subject to aggression, and stressed that the conflict is characterized only as a problem between the Armenians of the Nagorno-Karabakh region of Azerbaijan and Azerbaijan itself. On the other hand, interestingly, Resolution 874 stated nothing about the regions of Azerbaijan, which were occupied recently, while the previous resolutions contained concrete names of the occupied territories.

In October 1993, Armenia's indifference to the documents adopted by the international organizations displayed itself even more openly. The Armenian armed forces occupied Zangilan region of Azerbaijan when the CSCE chairman was on a visit to the region. This was consequently a following event expressing the necessity of the international community's objective assessment to the conflict.

On November 11, 1993, pursuant to an appeal by Azerbaijan, the UN Security Council put the situation linked with the continuation of the conflict again to discussion and adopted Resolution 884. The resolution expressed serious concern at the occupation of Zangilan region and the city of Horadiz of Azerbaijan and demanded withdrawal of the occupying forces from these territories. Naturally, this resolution was not implemented. Let us note that principally, the fore mentioned document again did not differ at all from the previous resolutions of the UN SC. None of these resolutions could reflect fully the requirements of the respective Charter of UN. The point is that for some reasons the documents adopted by the UN forgot about the significant principles of international law and did not determine any concrete
mechanism for punishment of the aggressor. While this organization, which has certain experience in conflict settlement, had quite extensive opportunities to put an end to the aggressive policy, Armenia was working against Azerbaijan and the achievement of true and stable peace in the region. This has been reflected both in the principles of international law, which have been accepted unanimously by all the states, and in the UN Charter. Simply, a demonstration of resolute determination was needed in order to realize these principles, and it seems that this was not of great importance for the international community. Anyway, the appearance of scores of facts, which confirmed the existence of double standards in regard to this issue after the conflict started, gives ground to think like this.

The case is that pursuant to the UN Charter, the SC is provided with extensive authority to solve disputed issues, as well as conflicts. Even if the Council's Resolutions do not bear an obligatory essence and are of a recommendation character, the SC has the right to make compulsory decisions in case the resolutions are not implemented and the issue carries a threat for international peace. However, we did not observe this in the example of the Armenia-Azerbaijan, Nagorno-Karabakh conflict. While on the one hand the act of aggression against our nation prevented the calm and peaceful life of our people, on the other hand it created serious problems for the regional safety.

The UN Charter notes as well that the territorial integrity of any state is inviolable, and those violating this principle act against the norms of international law. Armenia proved its disregard to international legal norms in front of the entire world. It was possible to use real pressure mechanisms in order to prevent this. However, the international union demonstrated indifference as well on this issue.

The essence of the idea of aggression has been reflected in the UN Resolution adopted in 1974. In accordance with the Resolution:

1. Application of force by one state against the sovereignty, political independence, or territorial integrity of another state;
2. Application of armed force firstly by one state contradicting the UN Charter;
3. a) armed intervention or attack of one state to the territory of another state, or annexation of another country's territory as a result of any military occupation or intervention irrespective of its temporary character; b) bombing of one state's territories by the military forces of another state; c) dispatch of the armed forces, the hired, irregular military units by one state or on behalf of this state are considered act of aggression.

The aggressive state bears direct responsibility before the UN Security Council for this or that form of the act of aggression.

This provides the Security Council with the authority to take compulsory measures in case of an aggression. There are scores of facts confirming the aggressive policy of Armenia against Azerbaijan, and these facts provide a ground to say that the military operations the latter country has conducted against our republic are exactly the act of aggression in concordance with all the criteria. However, despite all of these, the UN Security Council did not want to make appropriate decisions in order to punish the aggressor and make it void its illegal actions.

Azerbaijan became a member of this authoritative organization in 1992. That year on January 30, Azerbaijan, which was a member to the Conference for Security & Cooperation in Europe, signed the organization's documents at the CSCE summit on July 8 taking place in Helsinki. In February 1992, the first CSCE mission came to our republic to prepare a report regarding the Armenia-Azerbaijan, Nagorno-Karabakh conflict. In February, the report of the mission was listened at the meeting of the organization's Committee of High-Ranking Persons (CHRP) taking place in Prague. The report confirmed the fact that Nagorno-Karabakh is an Azerbaijan territory. The Committee stated as well the necessity of achieving the conflict's peaceful settlement.

In March 1992, CSCE representatives paid a second visit to the region, this time a report was listened to as well at the CHRP meeting, and the Committee again sufficed with an invitation of the parties to create a condition for the Peace Conference on Nagorno-Karabakh.

On March 24, CSCE Council of Ministers for Foreign Affairs discussed the issue and adopted a decision about summoning of a Peace Conference on Nagorno-Karabakh based on the CHRP guarantee in order to provide a peaceful settlement of the conflict. This laid the basis of the Minsk process.

In December 1994, a following summit of the heads of states and governments, which were members of the CSCE, took place in Budapest. One of the most significant decisions adopted at the summit was the expansion of the organization's activity in the direction of the restoration of peace and safety in Europe. Another of the most important events of the summit was that the organization was named the Organization for Security & Cooperation in Europe from January 1, 1995 in order to renew the CSCE structurally and expand its activity.

Participants of the summit discussed the Armenia-Azerbaijan, Nagorno-Karabakh conflict and agreed that the appropriate provision be added to the documents regarding this issue. The provision was called "Intensification of CSCE action in relation to the Nagorno-Karabakh conflict". This provision applauded the achievement of armistice between the parties and entrusted the acting chairman of CSCE to appoint the co-chairmen of the Minsk Conference. The first clause of the document says: "Deploring the continuation of the conflict and the human tragedy involved, the participating States welcomed the confirmation by the parties to the conflict of the cease-fire agreed on 12 May 1994 through the mediation of the Russian Federation in cooperation with the CSCE Minsk Group. They confirmed their commitment to the relevant resolutions of the United Nations Security Council and welcomed the political support given by the Security Council to the CSCE's efforts towards a peaceful settlement of the conflict. To this end they called on the parties to the conflict to enter into intensified substantive talks, including direct contacts. In this context, they pledged to redouble the efforts and assistance by the CSCE. They strongly endorsed the mediation efforts of the CSCE Minsk Group and expressed appreciation for the crucial contribution of the Russian Federation and the efforts by other individual members of the Minsk Group. They agreed to harmonize these into a single coordinated effort within the framework of the CSCE."

The document reflected as well the necessity of sending peaceful forces for the settlement of the conflict: "They declared their political will to provide, with an appropriate resolution from the United Nations Security Council, a multinational CSCE peacekeeping force following agreement among the parties for cessation of the armed conflict. They requested the Chairman-in-Office to develop as soon as possible a plan for the establishment, composition and operations of such a force, organized on the basis of Chapter III of the Helsinki Document 1992 "and in a manner fully consistent with the Charter of the United Nations. To this end the Chairman-in-Office will be assisted by the co-chairmen of the Minsk Conference and by the Minsk Group, and be supported by the Secretary General; after appropriate consultations he will also establish a Committee of High-Ranking Persons in Vienna to make recommendations on, inter alia, the size and characteristics of the force, command and control, logistics, allocation of units and resources, rules of
engagement and arrangements with contributing States. He will seek the support of the United Nations on the basis of the stated United Nations readiness to provide technical advice and expertise. He will also seek continuing political support from the United Nations Security Council for the possible deployment of a CSCE peacekeeping force”. This was actually a step made against Russia's efforts to place the peaceful forces organized from the Russian Army in the region.

The CSCE summit recommended the Minsk Conference to increase efforts with the help of the Minsk group in acting appropriately for continuation of the existing armistice and signature of the peace agreement. After signature of the peace agreement here, it was intended to dispatch multinational peaceful forces to the conflict region.

One of the major outcomes of the Budapest summit was the creation of the co-chairmanship institution in the Minsk group. The decision on the arrangement of the peaceful forces from military forces of different states prevented Russia’s intention to solve the issue alone. Let us note that at that time official Moscow was trying hard to have the peaceful forces consisting of exclusively the Russian Army.

In December 1996, three important documents (Lisbon Summit Statement of the OSCE countries, the Statement on the General and Comprehensive Security Model for the Europe of XXI century, and the document about parameters of the restriction process of common armed forces in Europe and their scope of cover) were to be adopted at the summit of the heads of states and governments-members of the OSCE taking place in Lisbon. However, one of the provisions reflected in the summit's statement, the 20th Article comprising the principles of settlement of the Armenia-Azerbaijan, Nagorno-Karabakh conflict, caused rejection by the Armenian side. Armenia vetoed that article. Azerbaijan president Heydar Aliyev expressed his decisive rejection to the withdrawal of that article from the text of the statement and said he would veto all the documents of the summit. The conducted negotiations could not oblige the Azerbaijan President to change his position, and our country made use of the right of not giving consensus and vetoed all the documents of the summit. This meant that the Lisbon summit would finish ineffectively.

Article 20 showed that the Nagorno-Karabakh conflict could be settled on the basis of three principles:
- territorial integrity of the Republic of Armenia and the Azerbaijan Republic;
- legal status of Nagorno-Karabakh defined in an agreement based on self-determination which confers on Nagorno-Karabakh the highest degree of self-rule within Azerbaijan;
- guaranteed security for Nagorno-Karabakh and its whole population, including mutual obligations to ensure compliance by all the Parties with the provisions of the settlement.

The mentioned principles were accepted as the formula of the conflict's settlement at the Helsinki meeting of the OSCE Minsk group in November 1996 and in February the same year. The acting chairman of OSCE Flavia Kotty had put forward almost the same draft.

Notwithstanding all the obstacles and difficulties, the Azerbaijani President adhered to his principles up to the last point and reasoned his position with quite serious arguments at the meetings with the heads of many countries. After long and tense discussions, a consensus was achieved that all the principles reflected in Article 20 were confirmed by a special statement of the acting chairman of OSCE. The statement said: Co-chairs of the Minsk group have defined 3 principles to be a part of the settlement of the Nagorno-Karabakh conflict. These principles are supported by all member States of the Minsk group. They are:
- territorial integrity of the Republic of Armenia and the Azerbaijan Republic;
- legal status of Nagorno-Karabakh defined in an agreement based on self-determination which confers on Nagorno-Karabakh the highest degree of self-rule within Azerbaijan;
- guaranteed security for Nagorno-Karabakh and its whole population, including mutual obligations to ensure compliance by all the Parties with the provisions of the settlement.

It was a very important accomplishment achieved by our country on the diplomatic plane. First of all, Azerbaijan had succeeded to direct the attention of the whole world to the Karabakh conflict, and this was a very significant matter. The world's attitude towards the problem had not been formed based on objective
information and at the Lisbon summit in just one day Azerbaijan managed to change the results of the long-term propagandist campaign conducted by Armenia and the Armenian lobby.

On the other hand, Armenia once again demonstrated that it runs an invasive policy and acts contrary to the principles of international law, which have been accepted by the whole world. At the same time, all the members of OSCE, except Armenia, confirmed that the conflict’s settlement is possible only with the conditions that the territorial integrity of Azerbaijan is maintained, Nagorno-Karabakh remains as part of Azerbaijan, and the security of all the population of Nagorno-Karabakh (including the Azerbaijanis living in the region) is provided. Armenia was confronted with an attack by the international union for the first time exactly at this summit and was isolated. Finally, a legal basis was determined at the Lisbon summit, which provided for the national interests of Azerbaijan and was accepted by the international union for the further stage of the negotiations process regarding the settlement of the conflict.

In 1999, at the Istanbul summit of OSCE, Azerbaijan made important steps in order to state its fair position to the world. The efficient negotiations conducted by President Heydar Aliyev at the Istanbul summit once more demonstrated the non-constructive position of Armenia. Official Yerevan was in fact trying by all means to delay the process of signing the peace agreement. While before the summit, many international observers, including the participants of the summit, had great hopes for signing the peace agreement. Articles 20 and 21 of the Declaration adopted at the Istanbul summit were fully dedicated to the Armenia-Azerbaijan, Nagorno-Karabakh conflict, and stated decisively the necessity of continuing the peace process.

While the OSCE as an organization serving to maintain peace and the expansion of interstate cooperation in Europe has been fulfilling its mediation mission up to date in the settlement of the Armenia-Azerbaijan, Nagorno-Karabakh conflict, it has failed to take any concrete step. Even if the absence of concrete mechanisms in the organization for speeding up the settlement of the conflict play a certain role here, it should be confessed that the OSCE has opportunities to display certain pressure to the aggressive state and attract the world community to this process. OSCE has defined 10 security principles arising from the international law, which have all been violated by Armenia. Those principles are the following:

1. Respect to sovereignty;
2. Non-application of armed forces;
3. Inviolability of the borders;
4. Territorial integrity of the states;
5. Peaceful settlement of the conflicts;
6. Non-intervention in each-other's internal affairs;
7. Respect of human rights and freedoms;
8. Respect of equality of the nations and the nations' right to self-determination;
9. Cooperation among the states;
10. Fair fulfillment of the liabilities on international law. Armenia has displayed that it does not take into account any of these principles by running an aggressive policy against Azerbaijan. It has encroached upon the sovereignty of Azerbaijan (the 1st principle); used armed forces against our country and our people (2nd principle); violated our borders (3rd principle); repeatedly demonstrated non-recognition of our territorial integrity at international events and confirmed this once more with its aggressive actions (4th principle); interfered with internal affairs of Azerbaijan, this is reflected in the processes, which started exactly with the instigation of the Armenian government in Nagorno-Karabakh (6th principle); violated the rights of approximately one million refugees and internally displaced persons (7th principle); proved in deed that it does not respect the idea of equality of the nations and that it regards Azerbaijanis, as well as all the Turks as enemy (8th principle); incited unprecedented atrocity against our people making the self-determination of the Armenian nation a pretext, knowing that this nation has once determined its own destiny creating its own state (9th principle); does not fulfill any liability before the international law (10th principle).
3. The Organization of Islamic Conference (OIC)

The Organization of Islamic Conference has been the first organization to acknowledge the fact of aggression by Armenia against Azerbaijan. The organization’s summits have always kept the problem of Nagorno-Karabakh in the focus of attention and accepted quite clear statements requiring observance of the norms of international law. The first resolution regarding the Armenia-Azerbaijan, Nagorno-Karabakh conflict was adopted at the organization's 21st conference of foreign ministers taking place in Karachi (Pakistan). The resolution decisively declaims Armenia's attacks against Azerbaijan and its occupation of our territories. The document stated the magnitude and severity of humanitarian problems resulting from Armenian aggression against the Republic of Azerbaijan which posed a threat to international peace, and security and demands the immediate withdrawal of Armenian armed forces from all occupied Azerbaijani territories. Moreover, the resolution urges Armenia to respect the territorial integrity and sovereignty of the Republic of Azerbaijan. The resolution calls for a just and peaceful settlement of the Nagorno-Karabakh conflict on the basis of respect for the principles of territorial integrity of states and inviolability internationally recognized frontiers.

The document states: "Proceeding from the principles and objectives of the Charter of the Organization of the Islamic Conference;
Gravely concerned over the serious escalation of the conflict between Armenia and Azerbaijan over the Karabakh issue;
Strongly condemning the recent Armenian offensive against Azerbaijan and the occupation of Azerbaijan territory;
Deeply distressed by the magnitude and severity of humanitarian problems resulting from Armenian aggression against Azerbaijan;
Recalling the principled position taken by the Fifth Extraordinary Session of the Islamic Conference of Foreign Ministers, held in Istanbul in June 1992 on this issue;
Also recalling the relevant paragraphs of the Final Communiqué adopted by the OIC Coordination Meeting of the Foreign Ministers at the United Nations, New York, on 23 September, 1992;
Noting the efforts made by the neighboring countries and regional states notably the Islamic Republic of Iran and the Republic of Turkey to promote a peaceful settlement of the Karabakh issue;
Conscious of the threat posed to international peace and security by this latest Armenian aggression;
Aware of the disruptive effect that this new military offensive can have on the peace process being pursued within the framework of the CSCE;
Noting with appreciation the Report of the Secretary General on this subject (Document No.ICFM/21-93/PIL/D.6/Rev.1);
Strongly condemns the Armenian aggression against the Republic of Azerbaijan.
Demands the immediate withdrawal of Armenian forces from all occupied Azerbaijani territories and strongly urges Armenia to respect the sovereignty and territorial integrity of the Republic of Azerbaijan.
Calls for a just and peaceful settlement of the Karabakh issue on the basis of respect for the principles of territorial integrity of states and inviolability of internationally recognized frontiers."

At the same time, the Organization of Islamic Conference reaffirms its total solidarity and support for the efforts being made by the Government and people of Azerbaijan to defend their country.

This document also calls for enabling the forcibly displaced persons to return to their homes in safety, honour and dignity, as well as requests the Member States, and the Islamic Development Bank and other Islamic institutions to provide urgent financial and humanitarian assistance to the Republic of Azerbaijan. The Organization requested the UN Secretary General and the president of the Security Council to use their full authority for the adoption a resolution condemning the Armenian aggression and demanding immediate withdrawal of the Armenian military formations from all the occupied territories of Azerbaijan.
One more resolution concerning Nagorno-Karabakh was adopted in December 1994, at the next, Seventh Islamic Summit held in Casablanca, Kingdom of Morocco. The resolution says: "Proceeding from the principals and objectives of the Charter of the Organizations of Islamic Conference gravely concerned over the serious escalation of aggression by the Republic of Armenia against the Azerbaijan Republic which has resulted in the occupation of more than 20% of Azerbaijan territory. Deeply distressed over the plight of more than one million Azerbaijan displaced persons and refugees resulting from Armenian aggression and magnitude and severity of humanitarian problems." This resolution did not differ much from the previous one in principle. The mentioned document considers the actions perpetrated against civilian Azerbaijani population in occupied territories and as crimes against humanity and strongly demands immediate and unconditional withdrawal of the Armenian military units from Lachin and Shusha regions of Azerbaijan, as well as strongly urges Armenia to respect the territorial integrity and sovereignty of Azerbaijan. The last article of the resolution asked the UN Secretary General to control the strict implementation of the United Nations Security Council resolutions 822, 853, 874, 884.

In 1997, one more resolution was adopted in Jakarta (Indonesia), at the following conference of OIC Foreign Ministers. In comparison to the previous ones, this resolution was of a more concrete character. First, the resolution's title was chosen properly: "On the aggression of the Republic of Armenia against the Republic of Azerbaijan." Let us remember that the previous resolutions were titled simply like: "On the conflict between Armenia and Azerbaijan". The title of the resolution adopted in Jakarta expressed the fact of Armenia's aggression against Azerbaijan in a concrete and open form. This document condemned the aggressive policy of Armenia and demanded immediate, unconditional and complete withdrawal of Armenian forces from all occupied Azerbaijani territories. The document expressed concern over the severity of the humanitarian problems concerning the existence of one million displaced persons and refugees in the territory of Azerbaijan, and requested the international community to render the urgent financial assistance for the settlement of this problem emerging in the republic.

In the periods thereafter, OIC adhered to its principle position at meetings of different levels, summits, as well as conferences of foreign ministers and stated the fact that Armenia has occupied Azerbaijan territories. In 2004, new articles have been added to the OIC resolution at the suggestion of Azerbaijan concerning the Armenia-Azerbaijan, Nagorno-Karabakh conflict.

4. European Union

The history of the cooperation between the European Union and Azerbaijan begins from 1993. Relations between this international organization and our country were built exactly that year in February. On April 7, 1993 the EU made a statement concerning the Armenia-Azerbaijan, Nagorno-Karabakh conflict. In that statement, the Community and its member states expressed their concern over the deepening of the conflict and their sadness over the expansion of the operation in the Kalbajar and Fizuli regions. However, this statement did not express any concrete attitude regarding the fact that Armenia has occupied territories of our republic, and did not state any idea about the true reasons of the conflict. The EU was trying to approach the issue from a more neutral position and not confess whom the aggressor is.

In September of that year, new operations of the Armenian occupational forces in the border region forced the organization to issue one more statement. This document condemned the military attacks against Azerbaijan and expressed concern over the greatly increased number of refugees. The EU supported the efforts of the CSCE Minsk group in the direction of the achievement of peace in the region, and called the parties concerned to create favorable conditions for the realization of this process. The organization required parties concerned to respect the UN resolutions and marked the necessity of the withdrawal of troops from the Kalbajar, Aghdam, Fizuli and Jabrayil regions. In addition, the statement required Armenia not to render assistance to the local Armenian forces, which have attacked the Azerbaijani territories.

However, this document contained many defective points because it was the Armenian army, and not the local Armenian forces carrying out military operations in Azerbaijan.

"The Community and its member states fully support the efforts being made by the Minsk group within the framework of the CSCE to consolidate the provisions on ceasefire. (On August 31, 1993 an agreement reached between authoritative bodies of Nagorno-Karabakh and the Azerbaijan government regarding this). They urge the parties concerned to embark on any form of additional dialogue, which would make it possible to implement the timetable on which there was agreement in principal by all parties. The Community and its member States also hope to see local Armenian forces in Nagorno-Karabakh fully respect United Nations Security Council Resolutions 822 and 853, and withdraw from the regions of Kalbajar, Aghdam, Fizuli and Jabrail. The Community and its member States have no evidence that Azerbaijan would be capable of initiating major attacks from these regions.

The Community and its member States call on the Government of the Republic of Armenia to use its decisive influence over the Armenians of Nagorno-Karabakh to see that they comply with Security Council Resolutions 822 and 853 and the proposals of the CSCE Minsk Group. The Community and its member States call upon Armenia to ensure that the local Armenian forces carrying out offensives - in Azerbaijan territory are not given the material means of further extending such offensives", says the document.

One can see that the document contains no exact information about the conflict's essence. At the same time, the EU did not show who the aggressive was.

In general, the European Union's position proved once more it is not interested in the conflict and did not display a serious trend to express its decisive position concerning this process because, settlement of the conflict is not included in the EU's activity strategy. At the same time, it should be taken into account that initially the organization displayed very little interest in the Southern Caucasus and the process going on here in general. Since the EU has been the means of a pure economic union, it always tries to demonstrate a careful position regarding political issues, as well as conflicts.

Despite this, one of the main events expressing the EU's position concerning the Armenia- Azerbaijan, Nagorno-Karabakh conflict took place in 2003. For the settlement of the conflict, the organization suggested the return of 5 occupied regions of Azerbaijan instead of the opening of communication lines. This proposal was the object of discussions for a long time and maintains its topicality as well today. The EU's intention both to develop relations with the region and to take an active part in the settlement of the Armenia-
Azerbaijan, Nagorno-Karabakh conflict has become quite a serious matter. This once more displays that the peace process has been viewed in a wider plane, and the problem worries the international community.

In 2004, the meeting of the Azerbaijan President Ilham Aliyev with the chairman of the European Committee Roman Prodi, during our president's official visit to Belgium, conducted discussions on the possibility of expanding the cooperation between our country and the EU, as well as this organization's stimulation of the settlement of the Armenia-Azerbaijan, Nagorno-Karabakh conflict.

The general result of the meeting was that the EU is interested in achieving peace between Armenia and Azerbaijan, taking into account all the principles of international law, and is ready to take concrete steps for this. The meeting of the Azerbaijan President with the General Secretary of the Council of the European Union Khavier Solana mentioned this issue comprehensively as well.

All of these events show once more that despite separate states adopting different documents, resolutions, and statements’ concerning the aggressive policy of Armenia against Azerbaijan, the aggressive state does not yet retreat from its positions. This can be assessed because of the unwillingness of the international community to punish the aggressor the way it deserves. There is only one way of settling the Armenia-Azerbaijan, Nagorno-Karabakh conflict and this is to achieve as well this country's observance of the principles of international law, which have been accepted by everybody.

5. Negotiations process on the settlement of the conflict and OSCE’s mediation mission

The Armenia-Azerbaijan, Nagorno-Karabakh conflict has been one of the main issues which the OSCE has kept in the focus of its attention since 1992. This organization has undertaken the mission of mediation in the conflict's settlement process and has taken many significant steps for achieving certain progress in this direction. However, so far the OSCE has failed to achieve concrete results for the settlement of the conflict.

On March 24, 1992, the CSCE Council of the Ministers for Foreign Affairs discussed the situation which had emerged in the Nagorno-Karabakh region. It adopted a decision to summon the Peace Conference on Nagorno-Karabakh, basing it on the guarantee of the Committee of High-Ranking Persons, in order to provide a peaceful settlement of the conflict. It was intended that the Conference would be attended by representatives of the USA, Turkey, France, Germany, Italy, Czech-Slovakia, Byelorussia, Sweden, Azerbaijan and Armenia.

In May 1992, the CSCE Committee of High-Ranking Persons adopted a decision defining the organization of the conference and the conditions of the meeting, as well as the powers of the chairman. The Minsk group was created for holding the Minsk Conference which will be involved in conflict-settlement, and finally a final document was to be adopted in the capital of Byelorussia. This time the Armenian party put forward a proposal demanding the participation of the Nagorno-Karabakh Armenians at the conference as an individual party, but the Azerbaijan party did not agree with this, stating the possibility that the Nagorno-Karabakh Armenians could join the conference only within the Azerbaijan delegation.

In May 1992, a meeting of the CSCE Committee of High-Ranking Persons took place in Helsinki, and here representatives of Azerbaijan, Turkey and Armenia made their statements. Though Azerbaijan required punishment of the aggressor and the cessation of Armenia's aggressive operations, the position of the opposite party displayed that it was not going to take such a step.

In May, the Armenians expanded their military operations and invaded Shusha and Lachin as well. On June 1, 1992, the first stage of the negotiations process started in Rome with mediation by the Minsk group. This meeting-taking place with the participation of representatives of the USA, Turkey, France, Germany, Italy, Czech Republic, Slovakia, Byelorussia, Sweden, Azerbaijan and Armenia-aimed at preparation for the Minsk Conference scheduled in late June. The Armenian side insisted on including the Nagorno-Karabakh Armenians in the meeting as well. In such a case, the Azerbaijan side put forward a proposal demanding the participation of the Azeri community of the Nagorno-Karabakh at the meeting as well. After that, representatives of the separatist regime in Nagorno-Karabakh refused to come to Rome. They stated that they wanted to take part in the negotiations as an independent party, and this once more displayed that Armenians are not ready for peace. However, despite this, the meeting took place, and the adopted documents reflected articles concerning the withdrawal of the troops from Lachin and Shusha, and the provision for the return of the refugees to their native lands.

On June 15, the second stage of the negotiations started in Rome. At that meeting, the Armenians put forward the requirement that Turkey should be removed from the negotiations. At the same time, they proposed that provisions concerning the military operations conducted by Azerbaijan in Goranboy and Aghdere should be added to the documents as well. This proposal confronted protest from the Azerbaijan side, and the negotiations did not achieve anything. The meeting adopted an appeal to both sides to stop the gunfire within a period of 60 days. Armenia did not obey this appeal as well. In August, the chairman of the Minsk Conference Mario Rafaellj paid a visit to the region with a proposal about armistice. The proposal was presented to both sides, and Azerbaijan stated that it would accept the proposals. In accordance with that proposal, the sides were to agree immediately to stop the gunfire and after that, the first group of observers was to be placed on the front line.
On August 27, representatives of Azerbaijan, Kazakhstan and Armenia made a joint statement. They stated that they approve the proposal of the CSCE Minsk Conference. On September 3, Yerevan signed the protocol. This agreement called on the implementation of the provisions of the proposal about a ceasefire.

In September, negotiations between Azerbaijan and Armenia concerning the regulation of the conflict started in Almaty. However, no result was achieved here as well. Armenia rejected the draft statement prepared jointly by Azerbaijan and Kazakhstan.

After that, John Mareska, who was representing the USA in the CSCE Minsk group made a new proposal putting forward the idea of restoring the negotiations for the Minsk Conference to start with participation of the USA, Turkey, Russia, Azerbaijan and Armenia. In accordance with this proposal, representatives of the five mentioned countries were to gather in Geneva and start negotiations in order to achieve a certain result. After that, certain initial agreements became possible. That is, some principles concerning the Minsk Conference were defined, the agreement was achieved about a ceasefire in December and January, and it was decided to send observers to the front area. However, despite all these, it was impossible to continue the progress toward the aimed at achievement of peace due to an expansion of operations by Armenia.

In 1993, a next meeting took place with the participation of the member state of the Minsk group regarding the settlement of the conflict. Here the sides coordinated the dispatch of observers to the front area. Though the negotiations passed in a very strained way, the agreement was signed between Armenia and Azerbaijan. The meeting adopted the decision that the Minsk group would conduct a meeting in April in order to sign the agreement on the periods of ceasefire, the start of work by the CSCE observers, as well as on the documents of peace negotiations. The agreement signed by the sides was to be discussed at the CSCE CHRP meeting and confirmed. However, none of these meant at all that a general agreement has yet been achieved between the sides concerning the conflict because the agreement on the ceasefire and the opening of the Minsk Conference still remained has not been reached.

Following this meeting, there appeared great hopes that the regulation process would receive a progressive character. However, in April, occupation of the Kalbajar region of Azerbaijan by the armed forces of Armenia brought to naught the hopes arisen for achievement of peace. Azerbaijan again turned to the world states and international organizations and asked them to assess the aggressive policy of Armenia.

In late April 1993, a CSCE CHRP meeting took place in Prague and discussed the occupation of the Kalbajar region. In spite of the fact that a draft document condemning the aggressive actions of Armenia and demanding withdrawal of the military forces from Kalbajar was worked out, it was not adopted; in the CSCE all the documents were adopted through consensus, but Armenia did not vote for the document. At this time, the UN Security Council had already adopted Resolution 822 expressing its attitude toward the issue.

In June, the next meeting of the members of the Minsk group was held. During this meeting, one more draft document on the settlement of the Armenia-Azerbaijan, Nagorno-Karabakh conflict was prepared. The document intended to implement the UN Security Council's Resolution 822. In addition, members of the Minsk group adopted a Plan named "Timetable of the Urgent Steps" and presented it to the sides. During the meeting, members and the chairman of the Minsk group made an appeal about unconditional acceptance of that plan. The "Timetable of the Urgent Steps" was to be signed shortly (by June 11) by the Armenian and Azerbaijan sides. It demanded as well the withdrawal of the Armenian armed forces from the territory of Kalbajar from June 15. Five days were given for withdrawal of the troops. At the end of June members of the Minsk group were to start consultations and prepare a plan on placement of the observation missions and the opening of the Minsk Conference. Azerbaijan immediately stated its agreement with this schedule. Armenia once again displayed its non-constructive position and asked that the fulfillment period of the schedule be delayed for one month. They explained that this proposal with ostensibly the "Timetable of the Urgent Steps" would cause concern in Nagorno-Karabakh. In fact, the Armenians wanted to impede the constructive advance of the negotiations by this pretext and thus, create an artificial stimulus for expansion of the military
operations. Some time after the negotiations, occupation of the Aghdam and Aghdere regions of Azerbaijan by Armenia proved this once more.

On August 9, 1993, the CSCE Minsk group began consultations with the sides to the conflict and discussed the "Timetable of the Urgent Steps" once again. After the rejections of Armenia to some plans intended in the document, a new version of the document was compiled. This was presented as the specified version of the "Timetable of the Urgent Steps". In fact, the new version was built in full accordance with Armenia's claims and proposals. That is, it meant location of CSCE observers in the territory of Azerbaijan, and showed that a distance of only 10 kilometers would be kept under control. Azerbaijan expressed its decisive rejection to this document, and brought to the attention of the Minsk group members that it would not accept it.

Following that, Armenia made use of the facts that CSCE did not apply any real mechanisms for the settlement of the conflict and that international community remained indifferent, and they invaded Gubadli, Jabrayil and Fizuli regions of Azerbaijan as well. In September, members of the CSCE Minsk group met in Paris, and here again a new version of the "Timetable of the Urgent Steps" was presented to the sides. However, this project also did not take into account Azerbaijan's proposals. It put forward conditions for withdrawal of the Armenian armed forces from the occupied territories of Azerbaijan and this violated the significant principles of international law. The Azerbaijan side stated that it was impossible to accept such a document and resolutely rejected signing it. The UN Security Council discussed the document and stated its approval of the document and that it is possible to regulate the conflict in the region based on this plan. This was clearly reflected in the UN Security Council's Resolution 874.

In October, during the visit of the CSCE chairman Margarita af Uglas to the conflict area, Armenia occupied the Zangilan region as well. This expressed clearly that Armenia does not care at all about the response of international organizations, and it is indifferent to the adopted decisions and resolutions.

In November 1993, the Vienna meeting of the CSCE member states adopted a statement regarding the Nagorno-Karabakh conflict. The document assessed the continuation of the military operations, the fact of occupation of new territories as a step contradicting the principles of international law, and marked the necessity of the withdrawal of the occupying forces from the Horadiz and Zangilan regions. The statement reflected summoning the CSCE Minsk Conference, and the withdrawal of the military forces from the territories occupied before that, as well as a ceasefire. At this meeting, the "Renewed Timetable of the Urgent Steps" was again presented to the sides of the conflict. Nevertheless, this document differed not much from the "Paris Timetable" that Azerbaijan had not accepted. The "Timetable of the Urgent Steps" presented the separatist regime in Nagorno-Karabakh as an independent side and did not demand withdrawal of the occupying forces from Shusha and Lachin. Therefore, Azerbaijan did not agree to accept this plan.

Since 1994, Russia started to play a more active role in the settlement of the conflict. On February 8, the draft agreement "About putting an end to the armed conflict and elimination of its effects" prepared by Russia was presented to the sides.

This document contained some positive and negative features. The positive feature was that the draft document indicated unconditional implementation of the UN Resolutions. In addition, Russia proposed that the legal status of Nagorno-Karabakh was defined in the form agreed later. At the initial stage, the gunfire needed to cease and the Armenian troops were to be withdrawn from the occupied territories. This meant that Armenia releases the other occupied regions in not belonging to the Nagorno-Karabakh region of Azerbaijan, and only after that the status of the Nagorno-Karabakh was to be brought to the discussion. Naturally, such a situation was in favor of Azerbaijan, at least from the point of view that it created a condition for non-military return of a part of the occupied territories. However, the document did not mention anything about Shusha and Lachin. Russia proposed to determine Lachin's destiny at the same time with the creation of a safe road between Armenia and Nagorno-Karabakh under international control, which on the one hand did not seem real at that time, and on the other hand, Russia meant that the forces to control the corridor were
exactly Russian soldiers. The draft also indicated the separatist regime in the Nagorno-Karabakh as an independent side. The plan proposed by Russia was not admitted.

In April, during the meeting of the CSCE Minsk group in Prague a new plan "About Measures for Strengthening the Trust" was put forward. Some parts of this plan coincided with the proposals of Russia. The plan indicated that Azerbaijan should undertake the liability of opening all the communication lines with Armenia during the course of the negotiations process.

In May 1994, one more meeting took place in the city of Bishkek regarding settlement of the conflict at the initiative of the CIS Inter-parliamentary Assembly. A final document was adopted as well here, but Azerbaijan did not sign that document because it provided the Armenian community in Nagorno-Karabakh with the authority to sign the document as an independent side and did not provide such a right for the Azeri community.

Finally, after long negotiations and discussions, on May 12, 1994, the ceasefire treaty was signed between Azerbaijan and Armenia. Let us remember that it retained the first serious and important step towards peace between the sides to the conflict since the start of the Nagorno-Karabakh conflict.

The negotiation process kept on as well after the achievement of ceasefire. The CSCE fulfilled its mediation mission at the negotiations as before and called for the achievement of an agreement that would lead to standing peace between the sides. True, some objective and subjective defects appeared in this process; in many cases, the factor of double standards displayed itself, unfair points were reflected in the CSCE documents and proposals. Nevertheless, with all of these, it should be noted that CSCE has been the only international organization, which was intensively engaged in the conflict's settlement and demonstrated true activity for the accomplishment of real results. The efforts of the Minsk group must be pointed out particularly in this aspect. Though the activity of this organization has not finished in a real peace yet, it should be confessed that the CSCE's activity has played a matchless role in keeping the Armenia-Azerbaijan, Nagorno-Karabakh conflict in the focus of attention of the international community.

Let us note that controversies between CSCE and Russia appeared in the course of the negotiations process and sometimes this factor rendered its negative affect on the achievement of peace. CSCE, which was representing directly the interests of West and trying to look a bit more neutral in comparison to Russia, did not want positions of Moscow to strengthen in the Southern Caucasus. In addition, naturally, Russia had a completely different position and tried to put forward a settlement model that would correspond to its own interests. At the time when certain compromises were achieved in the course of the negotiations, intensification of the Armenian operations in the front line appeared, due precisely to these controversies.

In July 1994, the draft "Big Political Agreement" prepared by Russia was presented for discussion at the meeting of the CSCE Minsk group in Vienna. This draft was to be presented to the sides after some proposals and additions of CSCE. After long discussions, it appeared that CSCE and Russia had failed to reach a common position on the draft. Let us note that here it was intended to coordinate the "Timetable of the Urgent Steps" proposed by the Minsk group with the draft put forward by Russia. The main difference between the documents was that Russia intended to control fully the regulation process.

The CSCE supported multilateral mediation. Russia, as before, backed the idea that the peaceful forces would be the Russian army, while the CSCE - the multinational forces. Finally, in October 1994, the CSCE adopted a resolution demanded that the peaceful forces must contain multinational forces. Russia accepted this with a serious protest. Thus, the proposal on dispatch of multinational forces to the conflict region was presented to the sides' discussion by the decision of the CSCE Minsk group. Armenia did not agree with this proposal.

In December 1994, the next summit of member states to CSCE took place in Budapest. The documents adopted here contained a special provision regarding the Armenia-Azerbaijan, Nagorno-Karabakh conflict. The Budapest summit made a decision about renaming the CSCE as OSCE from January 1995.

In February 1995, the ad hoc representative of the USA for Nagorno-Karabakh Joseph Pressel visited the conflict region. However, this visit of his met with a serious dissatisfaction in Azerbaijan. That is, by
calling Azerbaijan to compromise, to withdraw its claims. J. Pressel showed that in fact he backed the positions of Armenia. This, naturally, was not a position that would help to settle the conflict; on the contrary, it was a position that delayed the peace process.

In 1995, negotiations again started in Moscow at the initiative of Russia. It was intended that the separatist regime in Nagorno-Karabakh would as well take part in these negotiations as an independent side. In this case, Azerbaijan suggested participation of the Azeri community of Nagorno-Karabakh in the process. In the course of the negotiations, Armenia made a new proposal that the peace agreement was to be signed following the dispatch of the peaceful forces to the conflict region. Armenians were against the idea that Turkish forces were as well among the peaceful forces, wanted the issue of the release of Shusha and Lachin to be considered after determination of the Nagorno-Karabakh status, and required that Lachin be also under the control of Armenian troops. The Azerbaijan side did not accept any of these proposals.

In 1995, the next meeting of the OSCE Minsk group was held in Stockholm. The statement adopted here expressed OSCE Minsk group's approval of the maintenance of the ceasefire regime, called on the parties concerned to avoid restarting military operations, demanded eliminating unconditionally of the consequences of the conflict, and recommended the continuation of the negotiation process.

In May the same year, Armenia stated that it had stopped the negotiations concerning the settlement of the Armenia-Azerbaijan, Nagorno-Karabakh conflict, as part of the Minsk process, on the eve of the negotiations in Moscow. This showed that the negotiations process had failed. The negotiations of the OSCE Minsk group taking place some time after that in Helsinki and Budapest remained ineffective, too.

Thereafter the Western countries started to display a more active position in order to achieve real results in the negotiations. The fact that the representatives of the USA, Turkey and Germany to the OSCE Minsk group were provided with the status of ad hoc plenipotentiary ambassadors, was the direct evidence of this. In September 1995, the next stage of the negotiations took place in Moscow and here Azerbaijan succeeded in making some progress. That is, Armenia agreed to consider releasing Shusha and Lachin before determination the status of the Nagorno-Karabakh. Let us note that first of all, this was the result of Russia's pressures because, following the known statement of J. Pressel, Russia decided to make this maneuver in order to gain control over the negotiations process. With this Moscow wanted to demonstrate it's more constructive and efficient activity. However, Armenia again refused to undertake a liability concerning release of Lachin and Shusha. Armenians expressed their protest against the dispatch of the OSCE peaceful forces to Lachin, and they also stated the impossibility of giving Shusha back to Azerbaijan.

In December 1995, the meeting of the OSCE Foreign Ministers was held in Budapest and here again the failure to reach a common position around the same issues led to no progress in the peace process.

In January 1996, the meeting of the OSCE Minsk group in Moscow was ineffective as well. The points causing arguments did not differ from the previous ones.

In June negotiations were again conducted in Moscow. This time also Armenia did not agree to release Shusha and Lachin. They made a pretext that the economic and military power of Azerbaijan has increased, and expressed their fear of this. Interestingly, the thoughts of the co-chairmen coincided with the pretexts of Armenia in this issue. Therefore, the Moscow negotiations did not produce any progress.

Further, in 1996 at the Lisbon summit, a serious struggle was observed for co-chairmanship of the OSCE Minsk group. That is, at that time, Russia and Finland were the co-chairmen of the Minsk group and their positions mostly coincided.

After tense discussions, the co-chairmanship of Finland was replaced with France. Nevertheless, this did not serve either to strengthen Azerbaijan's positions in the negotiations. For this reason, co-chairmanship of the USA was put to agenda at the initiative of the Azerbaijan president Heydar Aliyev. Although Armenia and Russia opposed this seriously, in February 1997, Deputy State Secretary of USA Stroub Tellbott was appointed the cochairman of the OSCE Minsk group.

In April, the next meeting of the Minsk group was held for the first time in Moscow following the Lisbon summit. However, this meeting failed as well to adopt any concrete decision for the non-constructive
position of Armenia. After that, the co-chairmen intensified their activity even more and began working out a new draft concerning settlement of the Armenia-Azerbaijan, Nagorno-Karabakh conflict.

In June 1997, the co-chairmen prepared their first proposal regarding the conflict's settlement - the draft document titled as "The Universal Agreement on settlement of the Nagorno-Karabakh conflict" - and presented it to the sides. The proposal comprised of two agreements included in one package. The first agreement intended the cessation of the armed conflict, the second, determination of the status of Nagorno-Karabakh. It was recommended to withdraw the armed forces in two stages.

At the first stage, the forces around the current point of contact to the east and south from Nagorno-Karabakh were to retreat for some kilometers towards the agreed lines. During this, the recommendations of the OSCE's Committee of High-Ranking Persons were to be duly considered in order to create an opportunity for initial location of the front group of the multinational forces in the militarily reasoned buffer zone, the separation of the sides along this line, and the maintenance of safety at the second stage withdrawal of forces.

At the second stage, the Armenian forces were to be taken to the interior of the Republic of Armenia, the Nagorno-Karabakh forces were to be returned to the borders of the Nagorno-Karabakh Autonomous Region determined as in 1988, and Azerbaijan forces were to direct to the lines agreed based on the Committee of High-Ranking Persons. The second agreement called "status" showed the recognition of the territorial integrity and inviolability of borders of Azerbaijan and Armenia as the main principle. In accordance with this document Nagorno-Karabakh is an integral part of Azerbaijan, and its self-determination is possible only after it is formalized in the agreement between the governmental bodies of Azerbaijan Republic and Nagorno-Karabakh, approved by the Minsk Conference, and incorporated in the Constitutions of Azerbaijan and Nagorno-Karabakh.

In case this agreement was reached, Nagorno-Karabakh and Nakhichevan could have the right of maintaining free and smooth transport and communication contacts with Armenia and Azerbaijan. In addition, the administrative borders of Nagorno-Karabakh were to be defined based on the former Nagorno-Karabakh Autonomous Region. The draft agreement indicated as well the possibility of a Nagorno-Karabakh Constitution. However, that constitution was to incorporate the official agreement on the form of self-determination based on this document between the governmental bodies of Nagorno-Karabakh and Azerbaijan. The document also reflected the possibility of the legislative body of Nagorno-Karabakh, as well as its own National Guard.

Despite its several defects, the Azerbaijan side stated that it accepts the proposal. The point was that notwithstanding that it was called the draft agreement, this document did not reflect the accurate settlement mechanisms of the conflict, but the approximate directions of the negotiations process, and that's why Azerbaijan side did not refuse to accept the draft as the basis. On the other hand, supposedly, Azerbaijan had forecasted that Armenia would not agree with this draft, and in further course of the process, it proved this forecast. The Armenian government and the heads of the separatist regime settled in Nagorno-Karabakh refuted this proposal. Azerbaijan needed this much as another fact displaying the unwillingness of the opposite side to dialogue.

The same year in September, the co-chairmen came to the region with a new package of proposals. The new draft agreement "On the cessation of the armed conflict in Nagorno-Karabakh" intending the conflict's "stage-by-stage settlement" was much more admissible for Azerbaijan than the previous one. On October 1, official Baku stated the possibility of accepting this proposal as the basis for starting negotiations. Let us note that this package of proposals known as the plan of "stage-by-stage settlement" intended two-stage settlement of the conflict. The first stage reflected cessation of the conflict and articles on elimination of its consequences, while the second stage intended determination of the Nagorno-Karabakh status within Azerbaijan before the OSCE Minsk Conference. The preferable feature of the "stage-by-stage settlement" plan was that it indicated occupation of six out of the seven other occupied adjacent regions of Azerbaijan. These regions were Kalbajar, Aghdam, Fizuli, Jabrayil, Gubadli and Zangilan. The fortune of the Lachin
region was to be settled in the further stage. On the other hand, another preference of the draft agreement was that it pointed out the possibility of applying sanctions against the sides not implementing the appropriate provisions. Despite President L. Ter-Petrosyan's efforts, this proposal did not pass as well. On December 2, 1997 the co-chairmen presented a new version of that draft intending participation of the separatist regime in Nagorno-Karabakh as a side in the negotiations. However, this was inadmissible for Azerbaijan side and met acute protest from official Baku. The head of our state H. Aliyev expressed decisively that he is not going to agree with this format.

A little after that, in February 1998, L. Ter-Petrosyan could no longer stand the internal and external threats, and had to resign. However, his idea that "If it keeps on like this, in a few years we can lose not only Nagorno-Karabakh, but also Armenia together with it" had already shaken the community seriously. The "common state" proposal Put forward by the co-chairmen in November 1998, did not satisfy Azerbaijan at all. The draft marked that the sides would sign the agreement on the status of Nagorno-Karabakh, and that agreement would ratify that Nagorno-Karabakh is a union of state and territory in the form of a republic. It indicated that Nagorno-Karabakh would create a common state with Azerbaijan within its borders known in the international world. Azerbaijan and Nagorno-Karabakh would sign an agreement on the determination of the limits of realization of authorities between the respective bodies of government and their mutual commissioning, and this document would be in force as the law of a constitution.

The draft showed as well that Azerbaijan and Nagorno-Karabakh would create a joint committee to include representatives of the Presidents, Prime Ministers, and chairmen of the parliaments in order to define the policy and activity concerning the joint authority.

In addition, in accordance with the draft, representations of Nagorno-Karabakh and Azerbaijan were to be established in Baku and Stepanakert appropriately in order to keep in contact and coordinate joint events; this actually expressed the condition of recognizing Nagorno-Karabakh as an independent state. The document openly stated that Nagorno-Karabakh would have the right to keep direct contact with foreign countries in the fields of economy, trade, science, culture, sports with the condition that it has the appropriate representation abroad. The political parties and public organizations will have the right to establish links with the political parties and public organizations of foreign states. The draft contained even such a provision that Nagorno-Karabakh will take part in realization of the foreign policy of Azerbaijan regarding its own interests, and such kind of decisions will be adopted with agreement of the two sides.

The third proposal of the co-chairmen marked as well the possibility of the Nagorno-Karabakh government to have its own representatives at Azerbaijan embassies or consulates to foreign states, in which it has interests. This draft provided as well the separatist regime in Nagorno-Karabakh with the right to send its own experts within Azerbaijan delegations to take part in international negotiations regarding its own interests. Naturally, the Azerbaijan side could not accept such a proposal that intended providing Nagorno-Karabakh with authorities of an independent state. Therefore, the president Heydar Aliyev expressed his resolute protest against this, and the draft document was not adopted.

Further, at different times, the co-chairmen visited the region and meetings of the OSCE Minsk group were held. However, the proposal of "common state" remains the last draft presented to the sides. None of these proposals have been realized for the non-constructive position of Armenia. While the international community's opportunities to affect the aggressor and provide release of Azerbaijan territories from occupation are not so restricted.

Since April 1999, direct dialogue of the presidents started at the initiative of the USA; the OSCE Minsk group has repeatedly stated its approval of this format and the necessity of continuance of the dialogue by the heads of states. In fact, after the last proposal and start of the presidents' direct dialogue, the OSCE Minsk group has begun fulfilling actually not the mission of mediation, but that of observation. However, the presidents' dialogue also failed to lead to any concrete progress in the settlement of the Nagorno-Karabakh conflict.
The mood of war increased in Azerbaijan, since the achievement of a compromise between the sides already looked impossible. Undoubtedly, the successful results of the economic reforms carried out in the country played a big role in this, too. On the other hand, Azerbaijan succeeded to blow significant strikes on Armenia's positions on the international plane, and it achieved great accomplishments in forming an objective idea in the international community about the true reasons and essence of the conflict. All of these affected psychologically the population of Azerbaijan and increased its desire to get back the territories at any cost.

Since the beginning of 2001, re-activation of the negotiations Process was observed. The format kept unchanged, and the international community is trying for the settlement of the conflict within a framework of the direct meetings of the presidents. In January 2001, the next stage of negotiations between the heads of Azerbaijan and Armenia started in France at the initiative of Jack Chirac. The Paris negotiations were already the 14th meeting of the presidents. Though the meeting conducted serious discussions on the settlement of the conflict, no concrete result was achieved. Nevertheless, both the presidents of Azerbaijan and Armenia and the president of France Jack Chirac made a statement expressing the necessity of continuing the dialogue, and stressed that the efforts for achieving a compromise between the sides will keep on as well in the future.

In March, the chairman of the OSCE Mircha Juane visited the region. The OSCE chairman made a statement indicating that all the opportunities will be used for further continuance of the dialogue between the sides, that there is a favorable condition for settlement of the conflict, and that he is expecting a real result of the presidents' direct meetings. Since this visit coincided with a stage when the negotiations were activated, this created a hope for serious steps to be taken soon for achievement of peace.

On March 3, the next meeting of the presidents was held in France at the initiative of the president Jack Chirac, created an impression that the day of the signature of the peace treaty is close. Since the presidents also preferred optimistic tunes in their statements, the possibility of a progress in the settlement of the Armenia-Azerbaijan, Nagorno-Karabakh conflict seemed real. Nevertheless, it should be noted that the only common position of the presidents meant the principles of continuing the negotiations and increasing activity in this direction.

On March 12, Heydar Aliyev left for Turkey, and here peace issues were comprehensively discussed. The joint statement signed by the presidents mentioned as well the Karabakh issue, and this time again Turkey stated that, it will defend Azerbaijan's interests up to the last point. The President Ahmad Nejdet Sezer stressed his readiness to render all the necessary assistance to the President Heydar Aliyev. On March 14, the state secretary of the USA C.Powell invited the presidents to the USA in order to start the next stage of negotiations. C.Powell was also to take part at this meeting together with the co-chairmen, and it was expected that the negotiations taking place in Key West would be a significant step in the conflict's regulation, and even the principles of the peace agreement to be signed would be defined here.

The Key West negotiations started on April 3 with the participation of the president Heydar Aliyev and R.Kocharyan, the USA State Secretary Colin Powell, OSCE co-chairmen Keri Cavano, Jan Jack Gaydar, Nikolay Gribkov, and the first deputy foreign minister of Russia V. Trubnikov.

The negotiations finished on April 6, and the co-chairmen stated that they are working on a new proposal. They would present it to the presidents at the meeting to take place in Geneva in June. However, later this meeting was postponed.

The negotiations passed in a very strained way. The attention of the entire world was already directed to the USA. There were many who predicted that this meeting would gain agreement on many issues. Nevertheless, the optimistic expectations did not prove themselves, although both the co-chairmen and presidents remarked that there was progress towards peace.

During this meeting, the president Heydar Aliyev strongly criticized the OSCE co-chairmen in his statement and stressed their passive activity, C. Powell confirmed that this is an objective statement and there is a need for a more active work for the settlement of the conflict.
On April 9, Azerbaijan President Heydar Aliyev met with the USA President George W. Bush. Extensive exchange of opinions was conducted regarding the conflict. The president G. W. Bush stressed that he was informed about the results of the Key West negotiations and backs its continuance. He said that America will as well further make due efforts for the achievement of a compromise between the sides. Actually, the Key West negotiations also failed to cause peace. Though some chances appeared for progress of the negotiations, they failed to keep on and thus, one more effort finished ineffectively.

After the terror acts of September 11, 2001, which shook the whole world, the principal position demonstrated by Azerbaijan played a significant role in the change of the attitude towards our country. Comprehension that international terrorism has become a global threat at the beginning of the XX century, instigated creation of a new configuration on the political position of the world, and at this stage Azerbaijan became one of the most reliable partners of the USA on this issue. The President Heydar Aliyev demonstrated that Azerbaijan would always support America in the fight against international terrorism, which on the one hand strengthened the trust of Washington in our country, and on the other hand, created a ground for declamation of Armenia's terrorist activity by the world community.

On October 24, 2001 the USA Senate ratified the draft of the senator Sam Brownback about the invalidation of the 907th Amendment. In January 2002, the president G. W. Bush issued a decree on vitiation of the 907th Amendment to the 'Freedom Support Act'. Invalidation of the 907th Amendment is characterized as the beginning of a new stage in Azerbaijan-USA relations. This prohibition had been imposing restriction on the direct assistance of the USA to Azerbaijan since 1992 and its consequences did not include only economic factors. The Armenian political circles and Armenian lobby used this fact as a means of propaganda against our country.

On April 30, 2002, a summit of the heads of Azerbaijan, Turkey and Georgia was held in Trabzon. The presidents' summit discussed the fight against international terrorism and safety of the pipelines. The "Agreement between the Azerbaijan Republic, Georgia and Turkey on the struggle against terrorism, organized crime and other heavy crimes was signed at the end of the negotiations. This agreement greatly affected the strengthening of Azerbaijan's positions in the region and Armenia's isolated position. In fact, the above-mentioned agreement meant official confirmation of the development of the three states' geopolitical and economic positions on the same plane and after that, each of the three states undertook the liability to have the same position in all the important issues. Armenia was the only country in the Southern Caucasus that was left outside such a significant agreement.

Though no serious activity was observed in the further negotiations process, the presidents' direct dialogue kept on maintaining its topicality. On August 15, 2002 the presidents met in Sedeerek and the negotiations lasted for 4 hours. At last, both the presidents made statements expressing their will to continue the negotiations.

In summer 2002, the 49th session of the UN General Assembly was held. Azerbaijan President Heydar Aliyev attended this session as well. In his speech he allocated an extensive place for the issues linked with the Armenia-Azerbaijan, Nagorno-Karabakh conflict and expressed his anxiety of non-implementation of the UN resolutions. During the session Azerbaijan Foreign Minister sent a letter to the UN General Secretary Coffee Annan and stated that Armenia neglects the UN resolutions and this country violates the principle of inviolability of Azerbaijan's territorial integrity. C. Annan emphasized once again his recognition of Azerbaijan's territorial integrity in the letter he sent to the Azerbaijan Foreign Minister.

The negotiations process did not pass very actively until late 2003. One of the major reasons of this was linked with the presidential elections to take place in Azerbaijan and Armenia. Following the elections, the negotiations again started activating.

In December 2003, Azerbaijan President Ilham Aliyev and the Armenian President R.Kocharyan met for the first time. The meeting was mainly of acquaintance character and one of its main results was that both sides stated their readiness to continue the negotiations and to try for a more intensive character of the process. The meeting of Azerbaijan and Armenian presidents which was held in Warsaw on April 28 was as
well of great importance for some important points. First, both the presidents stated that the opportunities for continuance of the negotiations have not run out and the activity in this direction will keep on.

On the other hand, the meeting decided to continue the intensive direct negotiations of the foreign ministers. Let us note that some significant changes occurred during the period between the two meetings of the presidents and this gives a chance to utter some remarks about the current content of the negotiations. The case is that, during this period the USA started to be represented by a new co-chairman of the OSCE Minsk group. This is appreciated as the display of the USA’s intention to play a more active role in the conflict's settlement, as the Azerbaijan President said once.

Another important consideration should not be ignored, which is that very radical differences have emerged between the situation of Armenia at the time when the first meeting with the Armenian President took place and its current state. The country is suffering a serious political crises and R. Kocharyan is unable to stand vigorously against the opposition. By the way, even the representative from Armenia, himself, has assessed the situation in Armenia as a treachery in one of his statements on the eve of the meeting.

Foreign Minister of Armenia V. Oskanyan stated as well that the tension in the country seriously damages the positions of the president Kocharyan on the eve of the negotiations and above all, it is the national interests of the Armenian state that suffers from this. Presently, the European Council intends to discuss the situation in Armenia and evidently, no good opinion is going to be expressed about the mentioned country in these discussions.

The situation in Azerbaijan is much different. Socio-political stability and economic development reigns in the republic. Citing a single fact suffices in proving this point: that on the average, 10 million dollars worth of investments is being circulated throughout Azerbaijan per day. Consequently, many things have happened in the period between the first and the second meetings of the presidents, which proves once again that President Ilham Aliyev's motto of "We do not hurry" rests on very precise forecasts. Finally, it should also be considered that this process, which is in favor of Azerbaijan, is not very slow; on the contrary, the situation is rapidly evolving with each passing day.

VIII. DOCUMENTS ADOPTED BY INTERNATIONAL ORGANIZATIONS


1. UNITED NATIONS

Security Council

Distr. GENERAL
S/RES/822 (1993)
30 April 1993

Resolution 822

Adopted by the Security Council at its 3205th meeting,
on 30 April 1993

The Security Council,

Recalling the statements of the President of the Security Council of 29 January 1993 (S/25199) and of 6 April 1993 (S/25539) concerning the Nagorny-Karabakh conflict,

Taking note of the report of the Secretary-General dated 14 April 1993 (S/25600),

Expressing its serious concern at the deterioration of the relations between the Republic of Armenia and the Republic of Azerbaijan,

Noting with alarm the escalation in armed hostilities and, in particular, the latest invasion of the Kelbadjar district of the Republic of Azerbaijan by local Armenian forces,

Concerned that this situation endangers peace and security in the region,

Expressing grave concern at the displacement of a large number of civilians and the humanitarian emergency in the region, in particular in the Kelbadjar district,

Reaffirming the respect for sovereignty and territorial integrity of all States in the region,

Reaffirming also the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory,

Expressing its support for the peace process being pursued within the framework of the Conference on Security and Cooperation in Europe and deeply concerned at the disruptive effect that the escalation in armed hostilities can have on that process,
1. **Demands** the immediate cessation of all hostilities and hostile acts with a view to establishing a durable cease-fire, as well as immediate withdrawal of all occupying forces from the Kelbadjar district and other recently occupied areas of Azerbaijan;

2. **Urges** the parties concerned immediately to resume negotiations for the resolution of the conflict within the framework of the peace process of the Minsk Group of the Conference on Security and Cooperation in Europe and refrain from any action that will obstruct a peaceful solution of the problem;

3. **Calls** for unimpeded access for international humanitarian relief efforts in the region, in particular in all areas affected by the conflict in order to alleviate the suffering of the civilian population and reaffirms that all parties are bound to comply with the principles and rules of international humanitarian law;

4. **Requests** the Secretary-General, in consultation with the Chairman-in-Office of the Conference on Security and Cooperation in Europe as well as the Chairman of the Minsk Group of the Conference to assess the situation in the region, in particular in the Kelbadjar district of Azerbaijan, and to submit a further report to the Council;

5. **Decides** to remain actively seized of the matter.

http://daccessdds.un.org
2. UNITED NATIONS

Security Council

Distr. GENERAL


Resolution 853

Adopted by the Security Council at its 3259th meeting,
on 29 July 1993

The Security Council,

Reaffirming its resolution 822 (1993) of 30 April 1993,

Having considered the report issued on 27 July 1993 by the Chairman of the Minsk Group of the Conference on Security and Cooperation in Europe (CSCE) (S/26184),

Expressing its serious concern at the deterioration of relations between the Republic of Armenia and the Azerbaijani Republic and at the tensions between them,

Welcoming acceptance by the parties concerned of the timetable of urgent steps to implement its resolution 822 (1993),

Noting with alarm the escalation in armed hostilities and, in particular, the seizure of the district of Agdam in the Azerbaijani Republic,

Concerned that this situation continues to endanger peace and security in the region,

Expressing once again its grave concern at the displacement of large numbers of civilians in the Azerbaijani Republic and at the serious humanitarian emergency in the region,

Reaffirming the sovereignty and territorial integrity of the Azerbaijani Republic and of all other States in the region,

Reaffirming also the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory,

1. Condemns the seizure of the district of Agdam and of all other recently occupied areas of the Azerbaijani Republic;

2. Further condemns all hostile actions in the region, in particular attacks on civilians and bombardments of inhabited areas;
3. **Demands** the immediate cessation of all hostilities and the immediate, complete and unconditional withdrawal of the occupying forces involved from the district of Agdam and all other recently occupied areas of the Azerbaijani Republic;

4. **Calls on** the parties concerned to reach and maintain durable cease-fire arrangements;

5. **Reiterates** in the context of paragraphs 3 and 4 above its earlier calls for the restoration of economic, transport and energy links in the region;

6. **Endorses** the continuing efforts by the Minsk Group of the CSCE to achieve a peaceful solution to the conflict, including efforts to implement resolution 822 (1993), and expresses its grave concern at the disruptive effect that the escalation of armed hostilities has had on these efforts;

7. ** Welcomes** the preparations for a CSCE monitor mission with a timetable for its deployment, as well as consideration within the CSCE of the proposal for a CSCE presence in the region;

8. **Urges** the parties concerned to refrain from any action that will obstruct a peaceful solution to the conflict, and to pursue negotiations within the Minsk Group of the CSCE, as well as through direct contacts between them, towards a final settlement;

9. ** Urges** the Government of the Republic of Armenia to continue to exert its influence to achieve compliance by the Armenians of the Nagorny-Karabakh region of the Azerbaijani Republic with its resolution 822 (1993) and the present resolution, and the acceptance by this party of the proposals of the Minsk Group of the CSCE;

10. **Urges** States to refrain from the supply of any weapons and munitions which might lead to an intensification of the conflict or the continued occupation of territory;

11. **Calls once again** for unimpeded access for international humanitarian relief efforts in the region, in particular in all areas affected by the conflict, in order to alleviate the increased suffering of the civilian population and reaffirms that all parties are bound to comply with the principles and rules of international humanitarian law;

12. **Requests** the Secretary-General and relevant international agencies to provide urgent humanitarian assistance to the affected civilian population and to assist displaced persons to return to their homes;

13. **Requests** the Secretary-General, in consultation with the Chairman-in-Office of the CSCE as well as the Chairman of the Minsk Group, to continue to report to the Council on the situation;

14. **Decides** to remain actively seized of the matter.

http://daccessdds.un.org
3. UNITED NATIONS

Security Council

Distr. GENERAL
S/RES/874 (1993) 14 October 1993

Resolution 874

Adopted by the Security Council at its 3292nd meeting,
on 14 October 1993

The Security Council,

Reaffirming its resolutions 822 (1993) of 30 April 1993 and 853 (1993) of 29 July 1993, and recalling the statement read by the President of the Council, on behalf of the Council, on 18 August 1993 (S/26326),

Having considered the letter dated 1 October 1993 from the Chairman of the Conference on Security and Cooperation in Europe (CSCE) Minsk Conference on Nagorny Karabakh addressed to the President of the Security Council (S/26522),

Expressing its serious concern that a continuation of the conflict in and around the Nagorny Karabakh region of the Azerbaijani Republic, and of the tensions between the Republic of Armenia and the Azerbaijani Republic, would endanger peace and security in the region,

Taking note of the high-level meetings which took place in Moscow on 8 October 1993 and expressing the hope that they will contribute to the improvement of the situation and the peaceful settlement of the conflict,

Reaffirming the sovereignty and territorial integrity of the Azerbaijani Republic and of all other States in the region,

Reaffirming also the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory,

Expressing once again its grave concern at the human suffering the conflict has caused and at the serious humanitarian emergency in the region and expressing in particular its grave concern at the displacement of large numbers of civilians in the Azerbaijani Republic,

1. Calls upon the parties concerned to make effective and permanent the cease-fire established as a result of the direct contacts undertaken with the assistance of the Government of the Russian Federation in support of the CSCE Minsk Group;

2. Reiterates again its full support for the peace process being pursued within the framework of the CSCE, and for the tireless efforts of the CSCE Minsk Group;
3. Welcomes and commends to the parties the "Adjusted timetable of urgent steps to implement Security Council resolutions 822 (1993) and 853 (1993)" set out on 28 September 1993 at the meeting of the CSCE Minsk Group and submitted to the parties concerned by the Chairman of the Group with the full support of nine other members of the Group, and calls on the parties to accept it;

4. Expresses the conviction that all other pending questions arising from the conflict and not directly addressed in the "Adjusted timetable" should be settled expeditiously through peaceful negotiations in the context of the CSCE Minsk process;

5. Calls for the immediate implementation of the reciprocal and urgent steps provided for in the CSCE Minsk Group’s "Adjusted timetable", including the withdrawal of forces from recently occupied territories and the removal of all obstacles to communications and transportation;

6. Calls also for an early convening of the CSCE Minsk Conference for the purpose of arriving at a negotiated settlement to the conflict as provided for in the timetable, in conformity with the 24 March 1992 mandate of the CSCE Council of Ministers;

7. Requests the Secretary-General to respond favourably to an invitation to send a representative to attend the CSCE Minsk Conference and to provide all possible assistance for the substantive negotiations that will follow the opening of the Conference;

8. Supports the monitoring mission developed by the CSCE;

9. Calls on all parties to refrain from all violations of international humanitarian law and renews its call in resolutions 822 (1993) and 853 (1993) for unimpeded access for international humanitarian relief efforts in all areas affected by the conflict;

10. Urges all States in the region to refrain from any hostile acts and from any interference or intervention which would lead to the widening of the conflict and undermine peace and security in the region;

11. Requests the Secretary-General and relevant international agencies to provide urgent humanitarian assistance to the affected civilian population and to assist refugees and displaced persons to return to their homes in security and dignity;

12. Requests also the Secretary-General, the Chairman-in-Office of the CSCE and the Chairman of the CSCE Minsk Conference to continue to report to the Council on the progress of the Minsk process and on all aspects of the situation on the ground, and on present and future cooperation between the CSCE and the United Nations in this regard;

13. Decides to remain actively seized of the matter.
4. UNITED NATIONS

Security Council

Distr. GENERAL

Resolution 884

Adopted by the Security Council at its 3313th meeting,
on 12 November 1993

The Security Council,


Reaffirming its full support for the peace process being pursued within the framework of the Conference on Security and Cooperation in Europe (CSCE), and for the tireless efforts of the CSCE Minsk Group,

Taking note of the letter dated 9 November 1993 from the Chairman-in-Office of the Minsk Conference on Nagorny Karabakh addressed to the President of the Security Council and its enclosures (S/26718, annex),

Expressing its serious concern that a continuation of the conflict in and around the Nagorny Karabakh region of the Azerbaijani Republic, and of the tensions between the Republic of Armenia and the Azerbaijani Republic, would endanger peace and security in the region,

Noting with alarm the escalation in armed hostilities as consequence of the violations of the cease-fire and excesses in the use of force in response to those violations, in particular the occupation of the Zangelan district and the city of Goradiz in the Azerbaijani Republic,

Reaffirming the sovereignty and territorial integrity of the Azerbaijani Republic and of all other States in the region,

Reaffirming also the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory,

Expressing grave concern at the latest displacement of a large number of civilians and the humanitarian emergency in the Zangelan district and the city of Goradiz and on Azerbaijan’s southern frontier,

1. Condemns the recent violations of the cease-fire established between the parties, which resulted in a resumption of hostilities, and particularly condemns the occupation of the Zangelan district and the city of Goradiz, attacks on civilians and bombardments of the territory of the Azerbaijani Republic;
2. **Calls upon** the Government of Armenia to use its influence to achieve compliance by the Armenians of the Nagorno Karabakh region of the Azerbaijani Republic with resolutions 822 (1993), 853 (1993) and 874 (1993), and to ensure that the forces involved are not provided with the means to extend their military campaign further;

3. **Welcomes** the Declaration of 4 November 1993 of the nine members of the CSCE Minsk Group (S/26718) and **commends** the proposals contained therein for unilateral cease-fire declarations;

4. **Demands** from the parties concerned the immediate cessation of armed hostilities and hostile acts, the unilateral withdrawal of occupying forces from the Zangelan district and the city of Goradiz, and the withdrawal of occupying forces from other recently occupied areas of the Azerbaijani Republic in accordance with the "Adjusted timetable of urgent steps to implement Security Council resolutions 822 (1993) and 853 (1993)" (S/26522, appendix) as amended by the CSCE Minsk Group meeting in Vienna of 2 to 8 November 1993;

5. **Strongly urges** the parties concerned to resume promptly and to make effective and permanent the cease-fire established as a result of the direct contacts undertaken with the assistance of the Government of the Russian Federation in support of the CSCE Minsk Group, and to continue to seek a negotiated settlement of the conflict within the context of the CSCE Minsk process and the "Adjusted timetable" as amended by the CSCE Minsk Group meeting in Vienna of 2 to 8 November 1993;

6. **Urges again** all States in the region to refrain from any hostile acts and from any interference or intervention, which would lead to the widening of the conflict and undermine peace and security in the region;

7. **Requests** the Secretary-General and relevant international agencies to provide urgent humanitarian assistance to the affected civilian population, including that in the Zangelan district and the city of Goradiz and on Azerbaijan’s southern frontier, and to assist refugees and displaced persons to return to their homes in security and dignity;

8. **Reiterates** its request that the Secretary-General, the Chairman-in-Office of the CSCE and the Chairman of the CSCE Minsk Conference continue to report to the Council on the progress of the Minsk process and on all aspects of the situation on the ground, in particular on the implementation of its relevant resolutions, and on present and future cooperation between the CSCE and the United Nations in this regard;

9. **Decides** to remain actively seized of the matter.

http://daccessdds.un.org
8.2. Notes by the President of the Security Council

a. 12 May 1992

Following consultations among members of the Security Council the President of the Council made the following statement, on behalf of the Council, at its 3027nd meeting, on 12 May 1992, in connection with the Council’s consideration of the item entitled: "The situation relating to Nagorno-Karabakh".

The Members of the Security Council are deeply concerned by recent reports on the deterioration of the situation relating to Nagorno-Karabakh and by violations of cease-fire agreements which have caused heavy losses of human life and widespread material damage, and by their consequences for the countries of the region.

The Members of the Security Council commend and support the efforts undertaken within the framework of the Conference on Security and Cooperation in Europe (CSCE), as well as other efforts aimed at assisting the parties in arriving at a peaceful settlement and at providing humanitarian assistance.

They welcome the urgent dispatch by the Secretary-General of a mission to the region for fact-finding and to study ways and means to speedily assist the efforts undertaken within the framework of the CSCE to help the parties to reach a peaceful settlement. This mission will also include a technical element to look into ways the international community could provide prompt humanitarian assistance.

The Members of the Security Council call upon all concerned to take all steps necessary to bring the violence to an end, to facilitate the work of the Secretary General's mission and to ensure the safety of its personnel. They recall the statements made on their behalf by the President of the Council on 29 January (S/23496) and 14 February 1992 (S/23597) on the admission respectively of Armenia and Azerbaijan to the United Nations, in particular the reference to the Charter principle relating to the peaceful settlement of disputes and non-use of force.

b. 26 August 1992

Following consultations among members of the Security Council/ the President of the Council made the following statement, on behalf of the Council, in connection with the item entitled: "The situation relating to Nagorno-Karabakh".

The members of the Security Council are deeply concerned by recent reports on the deterioration of the situation relating to Nagorno-Karabakh with heavy losses of human life and widespread material damage.

The members of the Council strongly appeal to all parties and others concerned for an immediate cease-fire and support the efforts of the Minsk Conference on the question of Nagorno-Karabakh within the framework of the CSCE as well as the preparatory negotiations held in Rome. They urge all parties and others concerned to cooperate closely with the CSCE and to participate positively in the negotiations with a view to reaching a peaceful settlement of their disputes as early as possible. They have noted that the Secretary-General dispatched fact-finding missions to the region and was ready to send observers to the above CSCE negotiations. The members of the Council will consider further the role of the United Nations in Nagorno-Karabakh at an appropriate time in the light of the development of the situation in the area.

c. 27 October 1992

Following consultations with the members of the Security Council, the President of the Council made the following statement, on behalf of the Council, at its 3127th meeting, held on 27 October 1992, in connection with the Council's consideration of the item entitled "The situation relating to Nagorno-Karabakh":

The Security Council is deeply concerned by the grave situation which continues to prevail in Nagorno-Karabakh and surrounding districts and also by the resulting loss of human life and destruction of property despite the cease-fire agreement concluded at Sochi on 21 September 1992.

The Security Council reaffirms the terms of its statement of 26 August 1992 (S/24493) on the situation concerning Nagorno-Karabakh, and in particular its support for the efforts of the Minsk Conference on the Nagorno-Karabakh question within the framework of the Conference on Security and Cooperation in Europe (CSCE). It strongly urges all the parties and others concerned to implement the cease-fire forthwith and to lift all blockades. It requests that the Minsk Conference be convened immediately and that political negotiations be undertaken in accordance with the President’s rules of procedure. It urges all the parties and others concerned to cooperate closely with the CSCE and to participate positively in the Conference in order to reach an overall settlement of their disputes as soon as possible.

The Security Council welcomes the intention of the Secretary-General to send a representative to the region to evaluate the contribution which the United Nations might make in supporting the efforts of the CSCE and in providing humanitarian assistance.

After consultations held on 29 January 1993, the President of the Security Council made the following statement to the media on behalf of the members of the Council:

The members of the Security Council express their deep concern at the devastating effect of interruptions in the supply of goods and materials, in particular energy supplies, to Armenia and to the Nakhichevan region of Azerbaijan. They note with serious concern that these interruptions, combined with an unusually harsh winter, have brought the economy and infrastructure of the region to near collapse and created a real threat of starvation.

The members of the Council urge all countries in a position to help to facilitate the provision of fuel and humanitarian assistance and call on governments in, the region, with a view to preventing a further deterioration of the humanitarian situation, to allow humanitarian supplies to flow freely, in particular fuel to Armenia and to the Nakhichevan region of Azerbaijan.

The members of the Council reaffirm their full support for the CSCE efforts, designed to bring the parties together and achieve peace in the region. They call upon the parties to agree to an immediate cease-fire, and an early resumption of talks within the CSCE framework.

The members of the Security Council will keep the matter under consideration.

f. 6 April 1993

Following consultations with the members of the Security Council the President of the Council made the following statement, on behalf of the Council, at its 3194th meeting, on 6 April 1993, in connection with the Council's consideration of the item entitled "The situation relating to Nagorno-Karabakh":

The Security Council expresses its serious concern at the deterioration of relations between the Republic of Armenia and the Republic of Azerbaijan, and at the escalation of hostile acts in the Nagorno-Karabakh conflict, especially the invasion of the Kalbajar district of the Republic of Azerbaijan by local Armenian forces. The Council demands the immediate cessation of all such hostilities, which endanger peace and security of the region, and the withdrawal of these forces.

In this context, the Security Council, reaffirming the sovereignty and territorial integrity of all States of the region and the inviolability of their borders, expresses its support for the CSCE peace process. It expresses the hope that the recent preliminary agreement reached by the Minsk Group will be expeditiously followed by agreements on a ceasefire, a timetable for the deployment of the monitors, a draft political declaration and the convening, as soon as possible, of the Minsk Conference.

The Security Council urges the parties involved to take all necessary steps to advance the CSCE peace process and refrain from any action that will obstruct a peaceful solution to the problem.

The Council also calls for unimpeded access to international humanitarian relief efforts in the region and in particular in all areas affected by the conflict in order to alleviate the suffering of the civilian population.

The Security Council requests the Secretary-General, in consultation with the CSCE, to ascertain facts, as appropriate, and to submit urgently a report to the council containing an assessment of the situation on the ground

The Council will remain seized of the matter.

Following consultations with the members of the Security Council, the President of the Council made the following statement, on behalf of the Council, at its 3264th meeting, on 18 August 1993, in connection with the Council's consideration of the item entitled "The situation relating to Nagorno-Karabakh":

The Security Council expresses its serious concern at the deterioration of relations between the Republic of Armenia and the Azerbaijani Republic and at the tensions between them. The Council calls upon the Government of the Republic of Armenia to use its influence to achieve compliance by the Armenians of the Nagorno-Karabakh region of the Azerbaijani Republic with its resolutions 822 (1993) and 853 (1993).

The Council also expresses its deep concern at the recent intensification of fighting in the area of Fizuli. The Council condemns the attack on the Fizuli region from the Nagorno-Karabakh region of the Azerbaijani Republic, just as it has previously condemned the invasion and seizure of the districts of Kalbajar and Agdam of the Azerbaijani Republic. The Council demands a stop to all attacks and an immediate cessation of the hostilities and bombardments, which endanger peace and security in the region, and an immediate, complete and unconditional withdrawal of occupying forces from the area of Fizuli, and from the districts of Kalbajar and Agdam and other recently occupied areas of the Azerbaijani Republic. The Council calls upon the Government of the Republic of Armenia to use its unique influence to this end.

The Council reaffirms the sovereignty and territorial integrity of the Azerbaijani Republic and of all other States in the region and the inviolability of their borders, and expresses its grave concern at the effect these hostilities have had on the efforts of the Minsk Group of the Conference on Security and Cooperation in Europe (CSCE) to achieve a peaceful solution to the conflict. The Council stresses its full support of the CSCE peace process, and notes particularly the opportunity that the current round of Minsk Group talks has afforded the parties to the conflict to present their views directly. In this context, the Council calls upon all of the parties to respond positively and within the agreed time-frame to the 13 August adjusted version of the Minsk Group's 'Timetable of urgent steps to implement United Nations Security Council resolutions 822 (1993) and 853 (1993) and to refrain from any actions that would obstruct a peaceful solution. The Council welcomes the intention of the CSCE to send a mission to the region to report on all aspects of the situation.

In light of this most recent escalation of the conflict, the Council strongly reaffirms its call in resolution 853 (1993) for States to refrain from supplying any weapons and munitions which might lead to an intensification of the conflict or the continued occupation of territory of the Azerbaijani Republic. The Council calls upon the Government of the Republic of Armenia to ensure that the forces involved are not provided with the means to extend their military campaign still further.

The Council also renews its calls in resolutions 822 (1993) and 853 (1993) for unimpeded access for international humanitarian relief efforts in the region, in all areas affected by the conflict, in order to alleviate the continually increasing suffering of the civilian population. The Council reminds the parties that they are bound by and must adhere to the principles and rules of international humanitarian law.

The Security Council will remain actively seized of the matter and will be ready to consider appropriate steps to ensure that all parties fully respect and comply with its resolutions.

At the 3525th meeting of the Security Council, held on 26 April 1995, in connection with the Council's consideration of the item entitled "The situation relating to Nagorno-Karabakh", the President of the Security Council made the following statement on behalf of the Council:

The Security Council has considered the reports (S/1995/249 and S/1995/321) of the Co-Chairmen of the OSCE Minsk Conference on Nagorno-Karabakh presented in accordance with paragraph 8 of its resolution 884 (1993). It expresses its satisfaction that the cease-fire in the region agreed upon on 12 May 1994 through the mediation of the Russian Federation in cooperation with the OSCE Minsk Group has been holding for almost a year.

At the same time, the Council reiterates the concern it has previously expressed at the conflict in and around the Nagorno-Karabakh region of the Azerbaijani Republic and at the tensions between the Republic of Armenia and the Azerbaijani Republic. In particular, it expresses its concern at recent violent incidents and emphasizes the importance of using the mechanism of direct contacts for the settlement of incidents as agreed upon on 6 February 1995. It strongly urges the parties to the conflict to take all necessary measures to prevent such incidents in future.

The Council reaffirms all its relevant resolutions, inter alia, on the principles of sovereignty and territorial integrity of all States in the region. It also reaffirms the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory.

The Council reiterates its full support for the efforts of the Co-Chairmen of the Minsk Conference to assist in conducting speedy negotiations for the conclusion of a political agreement on the cessation of the armed conflict, the implementation of which will eliminate major consequences of the conflict for all parties, inter alia, ensuring withdrawal of forces, and permit the convening of the Minsk Conference. The Council stresses that the parties to the conflict themselves bear the main responsibility for reaching a peaceful settlement. It stresses the urgency of concluding a political agreement on the cessation of the armed conflict on the basis of the relevant principles of the Charter of the United Nations and of the OSCE. It strongly urges those parties to constructively conduct negotiations without preconditions or procedural obstacles and to refrain from any actions that may undermine the peace process. It emphasizes that the achievement of such an agreement is a prerequisite for the deployment of a multinational OSCE peace-keeping force.

The Council welcomes the decision of the Budapest summit of the CSCE of 6 December 1994 on the 'Intensification of CSCE action in relation to the Nagorno-Karabakh conflict' (S/1995/249, appendix). It confirms its readiness to provide continuing political support, inter alia, through an appropriate resolution regarding the possible deployment of a multinational OSCE peace-keeping force following agreement among the parties for cessation of the armed conflict. The United Nations also stands ready to provide technical advice and expertise.

The Council underlines the urgency of the implementation by the parties of confidence-building measures, as agreed upon within the Minsk Group on 15 April 1994, in particular in the humanitarian field, including the release of all prisoners of war and civilian detainees by the first anniversary of the cease-fire. It calls upon the parties to prevent suffering of the civilian populations affected by the armed conflict.

The Council reiterates its request that the Secretary-General, the Chairman-in-Office of the OSCE and the Co-Chairmen of the OSCE Minsk Conference continues to report to the Council on the progress of the Minsk process and on the situation on the ground, in particular, on the implementation of its relevant resolutions and on present and future cooperation between the OSCE and the United Nations in this regard.

The Council will keep the matter under consideration.

8.3. Resolutions adopted by the General Assembly

A/RES/48/114

Emergency international assistance to refugees and displaced persons in Azerbaijan

The General Assembly,
Recalling its relevant resolutions regarding humanitarian assistance to refugees and displaced persons,
Having considered the report of the United Nations High Commissioner for Refugees,
Recognizing the catalytic role that the High Commissioner plays, together with the international community and development agencies, in the promotion of humanitarian aid and development with a view to finding durable and lasting solutions for refugees and displaced persons,
Expressing its grave concern at the continuing deterioration of the humanitarian situation in Azerbaijan owing to the displacement of large numbers of civilians,
Welcoming the efforts made by the United Nations interim office and the Office of the United Nations High Commissioner for Refugees in Azerbaijan to coordinate the needs assessment and the provision of humanitarian assistance,
Welcoming also the consolidated United Nations inter-agency humanitarian programme for Azerbaijan for the period 1 July 1993 to 31 March 1994,
Expressing its appreciation to the States and intergovernmental and non-governmental organizations that have responded positively and continue to respond to the humanitarian needs of Azerbaijan, and to the Secretary-General and United Nations bodies for mobilizing and coordinating the delivery of appropriate humanitarian assistance,
Also expressing its appreciation to the Governments of the neighbouring States that provide the necessary humanitarian assistance, including the provision of accommodation and transit routes through their territories for the displaced persons from Azerbaijan,

Noting with alarm that the humanitarian situation in Azerbaijan has continued to deteriorate seriously since the adoption of the programme in June 1993, and that the number of refugees and displaced persons in Azerbaijan has recently exceeded one million,

Aware that the refugees and displaced persons are in a precarious situation, facing the threat of malnutrition and disease, and that appropriate external assistance is needed for the provision of foodstuffs, medical aid and the necessary shelter for the winter,

Deeply concerned about the enormous burden that the massive presence of refugees and displaced persons has placed on the country's infrastructure,

Affirming the urgent need to continue international action to assist Azerbaijan in providing shelter, medication and food to the refugees and displaced persons, especially to the most vulnerable groups,

1. Welcomes with appreciation the efforts undertaken by the Secretary-General in drawing the attention of the international community to the acute problems of the Azerbaijani refugees and displaced persons and in mobilizing assistance for them;

2. Urgently appeals to all States, organizations and programmes of the United Nations, specialized agencies and other intergovernmental and non-governmental organizations to provide adequate and sufficient financial, medical and material assistance to the Azerbaijani refugees and displaced persons;

3. Invites the international financial institutions and the specialized agencies, organizations and programmes of the United Nations system, where appropriate, to bring the special needs of the Azerbaijani refugees and displaced persons to the attention of their respective governing bodies for their consideration and to report on the decisions of those bodies to the Secretary-General;

4. Invites the Secretary-General to continue to monitor the overall situation of refugees and displaced persons in Azerbaijan and to make available his good offices as required;

5. Requests the United Nations High Commissioner for Refugees to continue her efforts with the appropriate United Nations agencies and intergovernmental, governmental and non-governmental organizations, in order to consolidate and increase essential services to refugees and displaced persons in Azerbaijan;

6. Requests the Secretary-General to report to the General Assembly at its forty-ninth session on the progress made in the implementation of the present resolution.
General Assembly

Sixtieth session
Agenda item 40

Resolution adopted by the General Assembly
[without reference to a Main Committee (A/60/L.60/Rev.2)]

The situation in the occupied territories of Azerbaijan (60/285.)

The General Assembly,

Seriously concerned by the fires in the affected territories, which have inflicted widespread environmental damage,

1. Stresses the necessity to urgently conduct an environmental operation to suppress the fires in the affected territories and to overcome their detrimental consequences;

2. Welcomes the readiness of the parties to cooperate to that end, and considers such an operation to be an important confidence-building measure;

3. Takes note of the intention of the Organization for Security and Cooperation in Europe to organize a mission to the region to assess the short- and long-term impact of the fires on the environment as a step in preparation for the environmental operation;

4. Calls upon, in this regard, the organizations and programmes of the United Nations system, in particular the United Nations Environment Programme, in cooperation with the Organization for Security and Cooperation in Europe, to provide all necessary assistance and expertise, including, inter alia, the assessment of and counteraction to the short- and long-term impact of the environmental degradation of the region, as well as in its rehabilitation;


98th plenary meeting 7 September 2006
The General Assembly,

Guided by the purposes, principles and provisions of the Charter of the United Nations,


Recalling also the report of the fact-finding mission of the Minsk Group of the Organization for Security and Cooperation in Europe to the occupied territories of Azerbaijan surrounding Nagorno-Karabakh and the letter on the fact-finding mission from the Co-Chairmen of the Minsk Group addressed to the Permanent Council of the Organization for Security and Cooperation in Europe,

Taking note of the report of the environmental assessment mission led by the Organization for Security and Cooperation in Europe to the fire-affected territories in and around the Nagorno-Karabakh region,

Reaffirming the commitments of the parties to the conflict to abide scrupulously by the rules of international humanitarian law,

Seriously concerned that the armed conflict in and around the Nagorno-Karabakh region of the Republic of Azerbaijan continues to endanger international peace and security, and mindful of its adverse implications for the humanitarian situation and development of the countries of the South Caucasus,

1. Reaffirms continued respect and support for the sovereignty and territorial integrity of the Republic of Azerbaijan within its internationally recognized borders;

2. Demands the immediate, complete and unconditional withdrawal of all Armenian forces from all the occupied territories of the Republic of Azerbaijan;

3. Reaffirms the inalienable right of the population expelled from the occupied territories of the Republic of Azerbaijan to return to their homes, and stresses the necessity of creating appropriate conditions for this return, including the comprehensive rehabilitation of the conflict-affected territories;

4. Recognizes the necessity of providing normal, secure and equal conditions of life for Armenian and Azerbaijani communities in the Nagorno-Karabakh region of the Republic of Azerbaijan, which will allow an effective democratic system of self-governance to be built up in this region within the Republic of Azerbaijan;
5. **Reaffirms** that no State shall recognize as lawful the situation resulting from the occupation of the territories of the Republic of Azerbaijan, nor render aid or assistance in maintaining this situation;

6. **Expresses its support** to the international mediation efforts, in particular those of the Co-Chairmen of the Minsk Group of the Organization for Security and Cooperation in Europe, aimed at peaceful settlement of the conflict in accordance with the norms and principles of international law, and recognizes the necessity of intensifying these efforts with a view to achieving a lasting and durable peace in compliance with the provisions stipulated above;

7. **Calls upon** Member States and international and regional organizations and arrangements to effectively contribute, within their competence, to the process of settlement of the conflict;

8. **Requests** the Secretary-General to submit to the General Assembly at its sixty-third session a comprehensive report on the implementation of the present resolution;

9. **Decides** to include in the provisional agenda of its sixty-third session the item entitled “The situation in the occupied territories of Azerbaijan”.

86th plenary meeting
14 March 2008
http://daccessdds.un.org
Letter dated 26 December 2008 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

On the instructions of my Government, I have the honour to transmit herewith the report on the fundamental norm of the territorial integrity of States and the right to self-determination in the light of Armenia’s revisionist claims (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 13 and 18 of its sixty-third session, and of the Security Council.

(Signed) Agshin Mehdiyev
Ambassador
Permanent Representative
Annex to the letter dated 26 December 2008 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Report on the fundamental norm of the territorial integrity of States and the right to self-determination in the light of Armenia’s revisionist claims


2. Such revisionist claims have been made with regard to the Nagorny Karabakh conflict between Armenia and Azerbaijan and essentially assert that Nagorny Karabakh did not form part of the new state of Azerbaijan on independence and this is maintained by various legal arguments, including the principle of self-determination.

3. The Nagorny Karabakh conflict, in short, is one where part of the internationally recognised territory of the Republic of Azerbaijan (“Azerbaijan”) has been captured and held by Armenia, whether directly by its own forces or indirectly by forces forming part of the “Nagorny Karabakh Republic” (“NKR”). This latter entity is a self-proclaimed “state”, supported by Armenia and essentially under its direction and control. It is entirely unrecognised as such, even by Armenia.

4. This Report examines first the concept of the territorial integrity of states; secondly, the evolution and status of the principle of the self-determination of peoples; and finally, the nature of Armenian claims particularly with regard to Nagorny Karabakh.

5. Essentially, the conclusion of the Report is that Armenia’s claims as to the detachment of Nagorny Karabakh from Azerbaijan are incorrect as a matter of international law and Armenia is in violation of international legal principles concerning inter alia the norm of territorial integrity.

A. The Fundamental Norm of the Territorial Integrity of States

I. International Practice

a) Introduction

6. States are at the heart of the international legal system and the prime subjects of international law. However, one defines the requirements of statehood, the criterion of territory is indispensable. It is inconceivable to envisage a state as a person in international law bearing rights and duties without a substantially agreed territorial framework. As Oppenheim has noted, “a state without a territory is not possible”.

---

1 The term “Nagorny Karabakh” is a Russian translation of the original name in Azerbaijani language – “Dağlıq Qarabağ” (pronounced as “Daghlygh Garabagh”), which literally means mountainous Garabagh. In order to avoid confusion the widely referred term “Nagorny Karabakh” will be used hereinafter.

7. In any system of international law founded upon sovereign and independent states, the principle of the protection of the integrity of the territorial expression of such states is bound to assume major importance. Together with the concept of the consequential principle of non-intervention, territorial integrity is crucial with respect to the evolution of the principles associated with the maintenance of international peace and security. It also underlines the decentralized state-orientated character of the international political system and both reflects and manifests the sovereign equality of states as a legal principle.

8. Territorial integrity and state sovereignty are inextricably linked concepts in international law. They are foundational principles. Unlike many other norms of international law, they can only be amended as a result of a conceptual shift in the classical and contemporary understanding of international law.

9. It was emphasised in the Island of Palmas case, arguably the leading case on the law of territory and certainly the starting-point of any analysis of this law, that:

“Territorial sovereignty… involves the exclusive right to display the activities of a state”,

while:

“Sovereignty in the relations between states signifies independence. Independence in relation to a portion of the globe is the right to exercise therein, to the exclusion of any other state, the functions of a state. The development of the national organisation of states during the last few centuries, and as a corollary, the development of international law, have established this principle of the exclusive competence of the state in regard to its own territory in such a way as to make it the point of departure in settling most questions that concern international relations”.

10. Accordingly, the concept of state sovereignty can only be exercised through exclusive territorial control so that such control becomes the cornerstone of international law, while the exclusivity of control means that no other state may exercise competence within the territory of another state without the express consent of the latter. To put it another way, the development of international law upon the basis of the exclusive authority of the state within an accepted territorial framework meant that territory became “perhaps the fundamental concept of international law”. This principle is two-sided. It establishes both the

---

3 Oppenheim notes that “the importance of state territory is that it is the space within which the state exercises its supreme, and normally exclusive, authority”, ibid., p. 564. Bowett regards this principle as fundamental in international law and an essential foundation of the legal relations between states, Self-Defence in International Law, Manchester, 1958, p. 29. See, generally, J. Castellino and S. Allen, Title to Territory in International Law: A Temporal Analysis, Aldershot, 2002; G.Distefano, L’Ordre International entre Légalité et Effectivité: Le Titre Juridique dans le Contentieux Territorial, Paris, 2002; R. Y. Jennings, The Acquisition of Territory in International Law, Manchester, 1963; M. N. Shaw, “Territory in International Law”, 13 Netherlands YIL, 1982, p. 61; N. Hill, Claims to Territory in International Law and Relations, London, 1945; J. Gottman, The Significance of Territory, Charlottesville, 1973; and S. P. Sharma, Territorial Acquisition, Disputes and International Law, The Hague, 1997.

4 1 RIAA 829, 839 (1928).

5 Ibid., at 838.

supervening competence of the state over its territory and the absence of competence of other states over that same territory. Recognition of a state’s sovereignty over its territory imports also recognition of the sovereignty of other states over their territory. The International Court clearly underlined in the Corfu Channel case, that, “[b]etween independent states, respect for territorial sovereignty is an essential foundation of international relations”.

11. These principles have been further discussed by the world court. The Permanent Court of International Justice, for example, emphasised in the Lotus case that:

“The first and foremost restriction imposed by international law upon a state is that – failing the existence of a permissive rule to the contrary – it may not exercise its power in any form in the territory of another state”.

while the International Court underlined in the Corfu Channel case “every state’s obligation not to allow knowingly its territory to be used for acts contrary to the rights of other states” and noted in the Asylum case that “derogation from territorial sovereignty cannot be recognised unless its legal basis is established in each case”.

12. Thus, despite the rise of globalisation, whether of commercial or trade relations or in matters concerning human rights or the environment, territorial sovereignty continues to constitute the lynch pin of the international legal system.

13. The juridical requirement, therefore, placed upon states is to respect the territorial integrity of other states. It is an obligation flowing from the sovereignty of states and from the equality of states. This has been reflected in academic writing. One leading writer has noted that “[f]or states, respect for their territorial integrity is paramount… This rule plays a fundamental role in international relations”. It has also been stated that “[f]ew principles in present-day international law are so firmly established as that of the territorial integrity of States”.

14. It is, of course, important to note that this obligation is not simply to protect territory as such or the right to exercise jurisdiction over territory or even territorial sovereignty, the norm of respect for the territorial integrity of states imports an additional requirement and this is to sustain the territorial wholeness or definition or delineation of particular states. It is a duty placed on all states to recognise that the very territorial structure and configuration of a state must be respected.

---

7 ICJ Reports, 1949, pp. 4, 35.
8 PCIJ, Series A, No. 10, p. 18.
9 ICJ Reports, 1949, pp. 6, 22.
10 ICJ Reports 1950, pp. 266, 275.
15. Further, respect for the territorial integrity of states may be seen as a rule of *jus cogens*, certainly that aspect of the rule that prohibits aggression against the territorial integrity of states possesses the status of a peremptory norm.\(^{13}\)

b) **Societal Basis for the Norm of Territorial Integrity**

16. The policy underlying the doctrine of respect for the territorial integrity of states may be seen both in terms of the very nature of state sovereignty and in terms of the perceived need for stability in international relations, specifically with regard to territorial matters. In so far as the first is concerned, the doctrine of state sovereignty has at its centre the concept of sovereign equality, which has been authoritatively defined in terms of the following propositions:

“(a) States are judicially equal;
(b) Each State enjoys the rights inherent in full sovereignty;
(c) Each State has the duty to respect the personality of other States;
(d) The territorial integrity and political independence of the State are inviolable;
   (e) Each State has the right freely to choose and develop its political, social, economic and cultural systems;
   (f) Each State has the duty to comply fully and in good faith with its international obligations and to live in peace with other States”\(^{14}\)

17. In addition to constituting, therefore, one of the key elements in the concept of sovereign equality, territorial integrity has been seen as essential in the context of the stability and predictability of the international legal system as a whole based as it is upon sovereign and independent states territorially delineated. The importance of territorial integrity is reflected in the key concept of the stability of boundaries which, it has been written, constitutes “an overarching postulate of the international legal system and one that both explains and generates associated legal norms”.\(^{15}\) The International Court, for example, has referred particularly to “the permanence and stability of the land frontier” in the *Tunisia/Libya Continental Shelf* case,\(^{16}\) to the need for “stability and finality” in the *Temple of Preah Vihear* case,\(^{17}\) and to the “stability and permanence” of boundaries in the *Aegean Sea Continental Shelf* case.\(^{18}\) Each of these declarations underscores the importance of the core principle of respect for the territorial integrity of states.

18. The International Court explained the rationale behind this as follows:

“when two countries establish a frontier between them, one of the primary objects is to achieve stability and finality. This is impossible if the line so established can, at any moment, and on the basis of a continuously available process, be called in question”\(^{19}\)

\(^{13}\) See further below, para. 66 and following.

\(^{14}\) Declaration on Principles of International Law 1970, General Assembly resolution 2625 (XXV).


\(^{16}\) ICJ Reports, 1982, pp. 18, 66.

\(^{17}\) ICJ Reports, 1962, pp. 6, 33.


\(^{19}\) *Temple of Preah Vihear*, ICJ Reports, 1962, pp. 6, 34.
19. The point was emphasised by the Arbitral Tribunal in the Beagle Channel case, where it was noted that:

“a limit, a boundary, across which the jurisdictions of the respective bordering states may not pass, implied definitiveness and permanence”.\(^{20}\)

c) The Norm of Territorial Integrity as Enshrined in International Instruments of a Global Nature

20. A number of key instruments referred to the norm of territorial integrity in the nineteenth and early twentieth century. For example, at the Vienna Congress of 1815 the neutrality and territorial integrity of Switzerland were guaranteed,\(^{21}\) while the London Protocol 1852 guaranteed that of Denmark and the Treaty of Paris 1856 that of the Ottoman Empire.\(^ {22}\) Further the Treaty of 2 November 1907 recognised the independence and territorial integrity of Norway.

21. The final of President Woodrow Wilson’s Fourteen Points delivered to Congress on 8 January 1918 referred to the need to establish a general association of nations under specific covenants for the purpose of “affording mutual guarantees of political independence and territorial integrity to great and small states alike”.\(^ {23}\) This constituted a key inspiration with regard to the creation of the League of Nations.

22. Article 10 of the Covenant of the League of Nations provided that:

“The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled”.

23. It is to be noted that the Treaty of Mutual Guarantee between Germany, Belgium, France, Great Britain and Italy in 1925 (the Locarno Pact) provided explicitly for the maintenance of the territorial status quo resulting from the frontiers between Germany and Belgium and between Germany and France, and the inviolability of these frontiers as fixed by or in pursuance of the Versailles Treaty of Peace 1919.

24. In the Charter of the United Nations, the following provisions are particularly relevant. Article 2 (1) provides that the Organisation itself is based on “the principle of the sovereign equality of all its Members”, while article 2 (4) declares that “[a]ll Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state ...”. The latter principle is, of course, one of the core principles of the UN. It is discussed later in this Report in more detail.\(^ {24}\)

\(^{20}\) HMSO, 1977, p. 11.


\(^{22}\) Ibid.

\(^{23}\) <http://wwi.lib.byu.edu/index.php/President_Wilson%27s_Fourteen_Points>.

\(^{24}\) See below, para. 66 and following.
25. The Manila Declaration on the Peaceful Settlement of International Disputes 1982 reaffirms in its preamble the “principle of the Charter of the United Nations that all States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations” and states in point 4 that:

“States parties to a dispute shall continue to observe in their mutual relations their obligations under the fundamental principles of international law concerning the sovereignty, independence and territorial integrity of States, as well as other generally recognized principles and rules of contemporary international law”.

26. The Declaration on the Right to Development adopted by the General Assembly on 4 December 1986 in resolution 41/128 called in article 5 for states to take resolute action to eliminate “threats against national sovereignty, national unity and territorial integrity”. General Assembly resolution 46/182, dated 19 December 1991, adopting a text on Guiding Principles on Humanitarian Assistance, provides in paragraph 3 that “[t]he sovereignty, territorial integrity and national unity of States must be fully respected in accordance with the Charter of the United Nations. In this context, humanitarian assistance should be provided with the consent of the affected country and in principle on the basis of an appeal by the affected country”. Further, resolution 52/112 concerning the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination, adopted by the General Assembly on 12 December 1997, explicitly reaffirmed “the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of states…”.

27. The UN Millennium Declaration, adopted by the General Assembly on 8 September 2000, noted the rededication of the heads of state and of government gathered at the UN to supporting inter alia “all efforts to uphold the sovereign equality of all States, [and] respect for their territorial integrity and political independence”. This Declaration was reaffirmed in the World Summit Outcome 2005, in which world leaders agreed “to support all efforts to uphold the sovereign equality of all states, [and] respect their territorial integrity and political independence”. In its turn, this provision in the World Summit Outcome was explicitly reaffirmed by the UN Global Counter-Terrorism Strategy 2006.

28. References to territorial integrity may also be found in multilateral treaties of a global character. For example, the preamble to the Nuclear Non-Proliferation Treaty 1968 includes the following provision:

25 General Assembly resolution 55/2.
26 General Assembly resolution 60/1, para. 5.
27 General Assembly resolution 60/288. See also General Assembly resolutions 57/337 on the Prevention of Armed Conflict which reaffirmed the Assembly’s commitment to the principles of the political independence, the sovereign equality and the territorial integrity of states; 59/195 on Human Rights and Terrorism, paragraph 1 of which refers to the territorial integrity of states; and resolution 53/243, the Declaration and Programme of Action on a Culture of Peace, paragraph 15 (h) of which calls on states to refrain from any form of coercion aimed against the political independence and territorial integrity of states.
“Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations”.

29. Further, article 301 of the Convention on the Law of the Sea 1982 provides that:

“In exercising their rights and performing their duties under this Convention, states parties shall refrain from any threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the principles of international law embodies in the Charter of the United Nations”.

while article 19 of that Convention provides that the passage of a foreign ship through the territorial sea of a coastal sea “shall be considered to be prejudicial to the peace, good order or security of the coastal State if in the territorial sea it engages in any of the following activities: (a) any threat or use of force against the sovereignty, territorial integrity or political independence of the coastal State”.

30. The norm of territorial integrity applies essentially to protect the international boundaries of independent states. However, it also applies to protect the temporary, if agreed, boundaries of such states from the use of force. The Declaration on Principles of International Law Concerning Friendly Relations 1970 provides that:

“Every state likewise has the duty to refrain from the threat or use of force to violate international lines of demarcation, such as armistice lines, established by or pursuant to an international agreement to which it is a party or which it is otherwise bound to respect. Nothing in the foregoing shall be construed as prejudicing the positions of the parties concerned with regard to the status and effects of such lines under their special regimes or as affecting their temporary character”.

31. While the norm calling for respect for territorial integrity applies to independent states, it is also worth pointing to the fact that the international community sought to preserve the particular territorial configuration of colonial territories as the movement to decolonisation gathered pace. Point 4 of the Declaration on the Granting of Independence to Colonial Countries and Peoples adopted by the General Assembly on 14 December 1960 specifically called for an end to armed action against dependent peoples and emphasised that the “integrity of their national territory shall be respected”.

“The territory of a colony or other Non-Self-Governing Territory has, under the Charter, a status separate and distinct from the territory of the State administering it; and such separate and distinct status under the Charter shall exist until the people of the colony or Non-Self-Governing Territory have exercised their right of self-determination in accordance with the Charter, and particularly its purposes and principles”.

28 See also article 39 providing for a similar rule with regard to the transit passage of ships and aircraft.
29 General Assembly resolution 1514 (XV).
30 General Assembly resolution 2625 (XXV).
32. The UN, while underlining the presumption of territorial integrity with regard to colonial territories in the move to independence, was equally clear with regard to the need for respect for the territorial integrity of independent countries that were administering such territories. Point 6 of the Colonial Declaration stated that:

“Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations”,

while point 7 of the same Declaration noted that:

“All States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity”.

33. On the same topic, although perhaps more robustly, the 1970 Declaration ended the section on self-determination by stating that:

“Nothing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent states conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour”.

34. It was then separately emphasised that:

“Every state shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other state or country”.

35. Accordingly, acceptance of the separate status of the colonial territory was accompanied by recognition of the norm of territorial integrity of the state or country in question.

36. This approach whereby the recognition of particular rights in international law of non-state persons is accompanied by a reaffirmation of the principle of territorial integrity finds recent expression in the UN Declaration on the Rights of Indigenous Peoples, adopted on 7 September 2007. Article 46 of the Declaration provides that:

“Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which

31 See further, below, para. 79 and following.
32 See further, below, para. 142 and following.
33 A/61/L.67.
would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States”.

d) The Norm of Territorial Integrity as Enshrined in International Instruments of a Regional Nature

37. Many of the core constitutional documents of the leading regional organisations refer specifically to territorial integrity and the following examples, geographically arranged, may be provided.

i) Europe

38. The Helsinki Final Act, adopted on 1 August 1975 by the Conference on Security and Cooperation in Europe, included a Declaration on Principles Guiding Relations Between Participating States (termed the “Decalogue”). Several of these principles are of note. Principle I notes that participating states will “respect each other’s sovereign equality and individuality as well as all the rights inherent in and encompassed by its sovereignty, including in particular the right of every state to juridical equality, to territorial integrity and to freedom and political independence”. Principle II declares that participating states “will refrain in their mutual relations, as well as in their international relations in general, from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations and with the present Declaration”. Principle III declares that participating states “regard as inviolable all one another's frontiers as well as the frontiers of all states in Europe”, while Principle IV deals specifically with territorial integrity and states as follows:

“The participating states will respect the territorial integrity of each of the participating states. Accordingly, they will refrain from any action inconsistent with the purposes and principles of the Charter of the United Nations against the territorial integrity, political independence or the unity of any participating state, and in particular from any such action constituting a threat or use of force. The participating states will likewise refrain from making each other’s territory the object of military occupation or other direct or indirect measures of force in contravention of international law, or the object of acquisition by means of such measures or the threat of them. No such occupation or acquisition will be recognized as legal”.

39. The Document on Confidence-Building Measures, adopted as part of the Helsinki Final Act, affirmed that participating states were:

“Determined further to refrain in their mutual relations, as well as in their international relations in general, from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations and with the Declaration on Principles Guiding Relations between Participating States as adopted in this Final Act”.

40. The Charter of Paris for a New Europe adopted by the renamed Organisation for Security and Cooperation in Europe in November 1990 reaffirmed that:

“In accordance with our obligations under the Charter of the United Nations and commitments under the Helsinki Final Act, we renew our pledge to refrain from the threat or
use of force against the territorial integrity or political independence of any State, or from acting in any other manner inconsistent with the principles or purposes of those documents”.

41. The OSCE Code of Conduct on Politico-Military Aspects of Security approved at the Budapest Summit of 1994 affirmed the duty of non-assistance to states resorting to the threat or use of force against the territorial integrity or political independence of any other state. This was followed by the Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-First Century, adopted on 3 December 1996, in which the Heads of State and Government committed themselves inter alia “not to support participating States that threaten or use force in violation of international law against the territorial integrity or political independence of any participating State” (point 6). The Charter for European Security, adopted in November 1999, declared that participating states would “consult promptly, in conformity with our OSCE responsibilities, with a participating state seeking assistance in realizing its right to individual or collective self-defence in the event that its sovereignty, territorial integrity and political independence are threatened” (point 16), while the Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe, reached at the same OSCE Istanbul Summit in 1999 by participating states, recalled “their obligation to refrain in their mutual relations, as well as in their international relations in general, from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes and principles of the Charter of the United Nations”.

42. The Council of Europe has adopted two conventions of particular relevance. First, the European Charter for Regional or Minority Languages, adopted on 5 November 1992, provides in the preamble that:

“the protection and promotion of regional or minority languages in the different countries and regions of Europe represent an important contribution to the building of a Europe based on the principles of democracy and cultural diversity within the framework of national sovereignty and territorial integrity”,

while article 5 states that:

“Nothing in this Charter may be interpreted as implying any right to engage in any activity or perform any action in contravention of the purposes of the Charter of the United Nations or other obligations under international law, including the principle of the sovereignty and territorial integrity of states”.

43. Secondly, the Framework Convention for the Protection of National Minorities, adopted on 1 February 1995, provides that “the realisation of a tolerant and prosperous Europe does not depend solely on co-operation between states but also requires transfrontier co-operation between local and regional authorities without prejudice to the constitution and territorial integrity of each state” and called for:

35 S/1/96.
36 PCOW389.
“the effective protection of national minorities and of the rights and freedoms of persons belonging to those minorities, within the rule of law, respecting the territorial integrity and national sovereignty of states”.

44. Article 21 emphasises that:

“Nothing in the present framework Convention shall be interpreted as implying any right to engage in any activity or perform any act contrary to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of States”.

ii) The Atlantic Area

45. The North Atlantic Treaty, adopted on 4 April 1949 and established NATO as a collective security organisation, provides in article 4 that “[t]he Parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened”.

iii) The Commonwealth of Independent States

46. The Charter of the Commonwealth of Independent States, adopted at Minsk on 22 January 1993, notes as amongst its principles listed in article 3, the inviolability of state borders, the recognition of existing borders and the rejection of unlawful territorial annexations; together with the territorial integrity of states and the rejection of any actions directed towards breaking up alien territory. Article 12 provides that:

“In the event that a threat arises to the sovereignty, security or territorial integrity of one or several member states or to international peace and security, the member states shall without delay bring into action the mechanism for mutual consultations for the purpose of coordinating positions and for the adoption of measures in order to eliminate the threat which has arisen, including peacekeeping operations and the use, where necessary, of the Armed Forces in accordance with the procedure for exercising the right to individual or collective defence according to Article 51 of the UN Charter”.

47. The CIS Collective Security Treaty was initially signed on 15 May 1992 and came into force on 20 April 1994 following the addition of further signatories. This treaty declared in article 2 that in the event of a threat to the security, sovereignty or territorial integrity of one or more of the signatory states, a mechanism for joint consultations would be activated. The treaty was renewed in 1999 for a further five years by the original six signatories, but was replaced on 7 October 2002 by the Charter of the Collective Security Organisation. This Charter sought to ensure the “security, sovereignty and territorial integrity” of states parties as noted in the preamble, while article 3 described the purposes of the organisation as being “to strengthen peace and international and regional security and stability and to ensure the collective defence of the independence, territorial integrity and sovereignty of the member States, in the attainment of which the member States shall give priority to political measures”.

37 By Armenia, Kazakhstan, Kyrgyzstan, Russia, Tajikistan and Uzbekistan.
48. Further, the Charter of GUAM,\(^{39}\) adopted on 23 May 2006, calls for cooperation in article II based on “the principles of respect for sovereignty and territorial integrity of the states, inviolability of their internationally-recognized borders and non-interference in their internal affairs and other universally recognized principles and norms of international law”.

\( ^{iv} \) Arab States

49. Article 5 of the Pact of the League of Arab States, adopted on 22 March 1945,\(^{40}\) provides that:

“The recourse to force for the settlement of disputes between two or more member States shall not be allowed. Should there arise among them a dispute that does not involve the independence of a State, its sovereignty or its territorial integrity, and should the two contending parties apply to the Council for the settlement of this dispute, the decision of the Council shall then be effective and obligatory”.

\( ^{v} \) Latin America

50. Article 1 of the Charter of the Organisation of American States 1948\(^{41}\) provides that the American states parties to the Charter thereby establish an international organisation “to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity, and their independence”.

51. The Framework Treaty on Democratic Security in Central America, adopted on 15 December 1995, notes in article 26 as amongst its regional security principles the following:

“(c) Renunciation of the threat or the use of force against the sovereignty, territorial integrity and political independence of any country in the region that is a signatory of this Treaty; …

(h) Collective defence and solidarity in the event of armed attack by a country outside the region against the territorial integrity, sovereignty, and independence of a Central American country, in accordance with the constitutional provisions of the latter country and of the international treaties in force;

(i) The national unity and territorial integrity of the countries in the framework of Central American integration”.

52. Article 42 further provides that “[a]ny armed aggression, or threat of armed aggression, by a state outside the region against the territorial integrity, sovereignty or independence of a Central American state shall be considered an act of aggression against the other Central American states”.

\( ^{vi} \) Africa

\(^{39}\) Consisting of Azerbaijan, Georgia, Moldova and Ukraine. The Charter transformed the GUAM Group established in 1997 as a consultative forum and then formalised in 2001 into the “Organisation for Democracy and Economic Development – GUAM”, to be known as GUAM, see preamble.

\(^{40}\) <http://avalon.law.yale.edu/20th_century/arableag.asp>.

53. The Charter of the Organisation of African Unity 1963 declares in article II (1) (c) that among the purposes of the organisation are the defence of their “sovereignty, their territorial integrity and independence”, while article III lists the principles to which the members of the OAU adhere in fulfilling the stated purposes of the organisation. These include the sovereign equality of all member states; non-interference in the internal affairs of states and “respect for the sovereignty and territorial integrity of each state and for its inalienable right to independent existence”. The OAU was transformed into the African Union by the Constitutive Act of the African Union 2000. Article 3 includes, among the objectives of the Union, defence of the “sovereignty, territorial integrity and independence of its members”, while article 4 provides that the Union is to function in accordance with a number of principles, including “sovereign equality and interdependence among member states of the Union” and “respect of borders existing on achievement of independence”.

54. The norm of territorial integrity also appears explicitly in the constitutional documents of sub-regional organisations. For example, the Heads of State and Government of the member states of the Economic Community of West African States (ECOWAS) reaffirmed in article II of the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-keeping and Security, adopted on 10 December 1999, a series of “fundamental principles”, including “territorial integrity and political independence of Member States”, while the preamble to the Protocol on Politics, Defence and Security Cooperation, adopted by the Heads of State and Government of the member states of the Southern African Development Community on 14 August 2001, recognised and reaffirmed the principles of “strict respect for sovereignty, sovereign equality, territorial integrity, political independence, good neighbourliness, interdependence, non-aggression and non-interference in internal affairs of other States” and declared in article 11 (1) (a) that “State Parties shall refrain from the threat or use of force against the territorial integrity or political independence of any state, other than for the legitimate purpose of individual or collective self-defence against an armed attack”.

55. The Charter of the Organisation of the Islamic Conference 1972 provides that amongst its principles laid down in article II are “respect for the sovereignty, independence and territorial integrity of each member state” and “abstention from the threat or use of force against the territorial integrity, national unity or political independence of any member states”. The Islamabad Declaration adopted at the Extraordinary Session of the Islamic Summit 1997 reaffirmed in its preamble respect for the principles of “sovereignty, territorial integrity and non-interference in internal affairs of states”. The Charter of the Organisation was replaced with an amended document dated 14 March 2008, which refers twice in its preambular paragraph to the determination of the organisation to “respect, safeguard and defend the national sovereignty, independence and territorial integrity of all member states”. Article 1 noted as one of the objectives of the organisation to respect the “sovereignty, independence and territorial integrity of each Member State”, while another objective is to “support the restoration of complete sovereignty and territorial integrity of any member state under occupation, as a result of aggression, on the basis of international law and cooperation with the relevant international and regional organisations”. Article 2 states the principles of the organisation, including the principle that all member states “undertake to respect national sovereignty, independence and territorial integrity of other member states and shall refrain from interfering in the internal affairs of others”.

vii) Asia

42 A/51/915.
56. The Southeast Asia Collective Defence Treaty (the Manila Pact) was signed on 8 September 1954 by the US, UK and France with a number of southeast Asian states, creating the Southeast Asia Treaty Organisation. In article II, the parties agreed “separately and jointly, by means of continuous and effective self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack and to prevent and counter subversive activities directed from without against their territorial integrity and political stability”. The organisation ended in 1977.

57. The Association of South East Asian Nations (ASEAN) was created on 8 August 1967. In the Treaty of Amity and Cooperation in Southeast Asia, 1976, the states parties agreed to be bound by a number of “fundamental principles” laid down in article 2, including “[m]utual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations”. Article 10 provides that “[e]ach High Contracting Party shall not in any manner or form participate in any activity which shall constitute a threat to the political and economic stability, sovereignty, or territorial integrity of another High Contracting Party”. The ASEAN Charter was signed on 20 November 2007, with the preamble noting respect for the “principles of sovereignty, equality, territorial integrity, non-interference, consensus and unity in diversity”. Article 2 (2) provides that ASEAN and its member states are to act in accordance with a number of principles, including “respect for the independence, sovereignty, equality, territorial integrity and national identity of all ASEAN member states”.

58. Further, the Charter of the South Asian Regional Association for Regional Cooperation, adopted on 8 December 1986, affirmed “respect for the principles of sovereign equality, territorial integrity, national independence, non-use of force and non-interference in the internal affairs of other States and peaceful settlement of all disputes” and emphasised in article II (1) that “[c]ooperation within the framework of the Association shall be based on respect for the principles of sovereign equality, territorial integrity, political independence, non–interference in the internal affairs of other States and mutual benefit”.

e) The Norm of Territorial Integrity as Enshrined in Agreements Concerning Situations of a Specific Nature

59. The norm of territorial integrity has also been expressed in a number of bilateral or limited participation international agreements concerning the resolution of particular issues. A brief survey of some of the more significant examples will suffice.

60. In article 3 of the Japan–Korean Treaty of 23 February 1904, for instance, Japan guaranteed the territorial integrity of the Korean Empire, while the Treaty of Guarantee of 16 August 1960, part of the constitutional settlement of the Cyprus issue, provided both for the new Republic of Cyprus to “ensure the maintenance of its independence, territorial integrity and security” (article II) and for a guarantee of that territorial integrity by Greece, Turkey and the UK (article III). The Indo-Nepal Treaty of 31 July 1950 provided for mutual recognition of both state’s independence and territorial integrity, while the Simla Agreement between India and Pakistan, signed on 2 July 1972, provided in point (v) for “respect each other’s national unity, territorial integrity, political independence and sovereign equality”. The peace agreements between Israel and Egypt of 26 March 1979 (article II) and between Israel and Jordan of 26 October 1994 (article 2 (1)) both provided for recognition of each state’s territorial integrity, while the General Framework Agreement for Peace in Bosnia and Herzegovina (the Dayton Agreement), signed on 14 December 1995,

43 The member states currently are Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam.
44 Consisting of India, Pakistan, Bangladesh, the Maldives, Nepal, Sri Lanka and Bhutan.
provided that the parties (Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia) agreed to “refrain from any action, by threat or use of force or otherwise, against the territorial integrity or political independence of Bosnia and Herzegovina or any other state”.45

61. Further, a series of agreements between eastern European states after the end of the Cold War provided for the mutual recognition of borders.46 For example, the Lithuania-Poland Agreement of 26 April 1994 “formally ratifying now and for the future the integrity of the current territories” (preamble) confirmed “the principles of respect for sovereignty, the inviolability of the borders, prohibition of armed aggression, territorial integrity, non interference in local affairs, and regard for human rights and basic freedoms” (article 1) and recognised the “inviolability of the existing border between them marked in the territory and mutually commit themselves to respect without any conditions the other’s sovereignty and territorial integrity” (article 2). In the Hungary-Romania Treaty, signed on 16 September 1996, the parties provided in article 4 that they, “according to the principles and norms of international law and with the principles of the Final Act in Helsinki, reconfirm that they shall observe the inviolability of their common border and the territorial integrity of the other Party”, while the Romania-Ukraine Treaty signed on 2 June 1997 underlined the principles of the inviolability of frontiers and of the territorial integrity of states (article 1 (2)) and reaffirmed that they “shall not have recourse, in any circumstances, to the threat of force or use of force, directed either against the territorial integrity or political independence of the other Contracting Party” (article 3).47

62. Finally, in the China-Russia Treaty of 16 July 2001 the parties reaffirmed in article 1 a number of principles, including “mutual respect of state sovereignty and territorial integrity” and in article 4 specifically supported each other’s policies “on defending the national unity and territorial integrity” and promised not to undertake any action that “compromises the sovereignty, security and territorial integrity of the other contracting party” (article 8).

f) The Norm of Territorial Integrity as Enshrined in UN Resolutions of a Specific Nature

63. The norm of territorial integrity has also been referred to, and reaffirmed, in a large number of UN resolutions adopted with regard to particular situations. In particular, and covering recent years only, the territorial integrity of the following states has been explicitly and specifically reaffirmed: Kuwait,48 Ukraine,49 Iraq,50 Afghanistan,51 Angola,52 East Timor,53 Sierra Leone,54 Burundi,55 Lebanon.56

45 This agreement was witnessed by France, the UK, the US, Germany and Russia. See also the Croatia-Bosnia Treaty on the State Border of 30 July 1999.
46 See also the German-Polish Agreement on the Confirmation of the Frontier, 14 November 1990.
47 See also article 13 (12) providing that none of the provisions of that article concerning national minorities could be interpreted as implying “any right to undertake any action or commit any activity contrary to the goals and principles of the Charter of the United Nations or to other obligations resulting from international law or to the provisions of the Helsinki Final Act and of the Paris Charter for a New Europe, including the principle of territorial integrity of states.”
52 See Security Council resolution 1268 (1999). See also General Assembly resolution 52/211.
53 See e.g. Security Council resolutions 389 (1976), 1272 (1999), and 1745 (2007).
Georgia,\(^{57}\) Cyprus,\(^{58}\) the Comoros,\(^{59}\) the Democratic Republic of the Congo,\(^{60}\) Rwanda and other states in the region,\(^{61}\) Burundi,\(^{62}\) Côte d'Ivoire,\(^{63}\) Somalia,\(^{64}\) Sudan,\(^{65}\) Chad and the Central African Republic,\(^{66}\) Haiti,\(^{67}\) the states of the Former Yugoslavia,\(^{68}\) and Nepal.\(^{69}\)

64. Finally, it should be specifically noted for the particular purposes of this Report that the Security Council has explicitly reaffirmed the territorial integrity of Azerbaijan and of all other states in the region in resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993). Further, the General Assembly in resolution 62/243, adopted on 14 March 2008, expressly reaffirmed “continued respect and support for the sovereignty and territorial integrity of the Republic of Azerbaijan within its internationally recognized borders”.

g) Conclusion

65. It can, therefore, be seen at this stage that the norm of territorial integrity has been comprehensively confirmed and affirmed in a long series of international instruments, binding and non-binding, ranging from UN resolutions of a general and a specific character to international multilateral, regional and bilateral agreements. There can thus be no doubting the legal nature of this norm, nor its centrality in the international legal and political system. As the Supreme Court of Canada emphasised, “international law places great importance on the territorial integrity of nation states”.\(^{70}\)

II. Some Relevant Consequential Principles

66. The foundational norm of territorial integrity has generated a series of relevant consequential principles.

a) Prohibition of the Threat or Use of Force


\(^{58}\) See e.g. General Assembly resolutions 3212 (XXIX) and 37/253.

\(^{59}\) See e.g. General Assembly resolution 37/43.


\(^{62}\) See e.g. Security Council resolution 1791 (2007).


\(^{66}\) See e.g. Security Council resolution 1778 (2007).

\(^{67}\) See e.g. Security Council resolutions 1780 (2007) and 1840 (2008).

\(^{68}\) See e.g. Security Council resolution 1785 (2007).

\(^{69}\) See e.g. Security Council resolution 1796 (2008).

67. The territorial integrity of states is protected by the international legal prohibition on threat or use of force. Article 2 (4) of the UN Charter lays down the rule that:

“All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations”.

68. This principle constitutes a norm of particular importance. Article 9 of the Draft Declaration on Rights and Duties of States 1949 declares that:

“All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of another state, or in any other manner inconsistent with the purposes of the United Nations”.

69. The Declaration on the Principles of International Law Concerning Friendly Relations and Cooperation Among States in Accordance with the Charter of the UN, adopted by the General Assembly on 24 October 1970, recalls “the duty of states to refrain in their international relations from military, political, economic or any other form of coercion aimed against the political independence or territorial integrity of any State” and emphasises that it was “essential that all States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations”. The preamble continues by underlining that “any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State or country or at its political independence is incompatible with the purposes and principles of the Charter”.

70. Beyond these preambular comments, the Declaration interpreted specifically a number of principles, contained in the UN Charter, including the principle prohibiting inter alia the threat or use of force against the territorial integrity of states. The Declaration provides that:

“All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations. Such a threat or use of force constitutes a violation of international law and the Charter of the United Nations and shall never be employed as a means of settling international issues… Every State has the duty to refrain from the threat or use of force to violate the existing international boundaries of another State or as a means of solving international disputes, including territorial disputes and problems concerning frontiers of States”.

71. It is accepted that the unlawful use of force is not only a rule contained in the UN Charter and in customary international law, but that it is also contrary to the rules of jus cogens, or a higher or peremptory norm. The International Law Commission in its commentary on the Draft Articles on the Law of Treaties noted that “the law of the Charter concerning the prohibition of the use of force in itself constitutes a conspicuous example of a rule in international law having the character of jus cogens” and included as an example of a treaty which would violate the rules of jus cogens and thus be invalid, a treaty contemplating an

---

71 General Assembly resolution 375 (IV).
72 General Assembly resolution 2625 (XXV).
unlawful use of force contrary to the principles of the Charter, while the Commission in its commentary on article 40 of the Draft Articles concerning State Responsibility noted that “it is generally agreed that the prohibition of aggression is to be regarded as peremptory”. Support for this proposition included not only the Commission’s commentary on what became article 53 of the Vienna Convention on the Law of Treaties 1969, but also uncontradicted statements by Governments in the course of the Vienna Conference on the Law of Treaties and the view of the International Court in the *Military and Paramilitary Activities in and against Nicaragua* case.

72. Linked to this rule of *jus cogens*, is the associated principle that boundaries cannot in law be changed by the use of force. Security Council resolution 242 (1967), for example, emphasised the “inadmissibility of the acquisition of territory by war”, while the Declaration on Principles of International Law 1970 declared that:

“The territory of a state shall not be the object of acquisition by another state resulting from the threat or use of force. No territorial acquisition resulting from the threat or use of force shall be recognised as legal”.

73. Principle IV of the Declaration of Principles adopted by the CSCE in the Helsinki Final Act 1975 noted that:

“The participating states will likewise refrain from making each other's territory the object of military occupation or other direct or indirect measures of force in contravention of international law, or the object of acquisition by means of such measures or the threat of them. No such occupation or acquisition will be recognized as legal”,

while Security Council resolution 662 (1990), adopted unanimously and under Chapter VII as a binding decision, declared that the purported Iraqi annexation of Kuwait “under any form and whatever pretext has no legal validity and is considered null and void”.

74. The International Court in the *Construction of a Wall* advisory opinion emphasised that just as the principles as to the use of force incorporated in the Charter reflected customary international law,

75 See footnote 72 above.
76 The Commission noted in a footnote to this comments that “[i]n the course of the conference, a number of Governments characterized as peremptory the prohibitions against aggression and the illegal use of force: see *Official Records of the United Nations Conference on the Law of Treaties, First Session, Vienna, 26 March to 24 May 1968, summary records of the plenary meeting and of the meetings of the Committee of the Whole* (United Nations publication, Sales No. E.68.V.7), 52nd meeting, paras. 3, 31 and 43; 53rd meeting, paras. 4, 9, 15, 16, 35, 48, 59 and 69; 54th meeting, paras. 9, 41, 46 and 55; 55th meeting, paras. 31 and 42; and 56th meeting, paras. 6, 20, 29 and 51”, see J.Crawford, *The International Law Commission’s Articles on State Responsibility*, Cambridge, 2002, p. 246.
77 ICJ Reports, 1986, pp. 14, 100-101. This view is supported by scholars, see e.g. B.Simma, “NATO, the UN and the Use of Force: Legal Aspects”, 10 *European Journal of International Law*, 1999, pp. 1, 3.
78 ICJ Reports, 2004, pp. 136, 171. See also General Assembly resolution ES-10/14, 8 December 2003.
“the same is true of its corollary entailing the illegality of territorial acquisition resulting from the threat or use of force”.

b) The Objectivisation of Boundary Treaties

75. One further aspect of the importance of the territorial definition of states and the special protection afforded to it by international law is with regard to boundary treaties. Treaties as a matter of general principle bind only those states that are parties to them and the rights conferred by them will normally subside with the termination of the treaty itself. However, and due to the special position of boundaries in international law, treaties that concern boundaries between states manifest an unusual character in this respect.

76. Boundary treaties create an objective reality. That is, the boundaries established in such treaties will apply *erga omnes* and will survive the demise of the treaty itself. This proposition was reaffirmed by the International Court in the *Libya/Chad* case. The Court noted that:

> “the establishment of this boundary is a fact which, from the outset, has had a legal life of its own, independently of the fate of the 1955 Treaty. Once agreed the boundary stands, for any other approach would vitiate the fundamental principle of the stability of boundaries, the importance of which has been repeatedly emphasised by the Court (Temple of Preah Vihear, ICJ Reports, 1962, p. 34; Aegean Sea Continental Shelf, ICJ Reports, 1978, p. 36).

A boundary established by treaty thus achieves a permanence which the treaty itself does not necessarily enjoy. The treaty can cease to be in force without in any way affecting the continuance of the boundary... This is not to say that two states may not by mutual agreement vary the border between them; such a result can of course be achieved by mutual consent, but when a boundary has been the subject of agreement, the continued existence of that boundary is not dependent upon the continued life of the treaty under which the boundary is agreed”.79

77. This position is supported, or reflected, by two further principles. The first relates to the *rebus sic stantibus* rule. This provides that a party to a treaty may unilaterally invoke as a ground for terminating or suspending the operation of the treaty the fact that there has been a fundamental change of circumstances from those which existed at the time of the conclusion of the treaty.80 The doctrine was enshrined in article 62 of the Vienna Convention on the Law of Treaties 1969, which was accepted by the International Court in the jurisdictional phase of the *Fisheries Jurisdiction* cases as a codification of existing customary international law. The issue focused on whether there had been a radical transformation in the extent of obligations imposed by the treaty in question.81 However, article 62 (2) (a) of the Vienna Convention provides that the doctrine could not be invoked “if the treaty establishes a boundary” and it is clear from the International Law Commission’s Commentary that such treaties should constitute an exception to the general

79 ICJ Reports, 1994, pp. 6, 37.
81 ICJ Reports, 1974, pp. 3, 18.
rule permitting termination or suspension, since otherwise the rule might become a source of dangerous frictions.\textsuperscript{82}

78. The second principle relates to state succession. Article 16 of the Vienna Convention on Succession of States in Respect of Treaties 1978 provides the basic rule that a newly independent state (in the sense of a former colonial territory) was not bound to maintain in force or to become a party to any treaty by reason only of the fact that at the date of the succession of states the treaty was in force in respect of the territory to which the succession of states relates. However, this adoption of the so-called “clean slate” principle was held not to apply to boundary treaties. Article 11 of the Vienna Convention on Succession of States in Respect of Treaties 1978 provides that “a succession of States does not as such affect: (a) a boundary established by a treaty...”. The wording used is instructive. The reference, of course, is to a boundary established by a treaty and not to the treaty itself as such and it is important to differentiate between the instrument and the objective reality it creates or recognises. In this sense, the treaty is constitutive.

79. Article 11 has subsequently been affirmed as requiring respect for treaty based boundary settlements. The International Court of Justice in the \textit{Tunisia/Libya} case expressly stated that “this rule of continuity \textit{ipso jure} of boundary and territorial treaties was later embodied in the 1978 Vienna Convention on Succession of States in Respect of Treaties”,\textsuperscript{83} while the Arbitration Commission established by the International Conference on Yugoslavia stated in Opinion No. 3 that “all external frontiers must be respected in line with the principle stated in the United Nations Charter, in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (General Assembly Resolution 2625 (XXV)) and in the Helsinki Final Act, a principle which also underlies Article 11 of the Vienna Convention of 23 August 1978 on the Succession of States in Respect of Treaties”.\textsuperscript{84}

\textsuperscript{82} \textit{Yearbook of the International Law Commission} (1966 II), p. 259.
\textsuperscript{83} ICJ Reports, 1982, pp. 18, 66. See also the \textit{Burkina Faso/Mali} case, ICJ Reports, 1986, pp. 554, 563 and Judge Ajibola’s Separate Opinion in the \textit{Libya/Chad} case, ICJ Reports, 1994, pp. 6, 64.
\textsuperscript{84} 92 \textit{International Law Reports}, pp. 170, 171.
c) **The Principle of Uti Possidetis Juris**

80. The principle of *uti possidetis* is a critical doctrine which underpins the process of coming to statehood of a new entity under international law. Essentially it provides that new states achieve independence with the same borders that they had when they were administrative units within the territory or territories of either a colonial power or an already independent state. The fundamental aim of the doctrine is to underline the principle of the stability of state boundaries, but it also provides the new state with a territorial legitimation. This legitimation may derive from boundaries that were originally international boundaries or boundaries that were originally internal lines. In the former case, the rule of state succession to boundaries established by treaties will, of course, apply. However, the rule of continuity of international boundaries constitutes a general principle and will also apply however that boundary was established, for example, by way of recognition or by way of an international award. As the Court made clear in the *Burkina Faso/Mali* case, 86 “there is no doubt that the obligation to respect pre-existing international boundaries in the event of a state succession derives from a general rule of international law”.

81. Essentially, the principle of *uti possidetis* functions in the context of the transmission of sovereignty and the creation of a new independent state and conditions that process. Once the new state has become independent, the norm of territorial integrity takes over to provide protection for the territorial framework of that state.

82. The principle of *uti possidetis* first appeared in modern times in Latin America as the successor states to the Spanish Empire obtained their independence. The primary intention was clearly to seek to prevent the return of European colonialism by an acceptance that no areas of *terra nullius* remained on the continent since successor states succeeded to the boundaries of the former Spanish colonies or administrative units. 87 From Latin America the doctrine moved across to Africa, where the situation was rather more intricate both because of the involvement of a number of European colonial powers and because of the complex ethnic patterns of the continent.

83. Resolution 16(1) adopted by the Organisation of African Unity at its Cairo meeting in 1964 entrenched, or more correctly, reaffirmed the core principle. This stated that colonial frontiers existing at the moment of decolonization constituted a tangible reality which all member states pledged themselves to respect. This resolution was a key political statement and one with crucial legal overtones. It was carefully analysed by the International Court in the *Burkina Faso/Mali* case as an element in a wider situation. 88

---


86 ICJ Reports, 1986, pp. 554, 566. See also the *Tunisia/Libya* case, ICJ Reports, 1982, pp. 18, 65-6.

87 See *Colombia-Venezuela*, 1 Reports of International Arbitral Awards, pp. 223, 228 and *El Salvador/Honduras (Nicaragua Intervening)*, ICJ Reports, 1992, pp. 351, 387.

84. The Court declared that the 1964 resolution “deliberately defined and stressed the principle of *uti possidetis juris*”, rather than establishing it. The resolution emphasized that the fact that the new African states had agreed to respect the administrative boundaries and frontiers established by the colonial powers “must be seen not as a mere practice contributing to the gradual emergence of a principle of customary international law, limited in its impact to the African continent as it had previously been to Spanish America, but as the application in Africa of a rule of general scope”. The acceptance of the colonial borders by African political leaders and by the OAU itself neither created a new rule nor extended to Africa a rule previously applied only in another continent. Rather it constituted the recognition and confirmation of an existing principle. As the Chamber noted, the essence of the principle of *uti possidetis* “lies in its primary aim of securing respect for the territorial boundaries at the moment when independence is achieved. Such territorial boundaries might be no more than delimitations between different administrative divisions or colonies all subject to the same sovereign. In that case the application of the principle of *uti possidetis* resulted in administrative boundaries being transformed into international frontiers in the full sense of the term”.

85. This definition was reaffirmed in the *El Salvador/Honduras* case and referred to as an authoritative statement. The Court declared that *uti possidetis* was essentially “a retrospective principle, investing as international boundaries administrative limits intended originally for quite other purposes”. It was underlined in the *Burkina Faso/Mali* case that “the principle of *uti possidetis* freezes the territorial title; it stops the clock but does not put back the hands”.

86. It is also clear that the principle of *uti possidetis* applies beyond the decolonisation context to cover the situation of secession from, or dissolution of, an already independent state. The Court in the *Burkino Faso/Mali* case took pains to emphasise that the principle was not “a special rule which pertains solely to one specific system of international law”, but rather:

“It is a general principle, which is logically connected with the phenomenon of the obtaining of independence, wherever it occurs. Its obvious purpose is to prevent the independence and stability of new states being endangered by fratricidal straggles provoked by the challenging of frontiers following the withdrawal of the administering power”.

87. This formulation was repeated and affirmed in the decision of the International Court recently in *Nicaragua v Honduras*.

88. That *uti possidetis* is a general principle appears also from later practice. This may be seen, for example, with regard to the former USSR, Czechoslovakia and the former Yugoslavia. In the latter

---

89 *Ibid*, at 566.
90 ICJ Reports, 1992, pp. 351, 386.
91 *Ibid*, at 388.
92 ICJ Reports, 1986, pp. 554, 568.
95 ICJ Reports, 2007, paras. 151 and following.
96 See e.g. R.Yakemtchouk, “Les Conflits de Territoires and de Frontières dans les Etats de l’Ex-URSS”. 
97
case, the Yugoslav Arbitration Commission established by the European Community and accepted by the states of the former Yugoslavia made several relevant comments. In Opinion No. 2, the Arbitration Commission declared that:

“whatever the circumstances, the right to self-determination must not involve changes to existing frontiers at the time of independence (uti possidetis juris) except where the states concerned agree otherwise”.

89. In Opinion No. 3, the Arbitration Commission, in considering the internal boundaries between Serbia and Croatia and Serbia and Bosnia-Herzegovina, emphasised that:

“except where otherwise agreed, the former boundaries became frontiers protected by international law. This conclusion follows from the principle of respect for the territorial status quo and in particular from the principle of uti possidetis. Uti possidetis, though initially applied in settling decolonization issues in America and Africa, is today recognised as a general principle, as stated by the International Court of Justice in its Judgment of 22 December 1986 in the case between Burkina Faso and Mali (Frontier Dispute)”.

90. This approach was confirmed, for example, by the Under-Secretary of State of the Foreign and Commonwealth Office of the UK, who stated in a Note in January 1992 that:

“the borders of Croatia will become the frontiers of independent Croatia, so there is no doubt about that particular issue. That has been agreed amongst the Twelve, that will be our attitude towards those borders. They will just be changed from being republican borders to international frontiers”.


92. Further relevant state practice may be noted. For example with regard to the former USSR, article 5 of the Agreement Establishing the Commonwealth of Independent States, signed at Minsk on 8 December 1991, provided that “the High Contracting Parties acknowledge and respect each other's territorial integrity and the inviolability of existing borders within the Commonwealth”. This was reinforced by the Alma Ata Declaration of 21 December 1991, signed by eleven of the former Republics (i.e., excluding

AFDI, 1993, p. 401. See further below, paragraphs 92-94 and following.
99 92 ILR, p. 171.
100 UKMIL, 63 BYIL, 1992, p. 719.
the Baltic States and Georgia),\textsuperscript{102} which referred to the states “recognising and respecting each other’s territorial integrity and the inviolability of existing borders”. Although these instruments refer essentially to the principle of territorial integrity protecting international boundaries, it is clear that the intention was to assert and reinforce a *uti possidetis* doctrine, not least in order to provide international, regional and national legitimation for the new borders. This is so since the borders to be protected that had just come into being as international borders were those of the former Republics of the USSR and no other.

93. In addition, article 6 of the Ukraine-Russian Federation Treaty of 19 November 1990 provided specifically that both parties recognized and respected the territorial integrity of the former Russian and Ukrainian Republics of the USSR within the borders existing in the framework of the USSR. Similarly, the Treaty on the General Delimitation of the Common State Frontiers of 29 October 1992 between the Czech Republic and Slovakia confirmed that the boundary between the two new states as of their independence on 1 January 1993 would be the administrative border existing between the Czech and Slovak parts of the former state.\textsuperscript{103}

94. Of particular interest are the European Guidelines on Recognition of New States in Eastern Europe and the Soviet Union, adopted by the European Community and its Member States on 16 December 1991. These provided for a common policy on recognition with regard to the states emerging from the former Yugoslavia and former USSR in particular, which required *inter alia* “respect for the inviolability of all frontiers which can only be changed by peaceful means and by common agreement”.\textsuperscript{104} This reference was thus not restricted to international frontiers and since the context was the coming to independence of a range of new states out of former federal states, all of whom became sovereign within the boundaries of the former federal units, the Guidelines constitute valuable affirmation of the principle of *uti possidetis*.

95. International practice, therefore, supports the conclusion that there is at least a very strong presumption that a colony or federal or other distinct administrative unit will come to independence within the borders that it had in the period immediately prior to independence. The parties themselves may agree to alter the *uti possidetis* line, both during the process of acquisition of independence and afterwards, but this is dependent both upon the consent of the parties (and not just one of them) and the acceptance of this by the UN.\textsuperscript{105}

96. Apart from this, decolonisation practice shows essentially that only where there has been international legitimation by the United Nations may the operation of the principle be altered, and this would be dependent upon an internationally accepted threat to peace and security. The examples of Palestine\textsuperscript{106} and Ruanda-Urundi\textsuperscript{107} are instructive here in showing that the UN was convinced that for reasons of peace and security the territory in question should come to independence in a partitioned form and the UN proceeded to

\textsuperscript{102} 31 *ILM*, 1992, p. 148.

\textsuperscript{103} See Malenovsky, “Problèmes”, *loc.cit*.

\textsuperscript{104} 92 *ILR*, p. 174 (emphasis added).

\textsuperscript{105} Shaw, “Heritage”, *loc.cit.*, p. 141 and General Assembly resolution 1608 (XV). See also the *Beagle Channel* case, HMSO, 1977, pp. 4-5 and *El Salvador/Honduras*, ICJ Reports, 1992, pp. 351, 408.

\textsuperscript{106} See General Assembly resolution 181 (II) and Shaw, “Heritage”, *loc.cit.*, p. 148.

\textsuperscript{107} *Ibid*. See also T/1551; T/1538; T/L.985 and Add.1; T/L.1004 and T/L.1005; A/5126 and Add.1 and General Assembly resolution 1746 (XVI).
affirm this formally. However, these cases involved territories under UN supervision (as mandated or trust territories respectively) and it is difficult to think of an example of a non-consensual alteration of the *uti possidetis* line outside of this context and with regard to secession from, or dissolution of, an already independent state.

**B. The Principle of Self-Determination**

I. Self-Determination as a Legal Right

97. Self-determination has proved to be one of the key principles of modern international law, but, unlike, for example, the philosophical or political expression of the principle, the right to self-determination under international law has come to have a rather specific meaning, or more correctly two specific meanings.

98. The principle of self-determination essentially emerged through the concepts of nationality and democracy in nineteenth century Europe and very gradually extended its scope, owing much to the efforts of President Wilson of the US. Although there was no reference to the principle as such in the League of Nations Covenant and it was clearly not accepted as a legal right, its influence can be detected in the various provisions for minority protection and in the establishment of the mandates system based as it was upon the sacred trust concept. In the *Aaland Islands* case it was clearly accepted by both the International Commission of Jurists and the Committee of Rapporteurs that the principle of self-determination was not a legal rule of international law, but purely a political concept.

99. Self-determination does, however, appear in the UN Charter. Article 1(2) stated that the development of friendly relations among nations, based upon respect for the principle of equal rights and self-determination, constituted one of the purposes of the UN. This phraseology is repeated in article 55. Although clearly not expressed as a legal right, the inclusion of a reference to self-determination in the Charter, particularly within the context of the statement of purposes of the UN, provided the opportunity for the subsequent interpretation of the principle. It is also to be noted that Chapters XI and XII of the Charter deal with non-self-governing and trust territories and may be seen as relevant within the context of the development and definition of the right to self-determination, although the term is not expressly used.

---


100. Practice since 1945 within the UN, both generally and particularly with regard to specific cases, can be seen as having ultimately established the legal standing of the right in international law. Resolution 1514 (XV), the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted in 1960 by eighty-nine votes to none, with nine abstentions, for example, stressed that:

“all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”.

101. It continued by noting that inadequacy of political, social, economic or educational preparedness was not to serve as a justification for delaying independence, while attempts aimed at the partial or total disruption of the national unity and territorial integrity of a country were deemed incompatible with the UN Charter. The Colonial Declaration set the terms for the self-determination debate in its emphasis upon the colonial context and its opposition to secession, and has been regarded by some as constituting a binding interpretation of the Charter.113 The International Court has specifically referred to the Colonial Declaration as an “important stage” in the development of international law regarding non-self-governing territories and as the “basis for the process of decolonization”.114

102. The 1970 Declaration on Principles of International Law Concerning Friendly Relations, which can be regarded as constituting an authoritative interpretation of the seven Charter provisions it expounds, states inter alia that:

“by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all people have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every state has the duty to respect this right in accordance with the provisions of the Charter”.

103. In addition to this general, abstract approach, the UN organs have dealt with self-determination in a series of specific resolutions with regard to particular situations and this practice may be adduced as reinforcing the conclusions that the principle has become a right in international law by virtue of a process of Charter interpretation. Numerous resolutions have been adopted in the General Assembly and also the Security Council.115 It is also possible that a rule of customary law has been created since practice in the UN system is still state practice, but the identification of the opinio juris element is not easy and will depend upon careful assessment and judgment.

104. In 1966, the General Assembly adopted the International Covenants on Human Rights. Both these Covenants have an identical first article, declaring inter alia that:

114 The *Western Sahara* case, ICJ Reports, 1975, pp. 12, 31. Tomuschat has called the Colonial Declaration “the starting point for the rise of self-determination as a principle generating true legal rights”, see “Secession and Self-Determination” in M.G.Kohen (ed.), *Secession, op.cit.*, p. 23
115 See e.g. Assembly resolutions 1755 (XVII); 2138 (XXI); 2379 (XXIII); 2383 (XXIII) and Security Council resolutions 183 (1963); 301 (1971); 377 (1975) and 384 (1975).
“All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”,

while states parties to the instruments:

“shall promote the realisation of the right of self-determination and shall respect that right in conformity with the provisions of the Charter of the United Nations”.

105. The Covenants came into force in 1976 and thus constitute binding provisions as between the parties. The Human Rights Committee, established under the International Covenant on Civil and Political Rights (and with its jurisdiction extended under the first Optional Protocol), has discussed the nature of self-determination and this will be noted below (see para. 118-119).

106. Judicial discussion of the principle of self-determination has been relatively rare and rather broad. In the Namibia advisory opinion\textsuperscript{116} the International Court emphasised that “the subsequent development of international law in regard to non-self-governing territories as enshrined in the Charter of the United Nations made the principle of self-determination applicable to all of them”. The Western Sahara advisory opinion reaffirmed this point.\textsuperscript{117}

107. The Court moved one step further in the East Timor (Portugal v. Australia) case\textsuperscript{118} when it declared that “Portugal’s assertion that the right of peoples to self-determination, as it evolved from the Charter and from United Nations practice, has an \textit{erga omnes} character, is irreproachable.” The Court also emphasised that the right of peoples to self-determination was “one of the essential principles of contemporary international law”.

108. In the Construction of a Wall advisory opinion,\textsuperscript{119} the Court summarised the position as follows:

“The Court would recall that in 1971 it emphasized that current developments in international law in regard to non-self-governing territories, as enshrined in the Charter of the United Nations, made the principle of self-determination applicable to all [such territories]. The Court went on to state that ‘These developments leave little doubt that the ultimate objective of the sacred trust’ referred to in Article 22, paragraph 1, of the Covenant of the League of Nations ‘was the self-determination of the peoples concerned’ (\textit{Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)}, Advisory Opinion, \textit{I.C.J. Reports} 1971, p. 31, paras. 52-53). The Court has referred to this principle on a number of occasions in its jurisprudence (\textit{ibid.; see also Western Sahara, Advisory Opinion, I.C.J. reports, 1975, p. 68, para. 162}). The Court indeed made it clear that the right of peoples to

\textsuperscript{116} ICJ Reports, 1971, pp. 16, 31.
\textsuperscript{117} ICJ Reports, 1975, pp. 12, 31.
\textsuperscript{118} ICJ Reports, 1995, pp. 90, 102.
\textsuperscript{119} ICJ Reports, 2004, pp. 136, 172. See also \textit{ibid}, p. 199.
self-determination is today a right *erga omnes* (see *East Timor (Portugul v. Australia), Judgment, I. C. J. Reports* 1995, p. 102, para. 29)*".

109. Confirmation of the status of the principle of self-determination was provided by the Supreme Court of Canada in 1998 in the *Reference re Secession of Quebec* case. The Court responded to the second of the three questions posed, asking whether there existed in international law a right to self-determination which would give Quebec the right unilaterally to secede, by declaring that the principle of self-determination “has acquired a status beyond ‘convention’ and is considered a general principle of international law”.

110. Since it is undeniable that the principle of self-determination has a legal norm, the question arises as to its scope and application. Although the usual formulation contained in international instruments from the 1960 Colonial Declaration to the 1970 Declaration on Principles of International Law and the 1966 International Covenants on Human Rights refers to the right of “all peoples” to determine “freely their political status”, international practice is clear that not all “peoples” as defined in a political-sociological sense are accepted in international law as able to freely determine their political status up to and including secession from a recognised independent state. In fact, practice shows that the right has been recognised for “peoples” in strictly defined circumstances.

II. The Nature and Scope of the Right to Self-Determination

111. The following propositions, based on international practice and doctrine, may be put forward.

a) Self-Determination Applies to Mandate and Trusteeship Territories

112. The right to self-determination was first recognised as applying to mandate and trust territories, that is, the colonies of the defeated powers of the two world wars. Such territories were to be governed according to the principle that “the well-being and development of such peoples form a sacred trust of civilisation”. This entrusted the tutelage of such peoples to “advanced nations who by reason of their resources, their experience or their geographical position” could undertake the responsibility. The arrangement was exercised by them as mandatories on behalf of the League. Upon the conclusion of the

---

120 [1998] 2 S.C.R. 217. The first question concerned the existence or not in Canadian constitutional law of a right to secede, and the third question asked whether in the event of a conflict constitutional or international law would have priority.


122 See also article 20 of the African Charter of Human and Peoples’ Rights 1981, which provides that, “all peoples shall have the right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have chosen”.

123 See e.g. Cobban, *Nation-State*, p. 107, and K. Deutsche, *Nationalism and Social Communications*, New York, 1952. See also the *Greco-Bulgarian Communities* case, PCII, Series B, No. 17; 5 AD, p. 4.

124 See article 22 of the Covenant of the League of Nations. See also the *International Status of South West Africa*, ICJ Reports, 1950, pp. 128, 132; the *Namibia case*, ICJ Reports, 1971, pp. 16, 28–9; *Certain Phosphate Lands in Nauru*, ICJ Reports, 1992, pp. 240, 256; and *Cameroon v. Nigeria*, ICJ Reports, 2002,
Second World War and the demise of the League, the mandate system was transmuted into the United Nations trusteeship system under Chapters XII and XIII of the UN Charter.\textsuperscript{125}

\textit{b) Self-Determination Applies to Non-Self-Governing Territories under the UN Charter}

113. The right of self-determination was subsequently recognised as applicable to all non-self-governing territories as enshrined in the UN Charter. An important step in this process was the Colonial Declaration 1960, which called for the right to self-determination with regard to all colonial countries and peoples that had not attained independence and this was confirmed by the International Court of Justice in two advisory opinions.\textsuperscript{126} The UN based its policy on the proposition that “the territory of a colony or other non-self-governing territory has under the Charter a status separate and distinct from the territory of the state administering it” and that such status was to exist until the people of that territory had exercised the right to self-determination.\textsuperscript{127} The Canadian Supreme Court concluded in the \textit{Quebec Secession} case that “[t]he right of colonial peoples to exercise their right to self-determination by breaking away from the “imperial” power is now undisputed”.\textsuperscript{128}

114. The principle of self-determination provides that the people of the colonially defined territorial unit in question may freely determine their own political status. Such determination may result in independence, integration with a neighbouring state, free association with an independent state or any other political status freely decided upon by the people concerned.\textsuperscript{129}

\textit{c) Self-Determination Applies to Territories under Foreign or Alien Occupation}

115. The Declaration on Principles of International Law 1970 noted that the “subjection of peoples to alien subjugation, domination and exploitation constitutes a violation of the principle [of self-determination], as well as a denial of fundamental human rights, and is contrary to the Charter”, while article 1 (4) of Additional Protocol I to the Geneva Conventions 1949, adopted in 1977, referred to “armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations”. The Canadian Supreme Court also referred to the right of self-determination in the context of foreign military occupations.\textsuperscript{130}

\textsuperscript{126} See the \textit{Namibia} case, ICJ Reports, 1971, pp. 16, 31 and the \textit{Western Sahara} case, ICJ Reports, 1975, pp. 12, 31-3. See also the \textit{Construction of a Wall} case, ICJ Reports, 2004, pp. 136, 172.
\textsuperscript{127} 1970 Declaration on Principles of International Law. Note also that resolution 1541 (XV) declared that there is an obligation to transmit information regarding a territory “which is geographically separate and is distinct ethnically and/or culturally from the country administering it”.
\textsuperscript{129} \textit{Western Sahara} case, ICJ Reports, 1975, pp. 12, 33 and 68. See also Judge Dillard, \textit{ibid.}, p. 122; 59 ILR, pp. 30, 50, 85, 138. See General Assembly resolution 1541 (XV) and the 1970 Declaration on Principles of International Law.
116. The Palestine people under Israeli occupation since the 1967 war has, in particular, been recognised as having the right to self-determination. This was noted in a number of UN resolutions\textsuperscript{131} and by the International Court in the \textit{Construction of a Wall} case.\textsuperscript{132} Further example of this might include, amongst others, Afghanistan under Soviet occupation.\textsuperscript{133}

d) \textit{Self-Determination Applies Within States as a Rule of Human Rights}

117. Cassese has written that:\textsuperscript{134}

"Internal self-determination means the right to authentic self-government, that is, the right for a people really and freely to choose its own political and economic regime – which is much more than choosing among what is on offer perhaps from one political or economic position only. It is an ongoing right. Unlike external self-determination for colonial peoples – which ceases to exist under customary international law once it is implemented – the right to internal self-determination is neither destroyed nor diminished by its already once having been invoked and put into effect”.

118. This aspect of self-determination applies in a number of contexts, but with the common theme of the recognition of legal rights for communities of persons within the recognised territorial framework of the independent state.

i) Generally

119. The interpretation of self-determination as a principle of collective human rights has been analysed by the Human Rights Committee in interpreting article 1 of the Civil and Political Rights Covenant.\textsuperscript{135} In its General Comment on Self-Determination adopted in 1984, the Committee emphasised that the realisation of the right was “an essential condition for the effective guarantee and observance of individual human rights”.\textsuperscript{136} The Committee takes the view, as Higgins has noted,\textsuperscript{137} that:

\textsuperscript{131} See e.g. General Assembly resolutions 3236 (XXIX), 55/85 and 58/163. See also General Assembly resolutions 38/16 and 41/100 and Cassese, \textit{Self-Determination, op.cit.}, p. 92 and following.

\textsuperscript{132} ICJ Reports, 2004, pp. 136, 183, 197 and 199. See also e.g. Cassese, \textit{Self-Determination, op.cit.}, pp. 90–9.

\textsuperscript{133} See e.g. Cassese, \textit{Self-Determination, op.cit.}, p. 94 and following.

\textsuperscript{134} \textit{Self-Determination, op.cit.}, p. 101.


\textsuperscript{136} General Comment 12: see HRI/GEN/1/Rev.1, p. 12, 1994. However, the principle is seen as a collective one and not one that individuals could seek to enforce through the individual petition procedures provided in the First Optional Protocol to the Covenant, see e.g. See the \textit{Kitok} case, Report of the Human Rights Committee, A/43/40, pp. 221, 228; the \textit{Lubicon Lake Band} case, A/45/40, vol. II, pp. 1, 27; and \textit{RL v. Canada}, A/47/40, pp. 358. 365. However, in \textit{Mahuika et al. v. New Zealand}, the Committee took the view that the provisions of article 1 may be relevant in the interpretation of other rights protected by the Covenant, in particular article 27 on the rights of persons belonging to minorities, A/56/40, vol. II, annex X, A. See also \textit{Diergaardt et al. v. Namibia}, A/55/40, vol. II, annex IX, sect. M, para. 10.3.

\textsuperscript{137} R.Higgins, “Postmodern Tribalism and the Right to Secession” in C.Brölmann, R.Lefeber and M.Zieck
“external self-determination requires a state to take action in its foreign policy consistent with the attainment of self-determination in the remaining areas of colonial or racist occupation. But internal self-determination is directed to their own peoples”.

120. In its discussion of self-determination, the Committee has encouraged states parties to provide in their reports details about participation in social and political structures, and in engaging in dialogue with representatives of states parties, questions are regularly posed as to how political institutions operate and how the people of the state concerned participate in the governance of their state. This necessarily links in with consideration of other articles of the Covenant concerning, for example, freedom of expression (article 19), freedom of assembly (article 21), freedom of association (article 22) and the right to take part in the conduct of public affairs and to vote (article 25). The right of self-determination, therefore, provides the overall framework for the consideration of the principles relating to democratic governance.

121. The Committee on the Elimination of Racial Discrimination adopted General Recommendation 21 in 1996 in which it similarly divided self-determination into an external and an internal aspect. The former:

“implies that all peoples have the right to determine freely their political status and their place in the international community based upon the principle of equal rights and exemplified by the liberation of peoples from colonialism and by the prohibition to subject peoples to alien subjugation, domination and exploitation”,

while the latter referred to the:

“right of every citizen to take part in the conduct of public affairs at any level. In that respect there exists a link with the right of every citizen to take part in the conduct of public affairs at any level…”.

122. The issue was touched upon by the Canadian Supreme Court in the Quebec Secession case, where it was noted that self-determination “is normally fulfilled through internal self-determination – a people’s pursuit of its political, economic, social and cultural development within the framework of an existing state”.

138 See e.g. the report of Colombia, CCPR/C/64/Add.3, pp. 9 ff., 1991. In the third periodic report of Peru, it was noted that the first paragraph of article 1 of the Covenant “lays down the right of every people to self-determination. Under that right any people is able to decide freely on its political and economic condition or regime and hence establish a form of government suitable for the purposes in view”, CCPR/C/83/Add.1, 1995, p. 4.

139 See e.g. with regard to Canada, A/46/40, p. 12. See also A/45/40, pp. 120–1, with regard to Zaire.

140 A/51/18.

ii) Minorities

123. The international protection of minorities has gone through various guises. After the First World War and the collapse of the German, Ottoman, Russian and Austro-Hungarian Empires coupled with the rise of a number of independent nation-based states in Eastern and Central Europe, series of arrangements were made to protect the rights of those racial, religious or linguistic minority groups to whom sovereignty and statehood could not be granted. Such provisions constituted obligations of international concern and could not be altered without the assent of a majority of the League of Nations Council. The Council was to take action in the event of any infraction of minorities’ obligations. There also existed a petition procedure by minorities to the League, although they had no standing as such before the Council or the Permanent Court of International Justice. After the Second World War, the focus shifted to the international protection of universal individual human rights, although several instruments dealing with specific situations incorporated provisions concerning the protection of minorities.

124. It was with the adoption of the International Covenant on Civil and Political Rights in 1966 that the question of minority rights came back onto the international agenda. Article 27 of this Covenant provides that “[i]n those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language”. This cautious formulation made it clear that such minority rights adhered to the members of such groups and not to the groups themselves, while the framework for the operation of the provision was that of the state itself. The Committee adopted a General Comment on article 27 in 1994 after much discussion. The General Comment pointed to the distinction between the rights of persons belonging to minorities on the one hand, and the right to self-determination and the right to equality and non-discrimination on the other. It was particularly emphasised that the rights under article 27 did not prejudice the sovereignty and territorial integrity of states.

125. The UN General Assembly adopted a Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities in December 1992. Article 1 provides that states “shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories” (emphasis added) and shall adopt appropriate legislative and other measures to achieve these ends. The Declaration states inter alia that persons belonging to minorities have


143 See, generally, Thornberry, International Law and Minorities, pp. 38 ff.


146 See e.g. the Capotorti Report, op.cit., pp. 20–2.

147 See e.g. Annex IV of the Treaty of Peace with Italy, 1947; the Indian–Pakistan Treaty, 1950, and article 7 of the Austrian State Treaty, 1955. See also the provisions in the documents concerning the independence of Cyprus, Cmd 1093, 1960.

148 General Comment No. 23, HRI/GEN/1/Rev.1, p. 38.
the right to enjoy their own culture, practice and profess their own religion and to use their own language in private and in public without hindrance. Such persons also have the right to participate effectively in cultural, social, economic and public life. However, the Declaration concludes by explicitly stating that “[n]othing in the present Declaration may be construed as permitting any activity contrary to the purposes and principles of the United Nations, including sovereign equality, territorial integrity and political independence of states”.¹⁴⁷

126. In similar vein, the Framework Convention for the Protection of National Minorities, adopted by the Council of Europe in 1995, establishes as its aim, as expressed in the preamble, “the effective protection of national minorities and of the rights and freedoms of persons belonging to those minorities, within the rule of law, respecting the territorial integrity and national sovereignty of states”, while specifically providing that “[n]othing in the present framework Convention shall be interpreted as implying any right to engage in any activity or perform any act contrary to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of states”.

iii) Indigenous Peoples

127. International law has also concerned itself increasingly with the special position of indigenous peoples.¹⁴⁸ While recognizing the special position of such peoples with regard to the territory with which they have long been associated, relevant international instruments have consistently constrained the rights accepted or accorded with reference to the need to respect the territorial integrity of the state in which such peoples live. Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries, adopted by the International Labour Organisation in 1989, underlined in its preamble the aspirations of indigenous peoples “to exercise control over their own institutions, ways and means for financing their autonomous functions, within the framework of the states in which they live” (emphasis added).

128. A Declaration on the Rights of Indigenous Peoples was adopted by the United Nations in 2007.¹⁴⁹ The Declaration, noting that indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law, specifically recognised their right to self-determination.¹⁵⁰ In exercising their right to self-determination, it was noted that indigenous peoples have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.¹⁵¹ While thus...
essentially defining the meaning of self-determination for indigenous peoples, the point was underlined in article 46 (1) that:

“Nothing in this Declaration may be interpreted as implying for any state, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent states”.

e) Self-Determination Reinforces the Sovereign Equality and Territorial Integrity of States

129. The relevant formulation in the UN Charter provides in article 1 (2) that one of the purposes of the organisation is to “develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples”, while article 55 refers to “peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples”. Although the terminology is somewhat unclear, the only logical interpretation of this phrase is that friendly relations as between states (since in the Charter the term “nations” bears this meaning)\(^\text{152}\) should proceed on the basis of respect for the principles of equal rights of states, being a long-established principle of international law. The reference to the self-determination of peoples appears in the Charter to refer either to the population of a member-state of the UN\(^\text{153}\) or to the population of a non-self-governing or trust territory.\(^\text{154}\) Accordingly, the principle of self-determination as it has been enshrined in the UN Charter may be interpreted as reinforcing the principle of respect for the territorial integrity of states since it constitutes a reaffirmation of the principle of sovereign equality as well as that of colonial territories mutatis mutandis. This in turn underlined the principle of non-intervention by states into the domestic affairs of other states.

130. Kelsen emphasised that self-determination as expressed in the Charter simply underlined the concept of the sovereignty of states. He noted that since the “self-determination of the people usually designated a principle of internal policy, the principle of democratic government” and article 1(2) referred to relations among states, and since “the terms ‘peoples’ too … in connection with ‘equal rights’ means probably states since only states have ‘equal rights’ according to general international law… then the self-determination of peoples in article 1(2) can mean only sovereignty of the states”.\(^\text{155}\) While this view may now in hindsight be seen as unduly cautious, the fact that self-determination acts to reinforce the principles of the sovereign equality of states and of non-intervention is undiminished. Indeed, Higgins has written that:

---

\(^{152}\) See in addition to the title of the organisation (“United Nations”) and the articles cited above, the preamble and article 14.

\(^{153}\) Note the reference at the start of the preamble to “We, the Peoples of the United Nations” and later to “our respective Governments” establishing the UN.

\(^{154}\) See articles 73 and 76 respectively.

“In both article 1 (2) and article 55, the context seems to be the right of the peoples of one state to be protected from interference by other states or governments”.156

131. Further, in the decolonisation context, since self-determination has been understood to mean that the people of the colonially defined unit may freely determine their political status (up to and including independence) but within that colonial framework, unless the UN has otherwise accepted that the peoples within the territory cannot live within one state and that this situation has produced a threat to peace and security,157 then one consequence of the exercise of self-determination is to forge the territorial extent of the newly created state, which is then protected by the application additionally of the principle of respect for its territorial integrity.

f) Self-Determination Does Not Authorise Secession

(a) The General Principle

132. Outside of the special context of decolonisation, which may or may not be seen as a form of “secession”, international law is unambiguous in not providing for a right of secession from independent states. The practice surveyed above in section A.I on the fundamental norm of territorial integrity demonstrates this clearly. Indeed, such a norm would be of little value were a right to secession under international law be recognised as applying to independent states.

133. The UN has always strenuously opposed any attempt at the partial or total disruption of the national unity and territorial integrity of a state. Point 6 of the Colonial Declaration 1960, for example, emphasised that:

“Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations”,

while the preamble to the Declaration on Principles of International Law 1970 included the following paragraphs:

“Recalling the duty of States to refrain in their international relations from military, political, economic or any other form of coercion aimed against the political independence or territorial integrity of any State,

Considering it essential that all States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Convinced in consequence that any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State or country or at its political independence is incompatible with the purposes and principles of the Charter”.


157 See above, para. 95.
134. In addition, it was specifically noted that:

“Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country”.

135. This approach has also been underlined in regional instruments. For example, article III (3) of the OAU Charter emphasises the principle of “Respect for the sovereignty and territorial integrity of each State and for its inalienable right to independent existence”, while Principle VIII of the Helsinki Final Act noted that:

“The participating States will respect the equal rights of peoples and their rights to self-determination, acting all times in conformity with the purposes and principles of the Charter of the United Nations and with the relevant norms of international law, including those relating to the territorial integrity of States”.158

136. In addition, the Charter of Paris 1990 declared that the participating states:

“reaffirm the equal rights of peoples and their right to self-determination in conformity with the Charter of the United Nations and with the relevant norms of international law, including those relating to the territorial integrity of States”.

137. International practice demonstrates that self-determination has not been interpreted to mean that any group defining itself as such can decide for itself its own political status up to and including secession from an already independent State.159 The UN Secretary-General has emphasised that:

“as an international organisation, the United Nations has never accepted and does not accept and I do not believe it will ever accept the principle of secession of a part of a member State”.160

138. The Yugoslav Arbitration Commission underlined in Opinion No. 2 that:

“whatever the circumstances, the right to self-determination must not involve changes to existing frontiers at the time of independence (uti possidetis juris) except where the states concerned agree otherwise”.161

---

158 Principle IV on the Territorial Integrity of States underlined respect for this principle, noting that the participating states “will refrain from any action inconsistent with the purposes and principles of the Charter of the United Nations against the territorial integrity, political independence or the unity of any participating state”, see above, para. 38.


160 UN Monthly Chronicle (February 1970), p. 36. See also the comment by the UK Foreign Minister that “it is widely accepted at the United Nations that the right of self-determination does not give every distinct group or territorial sub-division within a state the right to secede from it and thereby dismember the territorial integrity or political unity of sovereign independents”, 54 BYIL, 1983, p. 409.

161 92 ILR, p. 168.
while, the Canadian Supreme Court concluded in the *Quebec Secession* case that:

“international law expects that the right to self-determination will be exercised by peoples within the framework of existing sovereign states and consistently with the maintenance of the territorial integrity of those states... The international law principle of self-determination has evolved within a framework of respect for the territorial integrity of existing states. The various international documents that support the existence of a people's right to self-determination also contain parallel statements supportive of the conclusion that the exercise of such a right must be sufficiently limited to prevent threats to an existing state's territorial integrity or the stability of relations between sovereign states.”,162

139. Leading writers have come to the same general conclusion. Cassese has written that:

“Ever since the emergence of the political principle of self-determination on the international scene, states have been adamant in rejecting even the possibility that nations, groups and minorities be granted a right to secede from the territory in which they live. Territorial integrity and sovereign rights have consistently been regarded as of paramount importance; indeed they have been considered as concluding debate on the subject”.163

140. That author concluded with the observation that:

“the international body of legal norms on self-determination does not encompass any rule granting ethnic groups and minorities the right to secede with a view to becoming a separate and distinct international entity”.164

141. Crawford has written that:

“Since 1945 the international community has been extremely reluctant to accept unilateral secession of parts of independent states if the secession is opposed by the government of that state. In such cases the principle of territorial integrity has been a significant limitation. Since 1945 no state which has been created by unilateral secession has been admitted to the United Nations against the declared wishes of the predecessor state”.165

142. He has concluded as follows:

“To summarise, outside of the colonial context, the principle of self-determination is not recognised as giving rise to unilateral rights of secession by parts of independent states... State practice since 1945 shows the extreme reluctance of states to recognise unilateral secession outside of the colonial context. That practice has not changed since 1989, despite the emergence during that period of twenty-three new states. On the contrary, the practice has been powerfully reinforced”.166

---

164 Ibid., p. 339.
166 Ibid., p. 415.
(b) The Reverse Argument – The “Saving” or “Safeguard” Clause of the Declaration on Principles of International Law 1970

143. The 1970 on Principles of International Law Concerning Friendly Relations contains in its section on self-determination the following provision:

“Nothing in the foregoing paragraph shall be construed as authorising or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent states conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour”.167

144. The thrust of this clause is to reinforce the primacy of the principle of territorial integrity and political unity of sovereign and independent states, while reaffirming the importance of states conducting themselves in accordance with the principle of self-determination. The primary starting-point is clearly the principle of territorial integrity, for its significance is of the essence in the clause in prohibiting action to affect in any way detrimentally the territorial integrity of states. Further, it is to be noted that this clause is immediately followed by the statement that “[e]very State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country”. This provision is laid down without condition or provision, nor is expressed as being contingent upon any particular factual situation. The concordance can hardly be coincidental.

145. Secondly, the clause provides a definition of the principle of self-determination in terms of the representative and non-discriminatory requirement of government so that a people validly exercise such right by participation in the governance of the state in question on a basis of equality. This is a clear reference to “internal self-determination” as it has been analysed and recognised by the Human Rights Committee in its implementation of article 1 of the International Covenant on Civil and Political Rights expressing the right of all peoples to self-determination.

146. However, some have drawn the inference by way of reverse or a contrario argument that states that are not conducting themselves in accordance with the principle of self-determination are not therefore protected by the principle of territorial integrity, thus providing for a right of secession. Even those writers that do draw this conclusion express themselves in extremely cautious and hesitant terms. Cassese, for example, concludes that:

“a racial or religious group may attempt secession, a form of external self-determination, when it is apparent that internal self-determination is absolutely beyond reach. Extreme and unremitting persecution and the lack of any reasonable prospect for peaceful challenge may make secession legitimate”,168

while Crawford has noted that:

167 See also the similar clause in the Vienna Declaration of the UN World Conference on Human Rights 1993.

168 Op.cit., p. 120.
“it is arguable that, in extreme cases of oppression, international law allows remedial secession to discrete peoples within a state and that the ‘safeguard clauses’ in the Friendly Relations Declaration and the Vienna Declaration recognise this, even if indirectly”. 169

147. The Canadian Supreme Court in the Quebec Secession case mentioned the issue, noting that it was unclear whether the reverse argument actually reflected an “established international law standard” and in any event concluding that it was irrelevant to the Quebec situation. 170

148. A more general comment should be made. It would be extremely unusual for a major change in legal principle such as the legitimation of the right to secession from an independent state, even in extreme conditions, to be introduced by way of an ambiguous subordinate clause phrased in a negative way, especially when the principle of territorial integrity has been accepted and proclaimed as a core principle of international law. Further the principle of territorial integrity is repeated both before the qualifying clause in the provision in question and indeed in the immediately following paragraph. It is also to be underlined that the 1970 Declaration provides that each principle contained in the Declaration is to be interpreted in the context of the other principles and that all these principles are interrelated. The principle of sovereign equality includes the unconditional provision that “[t]he territorial integrity and political independence of the State are inviolable”. Accordingly, it is hard to conclude that the “saving” or “safeguard” clause so indirectly provides such an important exception to the principle of territorial integrity.

149. Additionally, actual practice demonstrating the successful application of this proposition is lacking, even when expressed as restricted to “extreme” persecution. This is particularly so where the governing norm of respect for the territorial integrity of states is so deeply established.

C. Armenia’s Revisionist Claims and Responses Thereto

150. Armenia’s revisionist claims with regard to self-determination and territorial integrity proceed as follows. 171

a) Prior to Azerbaijan’s Independence

151. Armenia makes a series of historical assertions. It claims that Nagorno Karabakh was arbitrarily placed in the Soviet Republic of Azerbaijan on 5 July 1921 with the status of an autonomous region. Within the Soviet Union, it is claimed, the Nagorny Karabakh Autonomous Region (Oblast) was subject to pressures aimed at reducing the ethnic Armenian population. 172 However, it is well known that Nagorny Karabakh has been part of Azerbaijan for centuries and, owing to the territorial claims of Armenia,

172 See e.g. Note Verbale, op.cit., p. 4 and Initial Report to the Human Rights Committee, op.cit., pp. 6-7.
the decision was taken on 5 July 1921 to leave Nagorny Karabakh within Azerbaijan. Moreover, it is also well documented that the region possessed all essential elements of self-government and even developed more rapidly than Azerbaijan as a whole. Nonetheless, whatever the truth of Armenia’s assertions, they cannot affect the legal position as it existed during the critical period leading up to and including the independence of Azerbaijan nor the legal position after such independence, otherwise the international community would be faced with scores of revisionist claims based upon historical arguments.

152. Armenia claims that the key to the legal situation is the period commencing 20 February 1988, when a session of the twentieth convocation of delegates of the Nagorny Karabakh Autonomous Region adopted a resolution seeking the transfer of the region from Azerbaijan to Armenia (within the USSR). This was accepted by the Supreme Soviet of the Armenian SSR on 15 June 1988. On 12 July 1988, the eighth session of the twentieth convocation of delegates of the Nagorny Karabakh Autonomous Region passed a resolution on the secession of the region from Azerbaijan. This was confirmed on 16 August 1989 at the “congress of plenipotentiary representatives of the population of Nagorny Karabakh”, while on 1 December 1989, the Supreme Soviet of the Armenian SSR adopted a resolution calling for the “reunification” of the Armenian SSR and Nagorny Karabakh. On 2 September 1991, “the local councils” of Nagorny Karabakh adopted a “Declaration of Independence of the Republic of Nagorno-Karabakh”. This was confirmed by a “referendum” held in Nagorny Karabakh on 10 December 1991. On 16 August 1991 and again on 28 December that year, “elections” were held in the territory and on 6 January 1992, the newly convened “parliament” adopted a “Declaration of Independence”, followed two days later by the adoption of a “Constitutional Law ‘On Basic Principles of the State Independence of Nagorno Karabakh Republic’”.

153. Armenia’s view is that “[o]n the date the Republic of Azerbaijan obtained its recognition, the Republic of Nagorny Karabakh no longer formed part of it”, while the process by which this entity became independent reflected the right of self-determination.

154. However, this approach is fundamentally flawed. The following points need to be made bearing in mind the analysis of the relevant concepts made earlier in this Report.

155. First, the critical period for the purposes of *uti possidetis* and thus the legitimate inheritance of territorial frontiers is the period around independence. The International Court has made this very clear. In *Burkina Faso/Mali*, it was stated that:

“The essence of this principle [*uti possidetis*] lies in its primary aim of securing respect for the territorial boundaries *at the moment when independence is achieved*”,

and further, that:

---

177 ICJ Reports, 1986, pp. 554, 566. This was reaffirmed in *El Salvador/Honduras*, ICJ Reports, 1992, pp. 351, 386-7.
178 ICJ Reports, 1986, p. 568.
“By becoming independent, a new state acquires sovereignty with the territorial base and boundaries left to it by the colonial power. This is part of the ordinary operation of the machinery of state succession. International law - and consequently the principle of *uti possidetis* - applies to the new state (as a state) not with retroactive effect, but immediately and from that moment onwards. It applies to the state as it is, i.e., to the ‘photograph’ of the territorial situation then existing. The principle of *uti possidetis* freezes the territorial title; it stops the clock, but does not put back the hands” (emphasis in original).

156. What mattered, therefore, was the frontier “which existed at the moment of independence”. Insofar as the Nagorny Karabakh situation is concerned, this must be 18 October 1991, the date of independence of the Republic of Azerbaijan confirmed at the referendum held on 29 December 1991. Accordingly, the situation as at that date must be examined.

157. Secondly, the applicable law governing the application of *uti possidetis*, being the rule determining the territorial boundaries of an entity upon independence is the constitutional law of the former or predecessor state for it is primarily with respect to the valid titles established under that system that one can identify the relevant administrative line.

158. The Chamber in *Burkina Faso/Mali* noted that the determination of the relevant frontier line had to be appraised in the light of French colonial law since the line in question had been an entirely internal administrative border within French West Africa. As such it was defined not by international law, but by the French legislation applicable to such territories. This approach was reinforced in the *El Salvador/Honduras* case, where the Chamber stated that “when the principle of *uti possidetis juris* is involved, the *jus* referred to is not international law but the constitutional or administrative law of the pre-independence sovereign”.

159. Accordingly, the application of the principle of *uti possidetis* is conditioned upon the constitutional position as at the moment of independence with regard to the administrative boundaries in question. In this sense, the position as far as Azerbaijan is concerned is clear. The attempts made by the Armenians of Nagorny Karabakh and Armenia to alter the line (or remove Nagorny Karabakh from the recognised territory of Azerbaijan) were not accepted either by Azerbaijan or by the authorities of the USSR at the relevant time. On 18 July 1988, the Presidium of the Supreme Soviet of the USSR (faced with the request of the convocation of delegates of the Nagorny Karabakh Autonomous Region of 20 February that year to join Armenia, the refusal of this by Azerbaijan on 13 and 17 June and the support of the request by Armenia on 15 June) decided to leave the territory within the Azerbaijan SSR. The decisions on unilateral secession of Nagorny Karabakh of 12 July 1988 and 16 August 1989 were refused by Azerbaijan on 12 July 1988 and 26 August 1989 respectively. On 20 January 1989, the Supreme Soviet of the USSR established

---

179 Ibid., p. 570.
180 Ibid., p. 568. The situation is slightly different where the boundaries in question were constituted by international agreement prior to independence, rather than where, as here, the relevant boundaries were prior to independence internal or administrative lines of the predecessor state.
181 ICJ Reports, 1992, pp. 351, 559.
a special authority for the territory under the direct authority of the central government, but replaced this on 28 November 1989 with a “Republican Organisational Committee” of the Azerbaijan SSR. 183

160. On 1 December 1989, the Supreme Soviet of Armenia adopted a resolution calling for the reunification of the Armenian SSR with Nagorno Karabakh. 184 However, on 10 January 1990, the Presidium of the Supreme Soviet of the USSR adopted a resolution on the “Nonconformity With the USSR Constitution of the Acts on Nagorny Karabakh Adopted by the Armenian SSR Supreme Soviet on 1 December 1989 and 9 January 1990”, declaring the illegality of the proposed unification of Armenia with Nagorny Karabakh without the consent of the Azerbaijan SSR. 185 On 30 August 1991, the Azerbaijan SSR adopted a Declaration on the restoration of state independence of Azerbaijan and on 18 October 1991 and 29 December 1991, this was officially confirmed.

161. Unlike all previous decisions taken by the Armenian side on Nagorny Karabakh, the proclamation on 2 September 1991 of the “Republic of Nagorny Karabakh” was argued by the Law of the USSR “On the Procedures for Resolving Questions Related to the Secession of Union Republics from the USSR” of 3 April 1990. 186

162. The purpose of this Law was to regulate mutual relations within the framework of the USSR by establishing a specific procedure to be followed by Union Republics in the event of their secession from the USSR. A decision by a Union Republic to secede had to be based on the will of the people of the Republic freely expressed through a referendum, subject to authorization by the Supreme Soviet of the Union Republic. At the same time, according to this Law, in a Union Republic containing autonomous entities, the referendum had to be held separately in each entity in order to decide independently the question of staying in the USSR or in the seceding Union Republic, as well as to raise the question of its own state-legal status. Moreover, the Law provided that in a Union Republic, whose territory included areas with concentration of national groups that made up the majority of the population in a given locality, the results of the voting in those localities had to be considered separately during the determination of the referendum results. The secession of a Union Republic from the USSR could be regarded valid only after the fulfillment of complicated and multi-staged procedures and, finally, the adoption of the relevant decision by the Congress of the USSR People’s Deputies.

163. In reality, as Cassese pointed out, “the law made it extremely difficult for republics successfully to negotiate the entire secession process” and thus “clearly failed to meet international standards on self-determination”. The same author concludes with the observation that “[t]he Law [of 3 April 1990] made the whole process of possible secession from the Soviet Union so cumbersome and complicated, that one may wonder whether it ultimately constituted a true application of self-determination or was rather intended to pose a set of insurmountable hurdles to the implementation of that principle”. 187 It is therefore curiously to hear this Act being invoked against the background of claims to application of the right of peoples to self-determination, since that is precisely what the Law limited.

184 Ibid.
164. For these reasons, the Law of 3 April 1990 was never applied. Instead, it was rapidly superseded by the dramatic events in the USSR and forfeited not only its urgency but also legal effect before the Soviet Union ceased to exist as an international legal person. Cassese has written that the “process of independence by the twelve republics … occurred outside the realm of law …” and “was precipitated by the political crisis at the centre of the Soviet Union and the correlative increase in the strength of centrifugal forces” (emphasis in original). 188

165. In other words, on the eve of the independence of Azerbaijan, the unlawfulness within the Soviet legal system of any unification of Nagorny Karabakh with Armenia without Azerbaijan’s consent was confirmed at the highest constitutional level. Azerbaijan did not so consent, so that the definition of the territory of Azerbaijan as it proceeded to independence and in the light of the applicable law clearly included the territory of Nagorny Karabakh. Accordingly, the factual basis for the operation of the legal principle of uti possidetis is beyond dispute in this case. Azerbaijan was entitled to come to independence within the territorial boundaries that it was recognised as having as the Azerbaijan SSR within the USSR.

166. It follows from this that Armenia’s claims as to the claimed “independence” or “reunification” of Nagorny Karabakh are contrary to the internationally accepted principle of uti possidetis and therefore unsustainable in international law.

167. Finally, Armenia’s arguments that Azerbaijan proclamation that it succeeded to the 1918-20 state of Azerbaijan189 meant that Azerbaijan succeeded to the boundaries of its former incarnation is equally fallacious. It is one thing to claim succession to a former legal personality, something which would mean more in political than in legal terms, it is quite another to argue that such a process would mean a reversion to territorial boundaries. If accepted as a rule of international law, it would run counter to all understanding of the principle of self-determination and lead to considerable uncertainty as states sought to redefine their territorial extent in the light of former entities to which they may be able to claim succession.190 Further, such an approach would reduce the principle of territorial integrity to a fiction, since states could challenge and seek to extend their boundaries and claim areas legitimately in the territory of other states on the basis of such reversionary irredentism. It would also mean that the principle of uti possidetis would be subject to a considerable exception. It is a doctrine with no support in international law in the light of its considerable inherent dangers.

b) After Azerbaijan’s Independence

168. The claims made by Armenia insofar as they relate to the period prior to the independence of Azerbaijan are contrary to international law. However, claims have been made in relation to the post-independence period and these are similarly unlawful as amounting to a violation of the principle of the respect for the territorial integrity of sovereign states.

169. On 10 December 1991, Nagorny Karabakh held a “referendum on independence” (without the support or consent of independent Azerbaijan of which it legally constituted a part) which was confirmed two days later by an “Act on the Results of the Referendum on the Independence of the Republic

188 Ibid., p. 266.
189 See e.g. the terms of the Declaration of 30 August 1991and article 2 of the Declaration of 18 October 1991.
190 See e.g. M.N.Shaw, Title to Territory in Africa, Oxford, 1986, chapter 4.
of Nagorný Karabakh”. On 28 December 1991, “parliamentary elections” were held in the territory and on 6 January 1992 the newly convened “parliament” adopted a “Declaration of Independence”. On the same day, the “Supreme Council of Nagorný Karabakh” adopted a “Declaration on State Independence of the Republic of Nagorný Karabakh”\(^{191}\). Thus, the process of secession from Azerbaijan was instituted. This was claimed to be on the basis of the right to self-determination\(^{192}\).

170. This assertion of secession from an independent Azerbaijan on the grounds of self-determination contradicts the universally accepted norm of territorial integrity, as discussed earlier in this Report. Not only has Azerbaijan not consented to this secession (indeed it has constantly and continuously protested against it), but no state in the international community has recognised the “Republic of Nagorný Karabakh” as independent, not even Armenia, even though Armenia provides indispensable economic, political and military sustenance without which that entity could not exist.

D. Conclusions

171. The following general conclusions may be drawn from the above analysis:

1) The principle of respect for the territorial integrity of states constitutes a foundational norm in international law buttressed by a vast array of international, regional and bilateral practice, not least in the United Nations.

2) The territorial integrity norm may well constitute a rule of jus cogens.

3) The territorial integrity norm reflects and sustains the principle of sovereign equality.

4) The territorial integrity norm is reflected in a range of associated and derivative international legal principles, the most important of which is the prohibition of the threat or use of force against the territorial integrity of states, which is without dispute a rule of jus cogens.

5) A related principle of territorial integrity that of uti possidetis juris, provides for the territorial definition of entities as they move to independence.

6) This principle of uti possidetis applies to new states, irrespective of colonial or other origins, and asserts that absent consent to the contrary, a new state will come to independence in the boundaries that it possessed as a non-independent entity.

7) The principle of self-determination exists as a rule of international law. As such it provides for the independence of colonial territories and for the participation of peoples in the governance of their states within the territorial framework of such states. The principle of self-determination also has an application in the case of foreign occupations and acts to sustain the integrity of existing states.

8) The principle of self-determination cannot be interpreted to include a right in international law of secession (outside of the colonial context).

172. The following particular conclusions may be drawn:

1) The principle of uti possidetis establishes that Azerbaijan validly came to independence within the borders that it had under Soviet law in the period preceding its declaration of independence.

2) These borders included the territory of Nagorný Karabakh as affirmed by the legitimate authorities of the USSR at the relevant time.


\(^{192}\) See “Nagorno-Karabagh: Legal Aspects”, *op.cit.*, p. 20.
3) Azerbaijan has not consented to the removal of Nagorny Karabakh from within its own internationally recognised territorial boundaries.

4) Neither the purported unification of Nagorny Karabakh with Armenia nor its purported independence have been recognised by any third state.

5) Accordingly, the actions of those in control in Nagorny Karabakh prior to the independence of Azerbaijan offend the principle of *uti possidetis* and fall to be determined within the legal system of Azerbaijan.

6) The inhabitants of Nagorny Karabakh, however, are entitled to the full benefit of international human rights provisions, including the right to self-determination within the boundaries of Azerbaijan. There is no applicable right to secession under international law.

7) The actions of those in control in Nagorny Karabakh following the independence of Azerbaijan amount to secessionist activities and fall to be determined within the domestic legal system of Azerbaijan.

8) The actions of Armenia, up to and including the resort to force, constitute a violation of the fundamental norm of respect for the territorial integrity of states, as well as a violation of other relevant international legal principles, such as rule prohibiting the use of force.

*mfa.gov.az*
Letter dated 22 December 2008 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

On the instructions of my Government, I have the honour to transmit herewith the Report of the Legal Consequences of Armed Aggression by the Republic of Armenia against the Republic of Azerbaijan (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 13 and 18, and of the Security Council.

(Signed) Agshin Mehdiyev
Ambassador
Permanent Representative
Annex to the letter dated 22 December 2008 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Report on the legal consequences of the armed aggression by the republic of Armenia against the republic of Azerbaijan

I. Did the Republic of Armenia perpetrate an armed attack against the Republic of Azerbaijan in and around the Nagorny Karabakh region?

II. Can the Republic of Azerbaijan exercise a right of self-defence (under Article 51 of the UN Charter) against the Republic of Armenia at the present time?

A. International and Non-International Armed Conflicts

1. It is necessary to distinguish between events entailing use of force in and around the Nagorny Karabakh region of the Republic of Azerbaijan before and after the emergence of Armenia and Azerbaijan as sovereign States. The critical date in any analysis of the use of unlawful force between Armenia and Azerbaijan is that of their independence towards the end of 1991 (see infra 9). There was of course much use of force in and around Nagorny Karabakh in the time-frame between 1988 and 1991, but that happened while both Armenia and Azerbaijan still constituted integral parts of the USSR. Instances of the use of force in and around Nagorny Karabakh in the days of the Soviet Union shed light on subsequent events and put them in a proper historical perspective. However, these incidents – even when marked by intensity and scale – must be legally subsumed under the heading of a non-international armed conflict raging within the borders of a single sovereign State.

2. Naturally, from the viewpoint of the fighter (and the civilian victims) on the ground, the fact that the same bloodletting by the same armed groups within the same territory carries one legal tag (non-international armed conflict) until a certain date, and a different legal tag (international armed conflict) thereafter, may appear to be artificial and even perplexing. But, legally speaking, there is a profound disparity between non-international (intra-State) armed conflicts and international (inter-State) armed conflicts, since they are regulated by divergent sets of rules. Shortly after the Republics of Armenia and Azerbaijan became independent (see infra 9), the Nagorny Karabakh conflict underwent a major metamorphosis. When the newly established Republic of Armenia intervened militarily on behalf of ethnic-Armenian local inhabitants of Nagorny Karabakh, the conflict changed from a non-international (intra-State) armed conflict into an international (inter-State) armed conflict. Thus, from the moment of post-independence clash between the two newly established Republics – once the Republic of Armenia perpetrated an armed attack against the Republic of Azerbaijan (see infra 16) – the conflict shifted gear from one legal regime (governing non-international armed conflicts) to another (pertaining to international armed conflicts).

3. The law of armed conflict is divided into *jus ad bellum* pertaining to the legality of war (as well as cognate issues) and *jus in bello* regulating the means and methods of warfare (otherwise known as international humanitarian law (IHL)). As far as the international *jus ad bellum* is concerned, an unlawful use of force can only be unleashed by one sovereign State against another. The reason for that is quite simple. The Charter of the United Nations – while prohibiting the use (or threat) of force, whether or not it amounts to war (that is to say, interdicting also uses of force short of war) – addresses the issue exclusively in terms of inter-State force. Article 2(4) of the Charter proclaims: “All Members shall refrain in their international
relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.\textsuperscript{193}

4. The linchpin of Article 2(4) is that the injunction against the (threat or) use of force relates to the “international relations” between Member States. There is no parallel prohibition – either in the Charter or anywhere else in international law – banning recourse to force internally within the borders of a single State. Such intra-State force is always subjected to domestic regulation (in conformity with the national constitution and legislation in force), making the use of lawful force a monopoly of State instrumentalities. But internationally there is no \textit{jus ad bellum} concerning non-international armed conflicts. International law does deal with multiple dimensions of \textit{jus in bello} in the course of intra-State conflicts,\textsuperscript{194} but it leaves aside questions pertaining to the \textit{jus ad bellum} in such conflicts.

B. The Thrust and Repercussions of Article 2(4) of the Charter

5. When it comes to inter-State conflicts, international law addresses not only a host of topics apposite to the \textit{jus in bello},\textsuperscript{195} but also the crucial issue of the \textit{jus ad bellum}. Article 2(4) (quoted supra 3) is the mainstay of that \textit{jus ad bellum}. In 1945, the provision of Article 2(4) was in several respects innovative: earlier there was only a renunciation of war as an instrument of national policy in the relations between Contracting Parties, and even that goes back only to the Kellogg-Briand Pact of 1928.\textsuperscript{196} But, as underscored by the International Court of Justice (ICJ) in the \textit{Nicaragua} Judgment of 1986, the norm enshrined in Article 2(4) can now be regarded as an embodiment of customary international law, and, as such, it obligates all States (whether or not they are Members of the United Nations).\textsuperscript{197}

6. Moreover, the International Law Commission (ILC), in its commentary on the draft text of the 1969 Vienna Convention on the Law of Treaties, identified the Charter’s prohibition of the use of inter-State force as “a conspicuous example” of \textit{jus cogens}.\textsuperscript{198} The Commission’s position was quoted with apparent approval by the ICJ in the \textit{Nicaragua} case.\textsuperscript{199} What this means is that any treaty colliding head-on with the prohibition of the use of force will be invalidated by virtue of Articles 53 or 64 of the Vienna Convention.\textsuperscript{200} If that is not enough, Article 52 of the Vienna Convention, relating to coercion of a State, prescribes: “A treaty is void if its conclusion has been procured by the threat or use of force in violation of
the principles of international law embodied in the Charter of the United Nations”.201 Already in 1973, the ICJ held in the Fisheries Jurisdiction case: “There can be little doubt, as is implied in the Charter of the United Nations and recognized in Article 52 of the Vienna Convention on the Law of Treaties, that under contemporary international law an agreement concluded under the threat or use of force is void”.202 It follows that any treaty of cession, whereby an aggressor State purports to gain lawful title over a territory procured by unlawful force, is void ab initio.

7. Most scholars, when citing Article 2(4), accentuate the words “against the territorial integrity or political independence of any state” (see supra 3). Yet, it is necessary to bring to the fore the other limb in the same sentence: “or in any other manner inconsistent with the Purposes of the United Nations”. The upshot is that the prohibition is comprehensive, embracing all categories of inter-State use of force in the “international relations” between UN Member States, unless exceptionally permitted by the Charter. In the Nicaragua Judgment, the ICJ pronounced tout cours that Article 2(4) articulates the “principle of the prohibition of the use of force” in international relations.203 The principle was presented by the Court in a non-restrictive, all-inclusive, fashion.

8. There are only two lawful exceptions to the UN Charter’s broad ban on the use of inter-State force, and both are prescribed in the Charter itself.204 One exception is enforcement action taken (or authorized) by the Security Council in keeping with the powers vested in it under Chapter VII (and VIII) of the Charter (Articles 39 et seq.)205 (see infra 55 et seq.). The other exception to the prohibition of the use of inter-State force relates to the exercise of the right of self-defence (Article 51) (see infra 12).

C. The Status of Nagorny Karabakh as Part of the Territory of the Republic of Azerbaijan

9. The occupation by force of Nagorny Karabakh and its surrounding areas constitutes a flagrant breach by the Republic of Armenia of the “territorial integrity” of the Republic of Azerbaijan. The Republics of Armenia and Azerbaijan broke away from the USSR in September-October 1991. There is no question about their independent existence at least as from 8 December 1991, at which date a formal declaration was made at Minsk by Russia, Ukraine and Belarus that “the Union of Soviet Socialist Republics as a subject of international law and a geopolitical reality no longer exists”.206 Almost from their very inception, the Republics of Armenia and Azerbaijan committed themselves – like other Parties to the Alma Ata Declaration of 21 December 1991 – to: “Recognizing and respecting each other’s territorial integrity and the inviolability of existing borders”.207 The 1993 Charter of the Commonwealth of Independent States (CIS) (to which they both belong) stresses, in Article 3, the principle of “inviolability of state frontiers, recognition of existing frontiers and renouncement of illegal acquisition of territories”.208 Indubitably, a firm

---

201 Ibid., 153.
203 Nicaragua case, supra note 5, at 100.
204 The existence of these two exceptions is confirmed by the ICJ in its Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons, [1996] Reports of the International Court of Justice 226, 244.
205 Charter of the United Nations, supra note 1, at 343 ff.
stand was taken by all the newly independent Republics of the CIS, to retain their former administrative (intra-State) borders as their inter-State frontiers following the dissolution of the USSR.  

10. The Security Council explicitly referred in Resolution 884 (1993) to “the conflict in and around the Nagorny Karabakh region of the Azerbaijani Republic”, while “Reaffirming the sovereignty and territorial integrity of the Azerbaijani Republic and of all other States in the region”, as well as “the inviolability of international borders”. Similar language had been used earlier, especially in Resolution 853 (1993). General Assembly Resolution 62/243 of 14 March 2008 is phrased along the same lines: “Reaffirms continued respect and support for the sovereignty and territorial integrity of the Republic of Azerbaijan within its internationally recognized borders”.  

11. These undertakings and resolutions are entirely in harmony with the general legal principle of uti possidetis: “after achieving independence existing delimitations acquire the protection of international law and any changes must be achieved peacefully without the use or threat of force”. The obligation to settle international disputes amicably is embedded in Article 2(3) of the UN Charter: “All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered”. Article 2(3) and Article 2(4) – two consecutive paragraphs in the same provision of the Charter – must be read together: when a dispute between States arises, the use of force is not a legally viable option (Article 2(4)), and the Parties are bound to settle their differences peacefully (Article 2(3)). If – immediately after independence – the Republic of Armenia wished to challenge the sovereignty of the Republic of Azerbaijan over Nagorny Karabakh, it should have done that by peaceful means instead of resorting to force.

D. Article 51 of the Charter

12. Article 51 of the UN Charter promulgates: “Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security”. In the Nicaragua Judgment, the ICJ construed the expression “inherent right” appearing in Article 51 as a reference to customary international law.

---

212 General Assembly Resolution 62/243, Article 1 (14 March 2008).
214 Charter of the United Nations, supra note 1, at 332.
215 Charter of the United Nations, supra note 1, at 346.
216 Nicaragua case, supra note 5, at 94.
According to the Court, the framers of the Charter thereby acknowledged that self-defence was a pre-existing right of a customary nature, which they desired to preserve (at least in essence).217

13. The exercise of the right of self-defence is permitted in Article 51 only in response to an armed attack. It ought to be accentuated that the drafters of the Charter deliberately used different language in pari materia in three key clauses:

(i) Article 2(4) (quoted supra 3) – stating the overall prohibition – adverts to “the threat or use of force”.

(ii) Article 39 (quoted infra 56) – setting forth the powers of the Security Council – alludes to “any threat to the peace, breach of the peace, or act of aggression”.218

(iii) Article 51 (quoted supra 12) – whereby the exercise of the right of self-defence is admissible – coins the phrase “armed attack” (which is not to be confused with the definition of attacks employed in the context of hostilities within the purview of the jus in bello).219

Plainly, both Articles 2(4) and 39 cover not only actual use of force but also mere threats. Conversely, Article 51 does not mention threats. The exceptional resort to self-defence is contingent on the occurrence of an “armed attack”, which is rendered in French as “agression armée”, i.e., armed aggression.

14. Since Article 2(4) forbids in generic terms “the threat or use of force”, and Article 51 allows taking self-defence measures specifically against an “armed attack”, a gap is discernible between the two stipulations.220 Even if one glosses over mere threats of force, it is evident that not every unlawful use of force constitutes an armed attack. For an unlawful use of force to acquire the dimensions of an armed attack, a minimal threshold has to be reached. Solely an armed attack – as distinct from any use of force that is below that threshold – justifies self-defence in response. In a Resolution on Self-Defence, adopted by the Institut de Droit International in Santiago de Chile in 2007, it is stated: “An armed attack triggering the right of self-defence must be of a certain degree of gravity. Acts involving the use of force of lesser intensity may give rise to countermeasures in conformity with international law”.221

15. There is no authoritative definition of an armed attack. Nonetheless, in 1974 the General Assembly adopted by consensus a Definition of Aggression, which is practically confined to armed aggression,222 namely, the equivalent of an armed attack (see supra 13). The most egregious manifestations of aggression are listed in Article 3(a) and (b):

217 Ibid.
218 Charter of the United Nations, supra note 1, at 343.
219 For the latter, see N.Melzer, Targeted Killing in International Law 270 (2008).
221 Institut de Droit International, Resolution on Self-Defence, Article 5 (Santiago de Chile, 2007).
“(a) The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;

(b) Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State”.223

Undeniably, invasion or attacks by the armed forces of a foreign State, military occupation and bombardment – the highlights of Article 3(a)-(b) of the Definition – constitute armed attacks, triggering the right of self-defence in accordance with Article 51 and customary international law.224 As far as invasion is concerned, this is strongly supported by the Separate Opinion of Judge Simma in the Congo/Uganda Armed Activities case of 2005.225 As for occupation: “When territory has been occupied illegally, the use of force to retake it will be a lawful exercise of the right of self-defence”.226

16. The first armed attack by the Republic of Armenia against the Republic of Azerbaijan after the independence of the two Republics – an attack in which organized military formations and armoured vehicles operated against Azerbaijani targets – occurred in February 1992, when the town of Khojaly in the Republic of Azerbaijan was notoriously overrun.227 Direct artillery bombardment of the Azerbaijani town of Lachin – mounted from within the territory of the Republic of Armenia – took place in May of that year.228

17. Armenian attacks against areas within the Republic of Azerbaijan were resumed in 1993, eliciting a series of four Security Council resolutions. It is noteworthy that in the first of these texts, Resolution 822 (adopted on 30 April 1993), the Security Council used the explicit term “invasion” in describing the attack against “the Kelbadjar district of the Republic of Azerbaijan” (although this was attributed to “local Armenian forces”, see infra 18).229 The Security Council then condemned, in Resolution 853 (adopted on 29 July 1993), “the seizure of the district of Agdam and of all other recently occupied areas of the Azerbaijani Republic”.230 In Resolution 874 (adopted on 14 October 1993), the Council called for “withdrawal of forces from recently occupied territories”.231 And in Resolution 884 (adopted on 13 November 1993), the Council condemned “the occupation of the Zangelan district and the city of Goradiz”.232 In Resolution 62/243 of 2008, the General Assembly “Demands the immediate, complete and unconditional withdrawal of all Armenian forces from all the occupied territories of the Republic of Azerbaijan”.233

223 Ibid.
233 General Assembly Resolution 62/43, supra note 20, Article 2.
18. It is true that, in 1993, the Security Council was under the impression that there was, e.g., an “invasion of the Kelbadjar district of the Republic of Azerbaijan by local Armenian forces” (Resolution 822). In Resolution 884, the Council even called “upon the Government of Armenia to use its influence to achieve compliance by the Armenians of the Nagorny Karabakh region of the Azerbaijani Republic” with earlier resolutions. Yet, already in 1993, the UN Secretary-General stated to the Security Council: “Reports of the use of heavy weaponry, such as T-72 tanks, Mi-24 helicopter gunships and advanced fixed wing aircraft are particularly disturbing and would seem to indicate the involvement of more than local ethnic forces”. Moreover, in the meantime, the Republic of Azerbaijan acquired on the ground – in early 1994 – irrefutable evidence (including military ID cards of Armenian servicemen, operational maps, and signed statements by captured personnel), confirming the participation in the hostilities within the territory of Azerbaijan of regular units of the armed forces of the Republic of Armenia, e.g., Motor-Rifle Regiment No. 555.

19. The occupation of Nagorny Karabakh and surrounding areas, resulting from the invasion of the Republic of Azerbaijan by the Republic of Armenia, has remained in place until the present day. In all, approximately 20% of the entire territory of the Republic of Azerbaijan is currently occupied by armed forces of the Republic of Armenia. The deployment in 1998 of Armenian soldiers to the Kelbadjar district of the Republic of Azerbaijan (the specific subject of Security Council Resolution 822) was attested, for example, by the Final Report of the OSCE Observers of the Presidential Election in the Republic of Armenia. The presence of Armenian conscripts in the Nagorny Karabakh region – as late as 2005 – is confirmed in a Crisis Group report on Nagorny Karabakh.

20. When an armed attack occurs – through invasion or attacks by the armed forces of a foreign State, occupation and bombardment – the right of self-defence solidifies once and for all. This is important to keep in mind when successive rounds of fighting (punctuated by cease-fires) take place in the course of the same international armed conflict. It is wrong to appraise each round of combat as if it were a separate armed conflict (with a separate armed attack and a separate response by way of self-defence). The commission of the original armed attack must be considered to be the defining moment. Any acts taken thereafter by the victim of the armed attack must be seen as falling within the general scope of the exercise of the same right of self-defence, in response to the same armed attack. “The exception of self-defence, … if accepted as valid, would legalize once and for all the initiatives taken to repulse the adversary by the State making it”.

E. Conditions Not Mentioned in Article 51

236 Report of the Secretary-General Pursuant to the Statement of the President of the Security Council in Connection with the Situation Relating to Nagorny-Karabakh, para.10 (Doc. S/25600, 14 April 1993).
21. In the *Nicaragua* case, the ICJ enunciated that Article 51 “does not contain any specific rule whereby self-defence would warrant only measures which are proportional to the armed attack and necessary to respond to it, a rule well established in customary international law”.\(^{241}\) In its 1996 Advisory Opinion on the *Legality of the Threat or Use of Nuclear Weapons*, the Court – quoting these words – added that “[t]he submission of the exercise of right of self-defence to the conditions of necessity and proportionality is a rule of customary international law”, but “[t]his dual condition applies equally to Article 51 of the Charter, whatever the means of force employed”.\(^{242}\) The two conditions of necessity and proportionality were reaffirmed by the ICJ in its Judgments in the 2003 *Oil Platforms* case,\(^{243}\) and in the 2005 *Armed Activities* case.\(^{244}\)

22. A discussion of the issue of proportionality in the setting of the Nagorny Karabakh conflict is premature at the present juncture. A proper analysis of proportionality depends on the form in which any hypothetical resumption of self-defence by the Republic of Azerbaijan (see *infra* 24) is actually manifested (if at all) in the future. In particular, this will be determined by the nature, scope and scale of such recourse to counter-force by the Republic of Azerbaijan against the Republic of Armenia, if and when it occurs.

23. As for necessity, the principal point is that “force should not be considered necessary until peaceful measures have been found wanting or when they clearly would be futile”.\(^{245}\) For more than 15 years, the Republic of Azerbaijan has made efforts in good faith to resolve the Nagorny Karabakh conflict peacefully. There were direct negotiations conducted on various rungs of the political ladder – including the Presidential level – between the Republic of Azerbaijan and the Republic of Armenia. Additionally, there has been mediation under the aegis of the Organization for Security and Cooperation in Europe (OSCE) [originally, Conference for Security and Cooperation in Europe (CSCE)], the so-called Minsk Process. Regrettably, the many years of expended energy (not least, since 1994, by the Co-Chairmen of the Minsk Group) have not produced any tangible results. Surely, after more than a decade and a half of fruitless negotiations and mediation – which have merely left the Republic of Armenia in occupation of NK and surrounding areas – the Republic of Azerbaijan is entitled to draw a line in the sand: the condition of necessity has certainly been satisfied, indeed exhausted.

24. Immediacy has not been recognized by the ICJ as a condition to the exercise of the right of self-defence. By contrast, some scholars\(^{246}\) believe that it is. All the same, immediacy does not present any real difficulty to the Republic of Azerbaijan in the present case, taking the view that, “although immediacy serves as a core element of self-defence, it must be interpreted reasonably”.\(^{247}\) More specifically, the main factors here are:

\(^{241}\) *Nicaragua* case, *infra* note 5, at 94.

\(^{242}\) Advisory Opinion on the *Legality of the Threat or Use of Nuclear Weapons*, *infra* note 12, at 245.

\(^{243}\) *Case Concerning Oil Platforms* (Iran v. United States) (International Court of Justice, 2003), 42 *International Legal Materials* 1334, 1361-1362 (2003).

\(^{244}\) *Case Concerning Armed Activities on the Territory of the Congo*, *infra* note 33, at 306.


(i) Time consumed by negotiations (designed to satisfy the condition of necessity) does not count.

(ii) The Republic of Azerbaijan actually commenced to exercise its right of self-defence as early as the summer of 1992 (shortly after the onset of the armed attack by the Republic of Armenia and without any undue time-lag). The fact that fighting was later suspended through acceptance of a cease-fire (infra 26) means that what is at balance today is not an initial invocation but a resumption of the exercise of the right of self-defence.

(iii) In any event, when an armed attack produces continuous effects (through occupation) – and in the time that lapsed since the start of the armed attack the victim does not sleep on its rights, but keeps pressing ahead with (barren) attempts to resolve the conflict amicably – the right of self-defence is kept intact, despite the long period intervening between the genesis of the use of (unlawful) force and the ultimate (lawful) stage of recourse to counter-force. The Republic of Azerbaijan – as the victim of an armed attack – retains its right of self-defence, and can resume exercising it as soon as it becomes readily apparent that prolonging the negotiations is an exercise in futility.

25. The duration of the right of self-defence is determined by the armed attack. “As long as the attack lasts, the victim State is entitled to react”.\(^{248}\) By responding to the continued armed attack by Armenia, Azerbaijan will not be responding to an event that occurred in the early 1990s. It will be responding to a present reality.

F. Cease-Fire

26. As mentioned (supra 24), the right of self-defence in the Nagorny Karabakh conflict was invoked by the Republic of Azerbaijan from the very beginning (1992), although the Republic of Azerbaijan failed at the time in its attempts to repel the Armenian armed attack. In the four resolutions, adopted in 1993 by the Security Council, the Council first demanded a cease-fire (in Resolutions 822 and 853), then called upon the Parties to make effective and permanent a cease-fire established between them (Resolution 874), and also condemned resumption of hostilities in violation of the cease-fire (Resolution 884).\(^{249}\) A fragile cease-fire was finally put in place in May 1994. Yet, sporadic violations of the cease-fire have been perpetrated by the armed forces of the Republic of Armenia, along the Line of Contact (LOC), especially since 2003.

27. Fifteen-years old cease-fire calls by the Security Council are, of course, scarcely relevant to the present circumstances. Cease-fires, by their very nature, are no more than interludes. Indeed, it must not be forgotten that a prolonged cease-fire – in freezing lines extant at the moment when hostilities were suspended – plays into the hands of an aggressor State that gained ground through its armed attack. “In circumstances where the aggressor state has acquired control over territory pertaining prima facie to the defending state, a cease-fire would tend to entrench positions of control, and recovery through negotiations may prove a difficult, if not an impossible task”.\(^{250}\) A cease-fire, even when long-standing, is not meant to


last forever *qua* cease-fire. A cease-fire is merely supposed to be a springboard for diplomatic action: to provide “a breathing space for the negotiation of more lasting agreements”.251 This is precisely what the Republic of Azerbaijan has been striving to accomplish all these years. But, once the Republic of Azerbaijan arrives at the firm conclusion that a peaceful settlement – based on withdrawal by the Republic of Armenia from Nagorny Karabakh and surrounding areas – is unattainable, it is entitled to terminate the cease-fire and resume the exercise of self-defence.

28. Evidently, the Republic of Armenia may still forestall such developments by putting a prompt end to the occupation of Nagorny Karabakh and surrounding areas. Should the Republic of Armenia do this while the cease-fire lasts, and before the Republic of Azerbaijan opts to re-invoking its right of self-defence, there would be no ground for any actual resumption of hostilities. Irrespective of a prognosticated Armenian withdrawal, the Parties to the conflict would still have to resolve outstanding issues of State responsibility. But, if the Armenian occupation of Nagorny Karabakh and surrounding areas were to be terminated, any reason for the use of counter-force by the Republic of Azerbaijan against the Republic of Armenia will have disappeared.

G. Military Intervention by Third States

29. Since (in the early days of the Nagorny Karabakh conflict) threats of military intervention seem to have been made by third States on behalf of both the Republic of Armenia and the Republic of Azerbaijan,252 it is appropriate to consider the legal implications of such a potential intervention. When one posits an armed attack committed by the Republic of Armenia against the Republic of Azerbaijan (see *supra* 16-19, *infra* 47), the rules of international law are as follows:

(i) Third States are forbidden by international law to intervene militarily in favour of the Republic of Armenia against the Republic of Azerbaijan. Any such military intervention (in support of a State which has mounted an armed attack against another State) will itself be deemed an armed attack against the Republic of Azerbaijan.

(ii) By contrast, in conformity with Article 51 of the Charter (quoted *supra* 12), the right of self-defence can be exercised “collectively” by any third State. What this means is that (as stated by the ICJ in the *Nicaragua* case):

“For one State to use force against another, on the ground that that State has committed a wrongful act of force against a third State, is regarded as lawful, by way of exception, only when the wrongful act provoking the response was an armed attack”.253

And the corollary:

“States do not have a right of ‘collective’ armed response to acts which do not constitute an ‘armed attack’”.254


253 *Nicaragua* case, *supra* note 5, at 104.

254 Ibid., 110.
So, since an armed attack was committed by the Republic of Armenia against the Republic of Azerbaijan, a third State can exercise its own right of (collective) self-defence against the Republic of Armenia (and only against the Republic of Armenia).

30. Nevertheless, the ICJ held:

“There is no rule in customary international law permitting another State to exercise the right of collective self-defence on the basis of its own assessment of the situation. Where collective self-defence is invoked, it is to be expected that the State for whose benefit this right is used will have declared itself to be the victim of an armed attack”.255

Furthermore, according to the ICJ, a request for help from a third State has to be extended by the direct victim of the armed attack: in the absence of such a request, collective self-defence by the third State is excluded.256 In the Oil Platforms case, the Court reiterated this requirement of a request that has to be made to the third State by the direct victim of the armed attack.257

31. In his Dissenting Opinion in the Nicaragua case, Judge Jennings doubted whether the prerequisite of “some sort of formal declaration and request” by the direct victim of the armed attack (a declaration that it is under an armed attack and a request for assistance) is realistic in all instances.258 Judge Jennings conceded: “Obviously the notion of collective self-defence is open to abuse and it is necessary to ensure that it is not employable as a mere cover for aggression disguised as protection”259.

32. One thing is clear: if a third State sends troops into the territory of the direct victim of the armed attack (in this case, the Republic of Azerbaijan), uninvited yet allegedly in order to offer military assistance against the armed attack underway by the attacking State (the Republic of Armenia), this will be viewed as another armed attack against the Republic of Azerbaijan, this time by the third State. No matter what the real intentions of the third State are, it is not entitled to dispatch troops into the territory of the Republic of Azerbaijan without the latter’s consent. On the contrary, the third State does have the right to take forcible action against the Republic of Armenia, in response to its armed attack against the Republic of Azerbaijan, in exercise of the collective right of self-defence conferred directly on the third State by both Article 51 and customary international law. Still, the third State can proceed into action against the Republic of Armenia only in a manner consistent with the sovereign rights of the Republic of Azerbaijan. Differently put, the collective right of self-defence of the third State against the Republic of Armenia must be exercised without infringing upon the rights of the Republic of Azerbaijan.

III. What are the conditions under which individuals in Nagorny Karabakh may be held to have acted as de facto organs of the Republic of Armenia?

33. The armed attack by the Republic of Armenia against the Republic of Azerbaijan is not limited to straightforward military action by regular armed forces (taking the shape of a direct invasion or

---

255 Ibid., 104.
256 Ibid., 105.
257 Case Concerning Oil Platforms, supra note 51, at 1355.
258 Nicaragua case, supra note 5, at 544-545.
259 Ibid., 544.
attacks by such forces, occupation and bombardment; see *supra* 15). An armed attack can as well ensue in two indirect ways:

(i) The cross-border launch of armed bands or irregular troops by and from one State against another.

(ii) The use of *de facto* organs of the attacking State.

Both of these indirect types of forcible intervention play important roles in the armed attack by the Republic of Armenia against the Republic of Azerbaijan.

A. Armed Bands

34. In the *Nicaragua* case, the ICJ pronounced that “it may be considered to be agreed that an armed attack must be understood as including not merely action by regular armed forces across an international border”, but also the dispatch of armed bands or “irregulars” into the territory of another State. The Court quoted Article 3(g) of the General Assembly consensus Definition of Aggression:

“(g) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein”.

The ICJ specifically took paragraph (g) of Article 3 “to reflect customary international law”. In the post-*Nicaragua* period, ICJ again has come back to rely on Article 3(g) in the *Armed Activities* case. Interestingly, so far, Article 3(g) is the only clause of the Definition of Aggression expressly held by the ICJ to mirror customary international law.

35. It may be observed that, under the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations – adopted by consensus by the General Assembly in 1970 and generally regarded as an expression of customary international law – “every State has the duty to refrain from organizing or encouraging the organization of irregular forces or armed bands ... for incursion into the territory of another State”.

36. The Judgment of the ICJ in the *Nicaragua* case adhered to the view that, “while the concept of an armed attack includes the dispatch by one State of armed bands into the territory of another State, the supply of arms and other support to such bands cannot be equated with armed attack”. The ICJ did “not believe” that “assistance to rebels in the form of the provision of weapons or logistical or other support” rates as an armed attack. These are much criticized sweeping statements. In his Dissenting Opinion, Judge Jennings expressed the view that, whereas “the mere provision of arms cannot be said to amount to an armed

261 General Assembly Resolution 3314 (XXIX), *supra* note 30, at 143.
262 *Nicaragua* case, *supra* note 5, at 103.
263 *Case Concerning Armed Activities on the Territory of the Congo, supra* note 33, at 306.
attack”, it may qualify as such when coupled with “logistical or other support”.\footnote{Ibid., 543.} In another dissent, Judge Schwebel emphasized the words “substantial involvement therein” (appearing in Article 3(g) of the Definition of Aggression), which are incompatible with the language used by the majority.\footnote{Ibid., 349.}

B. “Auxiliaries” and Paramilitaries

37. Incontestably, numerous attacks against the Republic of Azerbaijan were mounted by ethnic Armenian inhabitants of Nagorny Karabakh. Since Nagorny Karabakh has become an occupied territory, it is necessary to note the position taken by the ICJ in the 2004 Advisory Opinion on the Wall. The ICJ held there that Article 51 has no relevance to attacks originating within occupied territories, adding however the caveat that no claim has been made in the Wall proceedings that the attacks “are imputable to a foreign State”.\footnote{Advisory Opinion on Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, 2004, 43 International Legal Materials 1009, 1050 (2004).} In light of binding resolutions of the Security Council, adopted in the wake of the outrage of 9 September 2001, a number of Judges took exception to the legal assessment that an armed attack cannot be committed by non-State actors.\footnote{See (Dissenting) Declaration by Judge Buergenthal (ibid., 1079) and Separate Opinions by Judges Higgins and Kooijmans (ibid., 1063, 1072).} Without getting into that issue, it is important to emphasize the undisputed caveat. In the Nagorny Karabakh conflict, the argument of the Republic of Azerbaijan rests on the foundation that the attacks “are imputable to a foreign State”, namely, that they can be attributed to the Republic of Armenia. Attributability and imputability are synonymous terms in international law.\footnote{See Starke’s International Law 176 (I.A. Shearer ed., 11th ed., 1994).}

38. It is a well-known phenomenon in the international domain that the \textit{de jure} organs of a State “supplement their own action by recruiting or instigating private persons or groups to act as ‘auxiliaries’ while remaining outside the official structure of the State”, such “auxiliaries” being instructed to carry out particular “missions” in and against neighbouring countries.\footnote{Report of the International Law Commission, 53rd Session (2001), General Assembly Doc. A/56/10, at 43, 104.} Accordingly, when paramilitary persons or groups (militias or armed bands) perpetrate hostile acts against a local State, a paramount question is whether the actors conducted themselves as “auxiliaries” of a foreign State, in which case their acts can be attributed to the foreign State as acts of State. It must be underscored that the actors do not have to belong \textit{de jure} to the foreign State’s governmental apparatus, since they may be considered its \textit{de facto} organs.

39. In the \textit{Nicaragua} Judgment, it was categorically stated that – when the “degree of dependence on the one side and control on the other” warrant it – the hostile acts of paramilitaries can be classified as acts of organs of the foreign State.\footnote{Nicaragua case, supra note 5, at 62.} Yet, the ICJ held that it is not enough to have “general control by the respondent State over a force with a high degree of dependency on it”, because that does not mean that the State concerned “directed or enforced the perpetration” of breaches of international law.\footnote{Ibid., 64.} “For this conduct to give rise to legal responsibility” of the State in question, “it would in principle have to
be proved that that State had effective control of the military or paramilitary operations in the course of which the alleged violations were committed”.

40. The insistence on “effective control” by the foreign State over the local paramilitaries makes a lot of sense. Nevertheless, the proposition that “general control” does not amount to “effective control” – and that a close operational control is a \textit{conditio sine qua non} – is, to say the least, debatable. In 1999, the Appeals Chamber of the International Criminal Tribunal for the Former Yugoslavia (ICTY), in the \textit{Tadić} case, sharply assailed the \textit{Nicaragua} prerequisite of close operational control – as an absolute condition of “effective control” – maintaining that it is inconsonant with both logic and law.

The ICTY Appeals Chamber said:

“control by a State over subordinate \textit{armed forces or militias or paramilitary units} may be of an overall character (and must comprise more than the mere provision of financial assistance or military equipment or training). This requirement, however, does not go so far as to include the issuing of specific orders by the State, or its direction of each individual operation. Under international law it is by no means necessary that the controlling authorities should plan all the operations of the units dependent on them, choose their targets, or give specific instructions concerning the conduct of military operations and any alleged violations of international humanitarian law. The control required by international law may be deemed to exist when a State (or, in the context of an armed conflict, the Party to the conflict) has a role in \textit{organising, coordinating or planning the military actions} of the military group, in addition to financing, training and equipping or providing operational support to that group. Acts performed by the group or members thereof may be regarded as acts of \textit{de facto} State organs regardless of any specific instruction by the controlling State concerning the commission of each of those acts”.

The ICTY Appeals Chamber added:

“Where the controlling State in question is an adjacent State with territorial ambitions on the State where the conflict is taking place, and the controlling State is attempting to achieve its territorial enlargement through the armed forces which it controls, it may be easier to establish the threshold”.

The \textit{Tadić} conclusion is that paramilitaries can act quite autonomously and still remain \textit{de facto} organs under the overall control of the foreign State. The doctrine of overall control has been consistently upheld in successive ICTY judgments (both at the Trial and the Appeal levels) following the \textit{Tadić} case.

41. Notwithstanding the disagreement between the ICJ and the ICTY, it has to be appreciated that – even when setting the higher bar of close operational control – the ICJ took it for granted that, under

\footnotesize{275 \textit{Ibid.}, 65. 
277 \textit{Ibid.}, 1545. Emphasis in the original. 
278 \textit{Ibid.} 
279 For details, see E.La Haye, \textit{War Crimes in Internal Armed Conflicts} 19 (2008).}
certain circumstances, acts performed by paramilitaries can become acts of a foreign State. In the 2005 Armed Activities case, the ICJ regarded the attributability of an armed attack to a foreign State as the acid test.\textsuperscript{280} What has to be considered, according to the Judgment, is whether conduct was carried out “on the instructions of, or under the direction or control of”, a given State.\textsuperscript{281} The phrase quoted is borrowed from Article 8 of the ILC 2001 Draft Articles on Responsibility of States for Internationally Wrongful Acts, which reads:

“The conduct of a person or group of persons shall be considered an act of a State under international law if the person or group of persons is in fact acting on the instructions of, or under the direction or control of, that State in carrying out the conduct”.\textsuperscript{282}

42. Interestingly enough, in its commentary on Article 8 of the Draft Articles, the ILC relied on the “effective control” test in Nicaragua Judgment (which it quoted at some length) and linked the phrase “under the direction or control of” to the ICJ’s notion of “control”.\textsuperscript{283} We have here a double mirror: the ILC reflects the ICJ’s terminology, and then the ICJ quotes the ILC.

43. The ILC was fully cognizant of the dissonance between the approaches taken by the ICJ and the ICTY. On the one hand, it seems to have fully endorsed the ICJ line by stating: “Such conduct will be attributable to the State only if it directed or controlled the specific operation”, as distinct from conduct “which escaped from the State’s direction or control”.\textsuperscript{284} The reference to direction or control of a specific conduct, rather than the general or overall direction or control, is the telling point.\textsuperscript{285} On the other hand, the ILC attempted to span the gap between the two conflicting schools of thought. First, it pointed out that the ICTY spoke in connection with individual criminal responsibility for breaches of IHL, whereas the ICJ dealt with a non-criminal case relating to State responsibility.\textsuperscript{286} Secondly, the ILC stressed\textsuperscript{287} a dictum from the Tadić Judgment that ultimately everything depended on the “degree of control”, which may “vary according to the factual circumstances of each case”, so that the Nicaragua “high threshold for the test of control” will not be required in every instance.\textsuperscript{288} The ILC agreed: “Each case will depend on its own facts, in particular those concerning the relationship between the instructions given or the direction or control exercised and the specific conduct complained of”.\textsuperscript{289} The ILC further explained: “In the text of article 8, the three terms ‘instructions’, ‘direction’ and ‘control’ are disjunctive; it is sufficient to establish any one of them”.\textsuperscript{290}

\textsuperscript{280} Case Concerning Armed Activities on the Territory of the Congo, supra note 33, at 306.

\textsuperscript{281} Ibid., 308.

\textsuperscript{282} Report of the International Law Commission, supra note 80, at 45.

\textsuperscript{283} Ibid., 105.

\textsuperscript{284} Ibid., 104.


\textsuperscript{286} Report of the International Law Commission, supra note 80, at 106-107.

\textsuperscript{287} Ibid., 106.

\textsuperscript{288} Prosecutor v. Tadić, supra note 84, at 1541.

\textsuperscript{289} Report of the International Law Commission, supra note 80, 108.

\textsuperscript{290} Ibid.
44. The ICJ came back to the subject at some length in the *Genocide* case of 2007, where the previous (*Nicaragua*) position was endorsed and the *Tadić* criticism rejected.\textsuperscript{291} All the same, the ICJ stated that the overall control test of the ICTY may be “applicable and suitable” when “employed to determine whether or not an armed conflict is international” (which was the issue in *Tadić*), but it cannot be presented “as equally applicable under the law of State responsibility for the purpose of determining … when a State is responsible for acts committed by paramilitary units, armed forces which are not among its official organs”.\textsuperscript{292} The ICJ added that “the degree and nature of a State’s involvement in an armed conflict on another State’s territory which is required for the conflict to be characterized as international, can very well, and without logical inconsistency, differ from the degree and nature of involvement required to give rise to that State’s responsibility for a specific act committed in the course of the conflict”.\textsuperscript{293} The ICJ again cited Article 8 of the ILC’s Draft Articles, once more underlining the importance of attributability.\textsuperscript{294}

45. The *Genocide* Judgment did not lay to rest the dispute between the ICJ and the ICTY.\textsuperscript{295} Yet, neither the ICJ nor the ICTY dealt with the issue of an armed attack. If one takes the *Genocide* case’s bifurcation between the question whether “a State’s involvement in an armed conflict on another State’s territory” is sufficient for the conflict to become international, and the question of State responsibility for specific acts, then the issue of an armed attack is closer to the former rather than to the latter. Furthermore, the ILC was right in stressing the significance of “the factual circumstances of each case”. When the factual circumstances show that tiers of command and control in the ostensibly separate structures of the paramilitaries and the foreign State are intermeshed to such an extent that it is practically impossible to disentangle them – so much so that officials routinely rotate, switching posts within the two hierarchies – the paramilitaries must be seen as “under the direction or control of” the foreign State.

46. A good authority for this thesis can be found in the 2000 Judgment of a Trial Chamber of the ICTY in the *Blaškić* case. Here the ICTY established Croatia’s overall control over paramilitary Croat forces fighting in Bosnia-Herzegovina, accentuating the phenomenon of sharing of personnel: senior Croatian officers voluntarily resigning from regular military service in order to serve in Bosnia-Herzegovina – with official authorization and acknowledgement of their being temporarily detached – while able to rejoin the ranks of the Croatian army at a later stage.\textsuperscript{296}

47. In the case of the Republic of Armenia and the so-called “Nagorno Karabakh Republic” (“NKR”), the movement of personnel in leadership echelons between the supposedly separate entities has happened in an even more remarkable way and on the highest possible level. The two most egregious instances are those of the present and the previous Presidents of the Republic of Armenia. The present President, Serzh Sargsyan – elected in February 2008 – had started his career as Chairman of the “NKR Self-Defence Forces Committee”, a post which he left in 1993, in order to assume the mantle of Minister of Defence (and later Prime Minister) of the Republic of Armenia. His predecessor, Robert Kocharyan, was the


\textsuperscript{292} Ibid., 288.

\textsuperscript{293} Ibid.

\textsuperscript{294} Ibid.


\textsuperscript{296} *Prosecutor v. Blaškić* (ICTY Trial Chamber, 2000), 122 *International Law Reports* 2, 54-55.
first “President of the NKR”, from 1994 to 1997. He then became Prime Minister of the Republic of Armenia, and from 1998 to 2008 served as President. In such circumstances, it is (to say the least) a reasonable conclusion that the present de jure top organs of the Republic of Armenia were its de facto organs even while hoisting the banner of the “NKR”. After all, how can the Republic of Armenia credibly deny attributability of decisions taken and policies executed by two consecutive Heads of State in their previous incarnations as “President of NKR” and “Chairman of the NKR Self-Defence Forces Committee”? Those decisions and policies are clearly the reason why the two individuals were later rewarded by elevation to the Republic of Armenia’s top position. If the Republic of Armenia itself looks upon a leadership role in the “NKR” as a natural stepping-stone on the path of career-building within the Republic – there being no temporal interludes or other partitions creating temporal or other buffer zones and dividing the two purportedly separate entities – surely the Republic of Azerbaijan is entitled to consider the “NKR” a mere backyard of the Republic of Armenia, and regard the two as inseparable.

48. It may be remarked that, in view of the fact that the paramilitaries in and around the Nagorny Karabakh region of Azerbaijan can be considered de facto organs of the Republic of Armenia, there is no real need for the Republic of Azerbaijan to conduct any negotiations with the Nagorny Karabakh inhabitants of Armenian extraction as long as the occupation of Nagorny Karabakh by the Republic of Armenia lasts. Negotiations coming within the rubric of necessity as a condition to the exercise of the right of self-defence (see supra 23) have had to be carried out with the genuine adversary Party to the conflict, i.e., the Republic of Armenia. Only after withdrawal by the Republic of Armenia from Nagorny Karabakh and surrounding areas will the time come for the Republic of Azerbaijan to resolve democratically the manner and structure of peacetime protection of the Armenian minority within its territory (including the possibility of the grant of internal autonomy and/or other guarantees ensuring respect for the rights of a national minority).

IV. What is the role of the Security Council in the Nagorny Karabakh conflict?

49. In Article 24(1) of the Charter, Member States “confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf”. It is the function of the Security Council to decide or recommend what measures are to be taken in the discharge of its responsibility. Decisions, unlike recommendations, are binding on all Member States. Article 25 of the Charter is categorical:

“The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter”.

As the ICJ stated, in its 1971 Advisory Opinion on Namibia, once a binding decision is adopted by the Security Council, all Member States of the UN must comply with it (whether or not they are members of the Council, and even if – assuming that they are non-Permanent Members of the Council – they voted against the resolution).

297 Charter of the United Nations, supra note 1, at 339.
298 Ibid.
A. Article 51 of the Charter

50. Pursuant to Article 51, the Security Council has a special mandate. “In practice it is for every state to judge for itself, in the first instance, whether a case of necessity in self-defence has arisen”. That is to say, a State resorting to counter-force in response to an armed attack – in the exercise of the right of self-defence – acts unilaterally, at its own discretion. There is no requirement of seeking in advance a green light from the Security Council, in order to resort to counter-force in self-defence. The acting State is the one to determine (unilaterally) when, where and how to employ counter-force in response to an armed attack. What Article 51 requires is that the self-defence measures taken be reported immediately to the Security Council. However, the pivotal point is that the report has to be sent to the Council after – not before – the self-defence measures have been undertaken by the acting State. The Security Council comes into the picture not in the first instance, but only subsequently.

51. The ICJ, in the Nicaragua case, held that “the absence of a report may be one of the factors indicating whether the State in question was itself convinced that it was acting in self-defence”. Failure to report was also noted in the Armed Activities case. While the consequences of such a failure may not be as grave as the ICJ envisioned in Nicaragua, there is no doubt that a State resorting to self-defence exposes itself to a certain risk by not reporting to the Council.

52. Even when a report about recourse to self-defence is submitted to the Security Council, this is not the end of the matter. After all, each of the Parties to a conflict often claims to be acting in self-defence against an armed attack by its adversary. When both Parties do that, one of them must be wrong, since there is no self-defence against self-defence. Consequently, whereas in the first instance every State has a right to appraise for itself whether it is the victim of an armed attack (to which it responds with self-defence), there comes a second stage in which the competence to decide whether an armed attack has actually occurred – and by whom – passes to the Security Council.

53. Once the second stage is reached, the Security Council is at a crossroads. The Council may adopt a binding decision, either endorsing the invocation of self-defence or rejecting it. Alternatively, the Council may do nothing, either by choice or by force of a political reality (chiefly, due to the use or the threat of the use of the veto power by one of its Permanent Members). A third option is that the Council will issue a (non-binding) recommendation as to what it thinks should be done.

54. Empirically, when fighting flares up between States, the Security Council rarely determines in a binding fashion who has initiated an armed attack and who is therefore entitled to exercise self-defence. The Council usually prefers neither to identify the attacker nor to attribute responsibility: instead, it calls on both Parties to cease fire, withdraw their forces and seek an amicable solution.

301 Nicaragua case, supra note 5, at 105.
302 Case Concerning Armed Activities on the Territory of the Congo, supra note 33, at 306.
303 For details, see Dinstein, supra note 54, at 216-218.
304 See S.A.Alexandrov, Self-Defence against the Use of Force in International Law 98 (1996).
305 The best known case in which this happened is Resolution 83 (1950), in which the Security Council determined in a binding way that “the armed attack upon the Republic of Korea by forces from North Korea constitutes a breach of the peace”, recommending that Member States furnish assistance to the victim “to repel the armed attack”. 3 Resolutions and Decisions of the Security Council 20, id. (1950).
conflict.306 A paradigmatic illustration of this tendency can be found in Resolutions 822 and 853 of 1993 as regards the the Nagorny Karabakh conflict.307 However, ignoring a Security Council resolution may be hazardous, since the result may be that the Council will shift gear: moving from a soft language to a more determinative decision.

B. Chapter VII of the Charter

55. The Security Council has a wider role to play under Article 39 et seq. of the Charter. Since Article 39 is the opening clause of Chapter VII of the Charter (devoted to “Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression”), this is usually called Chapter VII action. The idiom is maintained in this Report, although it must be noted that:

(i) Article 51 is the closing provision of the Chapter, yet it is excluded from the discussion here.

(ii) Some of the measures taken by the Security Council – when it authorizes (rather than ordains) enforcement action – is actually carried out in keeping with Chapter VIII (dealing with “Regional Arrangements”), specifically, Article 53(1).308

56. Article 39 of the Charter lays down:

“The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security”.309

As the text elucidates, the Security Council may adopt either (non-binding) recommendations or binding decisions. Recommendations may be identical to those adopted under Chapter VI.310 The main consequence of a determination of “the existence of any threat to the peace, breach of the peace, or act of aggression” is that it may set the stage for the adoption by the Security Council of a binding decision (supra 49) initiating enforcement action.

57. The fact that the the Nagorny Karabakh conflict had endangered “peace and security in the region” was acknowledged by the Security Council in Resolutions 822, 853, 874 and 884 of 1993.311 Nevertheless, the Council has not made a determination of the existence of a threat to the peace (or a breach of the peace or an act of aggression) in conformity with Article 39 (quoted supra 56). The difference in practical terms between a threat to the peace (formally determined by the Council) and a situation that

308 Charter of the United Nations, supra note 1, at 347.
endangers peace (merely acknowledged by the Council) is admittedly unclear.\(^{312}\) Equally, there is no obvious distinction between threat or danger to peace and security “in the region” and in the world at large. After all, there is no “hierarchy or subordination between peace and security on the global and regional level, as the two are of course closely linked”.\(^{313}\) A fire lit regionally may easily spread globally.

58. The cardinal point is that the Security Council is the sole body competent under the Charter to adopt binding decisions entailing enforcement measures: if the Security Council fails to adopt such a binding decision (perhaps because of inability to surmount a veto by one of the Permanent Members), the General Assembly does not have the competence to become a substitute for the Council.\(^{314}\)

59. When cease-fire is the issue, it is required to distinguish between a mere (non-binding) exhortation by the Security Council for the cessation of hostilities and a mandatory decision to the same effect (which the Parties to the conflict are obligated to observe). In recent years, the signal for the binding character of a Security Council decision has usually been a Preambular paragraph in the text stating unambiguously that the Council is acting under Chapter VII of the Charter.

60. The issue of a mandatory cease-fire is of essence if it is expected that the Parties to the conflict will leave the field of action in favour of the Security Council. It is important to keep in mind that, when the Security Council decides (let alone recommends) to take specific measures under Chapter VII, such a resolution by itself does not automatically halt any unilateral self-defence measures taken by a State in response to an armed attack.

61. Notwithstanding views to the contrary,\(^{315}\) the correct analysis of the text of Article 51 leads to the conclusion that it is not enough for the Security Council to adopt just any Chapter VII resolution, in order to divest Member States of their right to continue concurrently a resort to force in self-defence, in response to an armed attack.\(^{316}\) The right of self-defence, vested in the victim of an armed attack, “remains intact until the Council has successfully dealt with the controversy before it”.\(^{317}\) And, basically, it is for the State acting in self-defence to evaluate whether the Council’s efforts have been crowned with success.\(^{318}\) It follows that, if the Council really wishes the Parties to the conflict to disengage, it has no choice but to adopt a legally binding Chapter VII decision that impose a mandatory cease-fire. Short of an explicit decree by the Council to desist from any further use of force, the State acting in self-defence retains its right to proceed with the forcible measures that it has chosen to pursue in response to the armed attack.


V. Can responsible individuals in the Republic of Armenia be criminally accountable for acts of aggression against the Republic of Azerbaijan?

A. The Nuremberg Legacy

62. The criminalization of war of aggression in a treaty in force was first accomplished in the Charter of the International Military Tribunal annexed to the 1945 London Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis. Article 6(a) of the London Charter established the jurisdiction of the Tribunal over crimes against peace, defined as follows:

“planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing”.

63. Article 6 specifically adds at its end:

“Leaders, organizers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan”.

64. The London Charter served as the basis for the Nuremberg trial of the major Nazi war criminals. It also served as a model for the similar trial of the major Japanese war criminals in Tokyo. Article 5(a) of the Charter of the International Military Tribunal for the Far East (issued in a Proclamation by General D. MacArthur, in his capacity as Supreme Commander of the Allied Powers in the region) included a parallel definition of crimes against peace.

65. In its Judgment of 1946, the International Military Tribunal (IMT) at Nuremberg held that Article 6(a) of the London Charter is declaratory of modern international law, which regards war of aggression as a grave crime. Hence, the IMT rejected the argument that the provision of Article 6(a) amounted to ex post facto criminalization of the acts of the defendants, in breach of the nullum crimen sine lege principle. The Tribunal declared:

“Crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced”.

Elsewhere in its Judgment, the IMT said:

320 Ibid., 1256.
322 International Military Tribunal (Nuremberg trial), Judgment (1946), 1 International Military Tribunal (Blue Book Series) 171, 219-223.
323 Ibid., 219.
324 Ibid., 223.
“War is essentially an evil thing. Its consequences are not confined to the belligerent States alone, but affect the whole world.

To initiate a war of aggression, therefore, is not only an international crime; it is the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole”. 325

66. The Nuremberg criminalization of war of aggression was upheld, in 1948, by the International Military Tribunal for the Far East (IMTFE) at Tokyo. 326 It was also endorsed in other trials against criminals of World War II (WWII), most conspicuously in the Ministries case, in 1949, the last of the “Subsequent Proceedings” (held by American Military Tribunals at Nuremberg for the prosecution of mid-level Nazi war criminals). 327

67. It is clear from the WWII case law that individual liability for crimes against peace can only be incurred by high-ranking persons, whether military or civilian. In the High Command case of 1948 (also a “Subsequent Proceedings” trial), an American Military Tribunal ruled that the criminality of aggressive war attaches only to “individuals at the policy-making level”. 328 In the I.G. Farben case of the same year (yet another “Subsequent Proceedings” trial), the Tribunal pronounced that it would be incongruous to charge the entire population with crimes against peace: only those persons in the political, military or industrial spheres who bear responsibility for the formulation and execution of policies can be held liable for crimes against peace. 329

68. The limitation of individual accountability for the crime of aggression to leaders or organizers is clear also from the 1996 text of Article 16 of the Draft Code of Crimes against the Peace and Security of Mankind (quoted infra 77). It is today fully recognized that “the crime of aggression is necessarily committed by those decision-makers who have the capacity to produce those acts which constitute an ‘armed attack’ (as that term may be defined) against another state”. 330

69. This is not to say that penal responsibility for crimes against peace is reduced, even in a dictatorship, to one or two individuals at the pinnacle of power. As the Tribunal in the High Command case asserted: “No matter how absolute his authority, Hitler alone could not formulate a policy of aggressive war and alone implement that policy by preparing, planning and waging such a war”. 331

325 Ibid., 186.
327 USA v. Von Weizsaecker et al. (“Ministries case”) (Nuremberg, 1949), 14 Trials of War Criminals before the Nurnberg Military Tribunals under Control Council Law No. 10 (Green Book Series) 314, 318-22.
329 USA v. Krauch et al. (“I.G. Farben case”) (Nuremberg, 1948), 8 Trials of War Criminals before the Nuernberg Military Tribunals under Control Council Law No. 10 1081, 1124-1125.
331 High Command case, supra note 136, at 486.
70. What has to be done is sift the evidence concerning personal contributions to the decision-making process by all those who belong to leadership echelons. The Tribunal in the High Command case declined to fix a distinct line, somewhere between the private soldier and the Commander-in-Chief, where liability for crimes against peace begins. The Judgment did articulate the rule that criminality hinges on the actual power of an individual to “shape or influence” the war policy of his country. The phrase “shape or influence” is patently flexible, catching in its net not only those at the very top.

71. Relevant leadership echelons are by no means curtailed to the armed services. Crimes against peace may equally be committed by civilians. The prime example is that of members of the cabinet or senior government officials whose input is apt, at times, to outweigh that of generals and admirals. The majority of the defendants convicted at Nuremberg of crimes against peace were high-ranking civilians.

B. The Rome Statute of the International Criminal Court

72. Article 5(1)(d) of the 1998 Rome Statute of the International Criminal Court confers on the Court (ICC) subject-matter jurisdiction with respect, inter alia, to “the crime of aggression”. However, Article 5(2) of the Statute defers action to a future time:

“The Court shall exercise jurisdiction over the crime of aggression once a provision is adopted in accordance with articles 121 and 123 defining the crime and setting out the conditions under which the Court shall exercise jurisdiction with respect to this crime. Such a provision shall be consistent with the relevant provisions of the Charter of the United Nations”.

73. Articles 121 and 123 of the Rome Statute pertain to amendment and review procedures that will formally commence seven years after the entry into force of the Statute (2002). The decision to postpone the definition of the crime of aggression was largely motivated by the fact that the Rome conference was unable to reach an agreement as to whether the ICC would be empowered to exercise jurisdiction in the absence of a Security Council determination that an act of aggression has occurred.

74. Preliminary work on the definition of the crime of aggression for the purposes of an amendment of the Rome Statute has already started. First, the matter was addressed by a Preparatory Commission (which drafted the Elements of Crimes that will assist the ICC in the interpretation and application of the Statute’s provisions relating to other crimes within its jurisdiction). Further drafting has been undertaken by a special Working Group under the auspices of the Assembly of States Parties of the Rome Statute. But it must be perceived that, under Article 121, an amendment of the Rome Statute requires a

332 Ibid., 486-487.
333 Ibid., 488-489.
337 Ibid.
338 Ibid., 1372-1373.
two-thirds majority of the States Parties plus ratification or acceptance by seven-eights of them. There is no indication, as yet, that such a high degree of quasi-unanimity is attainable.

75. The controversy attending the formulation of the crime of aggression is very real, but its ramifications must not be exaggerated. There is no reason to believe that States regard as outdated the concept of wars of aggression as a crime under international law. On the contrary, support for this concept has been manifested consistently in international forums. It is important to note that the General Assembly consensus 1970 Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (supra 35) recognized that “war of aggression constitutes a crime against peace, for which there is responsibility under international law”.

76. As early as 1946, the General Assembly affirmed the principles of international law recognized by the Charter and the Judgment of the International Military Tribunal. In 1947, the General Assembly instructed the ILC to formulate these principles and also to prepare a Draft Code of Offences against the Peace and Security of Mankind. The ILC composed the “Nürnberg Principles” in 1950. The text recites the Charter’s definition of crimes against peace, emphasizing that offenders bear responsibility for such crimes and are liable to punishment.

77. In 1996, the ILC completed a long overdue Draft Code of Crimes against the Peace and Security of Mankind. Without attempting to define aggression, the final text includes the crime of aggression in Article 16:

“An individual who, as leader or organizer, actively participates in or orders the planning, preparation, initiation or waging of aggression committed by a State shall be responsible for a crime of aggression”.

In its commentary, the ILC observed that the branding of aggression as a crime against the peace and security of mankind is drawn from the 1945 London Charter as interpreted and applied by the IMT.

78. In all – despite the currently unresolved search for a generally agreed definition of the crime of aggression – the criminality of a certain core of aggressive acts of war can be viewed as validated by customary international law (moulded by the London Charter and the Nuremberg Judgment). The disagreements linked especially to the “architecture” of the institutional relationship between the ICC and the Security Council do not diminish from the substantive “content of customary international law”.

340 General Assembly Resolution 2625 (XXV), supra note 73, at 122.
341 General Assembly Resolution 95 (I), 1(2) Resolutions of the General Assembly 188, id. (1946).
344 Ibid., 43.
79. In one important respect, the Rome and ILC decisions to criminalize “aggression” per se – and establish individual accountability for that crime – runs counter to the Nuremberg precedent and to the consensus Definition of Aggression, inasmuch as the latter focus on “war of aggression” as a crime. The objection to the narrower Nuremberg approach is that the distinction between a war of aggression and other acts of aggression (short of war) is sometimes fraught with difficulties. The counter-argument is that incidents short of war may not be grave enough to justify the subjection of individuals to criminal accountability. Only an actual definition of the crime of aggression – once adopted (at some indefinite point in the years ahead) – will show whether the theoretical broadening of the scope of the crime to acts short of war is acceptable to States in practice. But whether aggression short of war is included in or excluded from the definition, one thing is clear: in essence, a war of aggression is indeed a punishable crime.

C. Immunity from Prosecution?

80. Some high-ranking office-holders of the State (primarily, Heads of States) enjoy certain immunities from prosecution under international law. Thus, the Institut de Droit International, in a resolution adopted in Vancouver in 2001, stated:

“In criminal matters, the Head of State shall enjoy immunity from jurisdiction before the courts of a foreign State for any crime he or she may have committed, regardless of its gravity”.

81. However, this rule is clearly confined to criminal proceedings before the domestic courts of foreign States. As the ICJ emphasized, in the Arrest Warrant case of 2002, “jurisdictional immunity is procedural in nature” and must not be confused with the issue of criminal responsibility (which is a matter of substantive law). As the Court put it, immunity does not mean impunity. Accordingly, the Court made it clear that there is no bar to prosecution of high-ranking office-holder (in the case before it, a Foreign Minister) before an international criminal court vested with jurisdiction.

82. Article 27 of the Rome Statute prescribes:

“1. This Statute shall apply equally to all persons without any distinction based on official capacity. In particular, official capacity as a Head of State or government, a member of a government or parliament, an elected representative or a government official shall in no case exempt a person from criminal responsibility under this Statute, nor shall it, in and of itself, constitute a ground for reduction of sentence.

351 Ibid.
2. Immunities or special procedural rules which may attach to the official capacity of a person, whether under national or international law, shall not bar the Court from exercising its jurisdiction over such a person”.

This provision follows in the wake of Article 7 of the 1945 London Charter, which reads:

“The official position of defendants, whether as Heads of State or responsible officials in Government Departments, shall not be considered as freeing them from responsibility or mitigating punishment”.

The conceptual underpinning of the removal of immunity in the Charter was resoundingly supported by the IMT:

“The principle of international law, which under certain circumstances, protects the representatives of a state, cannot be applied to acts which are condemned as criminal by international law. The authors of these acts cannot shelter themselves behind their official position in order to be freed from punishment in appropriate proceedings”.

It is incontrovertible today that the official position of a Head of State or any other high-ranking governmental office-holder does not cloak the person concerned with immunity, if put on trial for crimes against peace (war of aggression) before an international criminal court or tribunal vested with jurisdiction.

353 Rome Statute, supra note 144, at 1327.
354 Charter of the International Military Tribunal, supra note 127, at 1257.
355 International Military Tribunal (Nuremberg trial), Judgment, supra note 130, at 223.
Letter dated 23 January 2009 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the report on the international legal responsibilities of Armenia as the belligerent occupier of Azerbaijani territory (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 13, “Protracted conflicts in the GUAM area and their implications for international peace, security and development”, and 18, “The situation in the occupied territories of Azerbaijan”, and of the Security Council.

(Signed) Agshin Mehdiyev
Ambassador
Permanent Representative
Annex to the letter dated 23 January 2009 from the
Permanent Representative of Azerbaijan to the United Nations
addressed to the Secretary-General

Report on the international legal responsibilities of Armenia as the belligerent occupier
of Azerbaijani territory

1. The present Report provides the view of the Government of the Republic of Azerbaijan with regard to the international legal responsibilities of the Republic of Armenia (“Armenia”) as the belligerent occupier of the legitimate and recognised territory of the Republic of Azerbaijan (“Azerbaijan”). The Report addresses the following issues:

a) Is Armenia an occupier in international law of Azerbaijani territory?

b) If so, what are Armenia’s duties as an occupier of Azerbaijani territory with regard to issues such as the maintenance of public order, the preservation of the Azerbaijani legal system and the protection of human rights in the territory in question?

c) How may Armenia’s responsibilities be monitored and enforced in international law?

1. General


3. Armenia became a party to Geneva Convention IV and to Additional Protocol I on 7 June 1993 and Azerbaijan became a party to Geneva Convention IV on 1 June 1993. Accordingly, Armenia is bound by all three of the instruments noted above, the Hague Regulations constituting customary international law.


a) Occupation and Sovereignty

4. The first point to make is that international law specifies that territory cannot be acquired by the use of force. Article 2 (4) of the United Nations Charter declares that “[a]ll Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state ..”.

5. The Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations 1970 provided that:

“The territory of a state shall not be the object of acquisition by another state resulting from the threat or use of force. No territorial acquisition resulting from the threat or use of force shall be recognised as legal”.

6. Principle IV of the Declaration of Principles adopted by the Conference on Security and Cooperation in Europe in the Helsinki Final Act 1975 noted that:

“The participating states will likewise refrain from making each other’s territory the object of military occupation or other direct or indirect measures of force in contravention of international law, or the object of acquisition by means of such measures or the threat of them. No such occupation or acquisition will be recognized as legal”.

7. It is, thus, abundantly clear that occupation does not confer sovereignty over the occupied territory upon the occupying state. Gasser, for example, writes that:

“The annexation of conquered territory is prohibited by international law. This necessarily means that if one state achieves power over parts of another state’s territory by force or threat of force, the situation must be considered temporary by international law. The international law of belligerent occupation must therefore be understood as meaning that the occupying power is not sovereign, but exercises provisional and temporary control over foreign territory”.

8. Accordingly, sovereignty over the occupied territory does not pass to the occupier. The legal status of the population cannot be infringed by any agreement concluded between the authorities of the occupied territory and the occupying power, nor by an annexation by the latter. Occupation is, thus, a relationship of power and such power is regulated according to the rules of international humanitarian law, which lays down both the rights and the obligations of the occupying power pending termination of that status. Both the legal status of the parties to the conflict and the legal status of the territory in question remain unaffected by the occupation of that territory. Accordingly, no action taken by Armenia or by its subordinate local authority within the occupied territories can affect the pre-existing legal status of these territories, which thus remain Azerbaijani in international law.

358 Adopted in General Assembly resolution 2625 (XXV).
360 See article 47 of Geneva Convention IV.
361 See article 4 of Additional Protocol I.
b) Commencement of Occupation

9. Article 42 of the Hague Regulations provides that:

“Territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised”.

10. This provision is considered to be a rule of customary international law and thus binding on all states. It was examined by the International Court of Justice in the Construction of a Wall advisory opinion, in which the Court declared that:

“territory is considered occupied when it is actually placed under the authority of the hostile army, and the occupation extends only to the territory where such authority has been established and can be exercised”.  

11. The International Court of Justice noted that:

“under customary international law, as reflected in article 42 of the Hague Regulations of 1907, territory is considered to be occupied when it is actually placed under the authority of the hostile army, and the occupation extends only to the territory where such authority has been established and can be exercised …. In order to reach a conclusion as to whether a state, the military forces of which are present on the territory of another state as a result of an intervention, is an ‘occupying power’ in the meaning of the term as understood in the jus in bello, the Court must examine whether there is sufficient evidence to demonstrate that the said authority was in fact established and exercised by the intervening state in the areas in question”.

12. Article 2 of Geneva Convention IV provides that the convention shall apply:

“to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognised by one of them. The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance”.

13. Since both Armenia and Azerbaijan are parties to this Convention, they are bound by its provisions. This obligation thus derives from both quoted parts of the article. Insofar as the first paragraph is concerned, the official Commentary on the Convention notes that “[a]ny difference arising between two states and leading to the intervention of members of the armed forces is an armed conflict within the meaning of the term in the first article”.

---

363 Ibid., p. 167.
365 See also article 3 of Additional Protocol I.
of article 2”. That this happened from the early 1990s is indisputable as is the continuing outbreak of low-level hostilities and loss of life.

14. The International Court of Justice has discussed the meaning of this paragraph in its advisory opinion in the Construction of a Wall case. It noted that the Convention is applicable under this paragraph when two conditions were fulfilled: that there exists an armed conflict and that the conflict is between two contracting parties. The Court continued by stating that “[i]f those two conditions are satisfied, the Convention applies, in particular, in any territory occupied in the course of the conflict by one of the contracting parties”. Further, the Court noted that the object of the second paragraph, which provides that the Convention applies to “all cases of partial or total occupation of the territory of a High Contracting Party”, was “directed simply to making it clear that, even if the occupation effected during the conflict met no armed resistance, the Convention is still applicable”. As the Court emphasised, the purpose of the Convention was to seek to guarantee the protection of civilians irrespective of the status of the occupied territory. It further underlined its approach by concluding that:

“the Fourth Geneva Convention is applicable in any occupied territory in the event of an armed conflict arising between two or more High Contracting Parties”.

15. Further, the Eritrea–Ethiopia Claims Commission has pointed out that:

“These protections [provided by international humanitarian law] should not be cast into doubt because the belligerents dispute the status of territory respecting international protections in such situations does not prejudice the status of the territory”.

16. Insofar as the conflict between Armenia and Azerbaijan is concerned, both the Hague Regulations and Geneva Convention IV apply. Further, as Armenia is a party to Additional Protocol I, this also applies.

---

367 See e.g. an AFP report dated 5 September 2007 stated that three Armenian and two Azerbaijani soldiers had been killed in fighting near Nagorny Karabakh. The report concludes by noting that “Armenian and Azerbaijani forces are spread across a ceasefire line in and around Nagorny Karabakh, often facing each other at close range, and shootings are common”, <http://www.reliefweb.int/rw/rwb.nsf/db900sid/76RMYP?OpenDocument>. See also the Parliamentary Assembly of the Council of Europe report on Migration, Refugees and Population dated 6 February 2006, which deplores “the frequent incidents along the ceasefire line and the border incidents, which are detrimental to refugees and displaced persons”, Doc. 10835, <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/EDOC10835.htm>, at para. 5. This terminology was repeated in Resolution 1497, 2006.
371 Partial Award, Central Front, Ethiopia’s Claim 2, The Hague, 28 April 2004, para 28. See also article 4 of Additional Protocol I.
2. Armenia as an Occupier under International Law

a) Armenia as the Occupier of Azerbaijani Territory

17. The critical period for the determination of the status of Armenia as an occupying power of Azerbaijani territory is the end of 1991 for this was the period during which the USSR disintegrated and the new successor states came into being, thus transforming an internal dispute between the two Union Republics into an international conflict. There can be no occupation in an international law sense of the concept as between contending forces in an internal conflict. With the declaration of Armenian independence on 21 September 1991 and that of Azerbaijan on 18 October that year, the conflict over Nagorny Karabakh became an international one. Both Armenia and Azerbaijan came to independence and were recognised as such in accordance with international law within the boundaries that they had had as republics of the USSR. This meant that Nagorny Karabakh was internationally accepted as falling with the territory of Azerbaijan.

18. Fighting in the region of Nagorny Karabakh intensified after independence of Armenia and Azerbaijan, followed by the increased involvement of troops from the Republic of Armenia during this period. The first armed attack by the Republic of Armenia against the Republic of Azerbaijan after the independence of the two Republics – an attack in which organized military formations and armoured vehicles operated against Azerbaijani targets – occurred in February 1992, when the town of Khojaly in the Republic of Azerbaijan was notoriously overrun. Direct artillery bombardment of the Azerbaijani town of Lachin – mounted from within the territory of the Republic of Armenia – took place in May of that year. Armenian attacks against areas within the Republic of Azerbaijan were resumed in 1993, eliciting a series of four Security Council resolutions. Human Rights Watch in its comprehensive report of December 1994 established on the basis of evidence it had collected “the involvement of the Armenian army as part of its assigned duties in the conflict ..”. Such information was gathered by Human Rights Watch from prisoners from the Armenian army captured by Azerbaijan and from Armenian soldiers in Yerevan, the capital of Armenia. Western journalists also reported seeing busloads of Armenian army soldiers entering Nagorny Karabakh from Armenia. Human Rights Watch concluded that the Armenian army troop involvement in Azerbaijan made Armenia a party to the conflict and made the war an international armed conflict involving these two states.

19. That there was and remains a situation of armed confrontation has been recognised by various United Nations organs. The UN Human Rights Committee, for example, has referred with regard to Azerbaijan explicitly to “[t]he situation of armed conflict with a neighbouring country”. The Committee

---

372 Note that Nagorny Karabakh is sometimes written as Nagorno-Karabakh or Karabagh. In reality, “Nagorny Karabakh” is a Russian translation of the original name in Azerbaijani language – “Dağlıq Qarabağ” (pronounced as “Daghlygh Garabagh”), which literally means mountainous Garabagh. The word “Garabagh” is translated from Azerbaijani as “Black Garden”. In order to avoid confusion the widely referred term “Nagorn Karabakh” will be used hereinafter.


375 Seven Years of Conflict in Nagorno-Karabakh, New York, 1994, pp. 69-73.

on the Elimination of Racial Discrimination noted in its Concluding Observations on Azerbaijan on 12 April 2001 that:

“After regaining independence in 1991, the State party was soon engaged in war with Armenia, another State party. As a result of the conflict, hundreds of thousands of ethnic Azerbaijanis and Armenians are now displaced persons or refugees. Because of the occupation of some 20 per cent of its territory, the State party cannot fully implement the Convention”.377

20. Further, this Committee proceeded to “express its concern about the continuation of the conflict in and around the Nagorny-Karabakh region of the Republic of Azerbaijan”, a conflict which “undermines peace and security in the region and impedes implementation of the Convention”378 Concern with “the conflict in the Nagorny-Karabakh region” was also expressed in the Committee’s Concluding Observations on Azerbaijan on 14 April 2005.379

21. A similar position has been adopted by the UN Committee on Economic, Social and Cultural Rights. In its Concluding Observations on Azerbaijan on 22 December 1997, it was noted that “the State party is also faced with considerable adversity and instability due to an armed conflict with Armenia”.380 The Committee also referred to the “conflict with Armenia” in its Concluding Observations on Azerbaijan on 14 December 2004.381

22. The US Department of State’s Country Reports on Human Rights Practices for Armenia 2006, for example, noted that:

“Armenia continues to occupy the Azerbaijani territory of Nagorno-Karabakh and seven surrounding Azerbaijani territories. All parties to the Nagorno-Karabakh conflict have laid landmines along the 540-mile border with Azerbaijan and along the line of contact”.382

23. The US Department of State’s Country Reports on Human Rights Practices for Azerbaijan 2006 stated that:

“Armenia continued to occupy the Azerbaijani territory of Nagorno-Karabakh and seven surrounding Azerbaijani territories. During the year, incidents along the militarized line of contact separating the sides as a result of the Nagorno-Karabakh conflict again resulted in numerous casualties on both sides. Reporting from unofficial sources indicated approximately 20 killed and 44 wounded, taking into account both military and civilian casualties on both sides of the line of contact. According to the national agency for mine actions, landmines killed two persons and injured 15 others during the year”.383

24. Further, the Freedom House Report on Azerbaijan for 2006 states that:

377 CERD/C/304/Add.75, at para. 3.
379 CERD/C/AZE/CO/4, at para. 10.
380 E/C.12/1/Add.20, at para. 12.
381 E/C.12/1/Add.104, at para. 11.
382 <http://www.state.gov/g/drl/rls/hrrpt/2006/78799.htm>.
“The Azerbaijani government continued to have no administrative control over the self-proclaimed Nagorno-Karabakh Republic (NKR) and the seven surrounding regions (Kelbajar, Gubatli, Djabrail, Fizuli, Zengilan, Lachin, and Agdam) that are occupied by Armenia. This area constitutes about 17 percent of the territory of Azerbaijan”, 384

while the International Crisis Group’s Report on Nagorny Karabakh of 11 October 2005 notes in its Executive Summary that:

“Armenia is not willing to support withdrawal from the seven occupied districts around Nagorno-Karabakh, or allow the return of Azerbaijani internally displaced persons (IDPs) to Nagorno-Karabakh, until the independence of Nagorno-Karabakh is a reality”. 385

25. The Security Council has consistently reaffirmed both the sovereignty and territorial integrity of Azerbaijan and the inadmissibility of the use of force for the acquisition of territory. It has further consistently recognised that Nagorny Karabakh is part of Azerbaijan and called on a number of occasions for the withdrawal of the occupying forces from all the occupied territories of Azerbaijan.

26. Security Council resolution 822 (1993) called for “the immediate cessation of all hostilities and hostile acts with a view to establishing a durable cease-fire, as well as immediate withdrawal of all occupying forces from the Kelbajar district and other recently occupied areas of Azerbaijan”. Resolution 853 (1993) condemned “the seizure of the district of Agdam and of all other recently occupied areas of the Azerbaijani Republic” and demanded the “the immediate, complete and unconditional withdrawal of the occupying forces involved from the district of Agdam and all other recently occupied areas of the Azerbaijani Republic”, while resolution 874 (1993) repeated the call for the “withdrawal of forces from recently occupied territories”. Resolution 884 (1993) reaffirmed the earlier resolutions, condemned the occupation of the Zangelan district and the city of Goradiz in the Azerbaijani Republic and demanded the “unilateral withdrawal of occupying forces from the Zangelan district and the city of Goradiz, and the withdrawal of occupying forces from other recently occupied areas of the Azerbaijani Republic”.

27. Resolutions 853 (1993) and 884 (1993) further called upon the Government of the Republic of Armenia to “continue to exert its influence” to achieve compliance with Security Council resolutions, as did the statement made by the President of the Security Council on 18 August 1993. 386

28. The General Assembly of the United Nations has also included on its agenda from 2004, an item entitled “The Situation in the Occupied Territories of Azerbaijan”. On 14 March 2008, the Assembly adopted resolution 62/243, including the following substantive provisions:

“1. Reaffirms continued respect and support for the sovereignty and territorial integrity of the Republic of Azerbaijan within its internationally recognized borders;

2. Demands the immediate, complete and unconditional withdrawal of all Armenian forces from all the occupied territories of the Republic of Azerbaijan;

3. **Reaffirms** the inalienable right of the population expelled from the occupied territories of the Republic of Azerbaijan to return to their homes, and stresses the necessity of creating appropriate conditions for this return, including the comprehensive rehabilitation of the conflict-affected territories;

5. **Reaffirms** that no State shall recognize as lawful the situation resulting from the occupation of the territories of the Republic of Azerbaijan, nor render aid or assistance in maintaining this situation”.

29. The report of the Political Affairs Committee of the Parliamentary Assembly of the Council of Europe, dated 19 November 2004, declared that:

“Armenians from Armenia had participated in the armed fighting over the Nagorno-Karabakh region besides local Armenians from within Azerbaijan. Today, Armenia has soldiers stationed in the Nagorno-Karabakh region and the surrounding districts, people in the region have passports of Armenia, and the Armenian government transfers large budgetary resources to this area”.

30. Resolution 1416 (2005), adopted on 25 January 2005 by the Parliamentary Assembly of the Council of Europe, noted particularly that “[c]onsiderable parts of the territory of Azerbaijan are still occupied by Armenian forces” and reiterated that “the occupation of foreign territory by a member state constitutes a grave violation of that state’s obligations as a member of the Council of Europe.”

31. The International Crisis Group noted in its September 2005 report that “[a]ccording to an independent assessment, there are 8,500 Karabakh Armenians in the army and 10,000 from Armenia” and that “many conscripts and contracted soldiers from Armenia continue to serve in NK [Nagorny Karabakh]”, while “[f]ormer conscripts from Yerevan and other towns in Armenia have told Crisis Group they were seemingly arbitrarily sent to Nagorno-Karabakh and the occupied districts immediately after presenting themselves to the recruitment bureau. They deny that they ever volunteered to go to Nagorno-Karabakh or the adjacent occupied territory”. It was further noted that “[t]here is a high degree of integration between the forces of Armenia and Nagorno-Karabakh”.

32. The above indicative materials demonstrate clearly that the regular armed forces of the Republic of Armenia took direct part in the capture of Nagorny Karabakh and seven surrounding regions. Further, Armenia has sustained the existence of the “Republic of Nagorny Karabakh”, an illegally created and entirely unrecognised entity within the internationally recognised territory of Azerbaijan, by a variety of political and economic means, including the maintenance of military forces in the occupied territories and on the line of contact.

33. It has been internationally recognised that Azerbaijani territories are under occupation and that Armenia has been actively involved in the creation and maintenance of that situation. Accordingly, Armenia is an occupying power within the meaning of the relevant international legal provisions. Article 6 of Geneva Convention IV declares that the Convention applies “from the outset of any conflict or occupation

---

mentioned in article 2”, so that it clearly applies as from the moment that Armenian forces entered Azerbaijani territory and will continue so to do until their final withdrawal.389

a) Armenia’s Duties as an Occupier of Azerbaijani Territory

1) General

34. In the official statement of the ICRC delivered by Thürer in 2005, the following was noted with regard to the duties of an occupier in the light of the applicable law:

“the occupying power must not exercise its authority in order to further its own interests, or to meet the interests of its own population. In no case can it exploit the inhabitants, the resources or other assets of the territory under its control for the benefit of its own territory or population. Any military occupation is considered temporary in nature; the sovereign title does not pass to the occupant and therefore the occupying powers have to maintain the status quo. They should thus respect the existing laws and institutions and make changes only where necessary to meet their obligations under the law of occupation, to maintain public order and safety, to ensure an orderly government and to maintain their own security”.390

35. Article 43 of the Hague Regulations provides the essential framework of the law of occupation. It notes that:

“The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore and ensure, as far as possible, public order and safety [l’ordre et la vie publics], while respecting, unless absolutely prevented, the laws in force in the country”.

36. Further, the International Court of Justice has emphasised that an occupying power is under an obligation under article 43:

“to take all the measures in its power to restore, and ensure, as far as possible, public order and safety in the occupied area, while respecting, unless absolutely prevented, the laws in force [in the occupied area]. This obligation comprised the duty to secure respect for the applicable rules of international human rights law and international humanitarian law, to protect the inhabitants of the occupied territory against acts of violence, and not to tolerate such violence by any third party”.391

37. Article 43 has been described as the “gist” of the law of occupation and the culmination of prescriptive efforts made in the nineteenth century and thus recognised as expressing customary international


law. The key features of this provision read together create a powerful presumption against change with regard to the occupying power’s relationship with the occupied territory and population, particularly concerning the maintenance of the existing legal system, while permitting the occupier to “restore and ensure” public order and safety. While the balance between the two is not always clear, especially with regard to extended occupations, it is clear that the occupying power does not have a free hand to alter the legal and social structure in the territory in question and that any form of “creeping annexation” is forbidden. As Benvenisti has pointed out:

“the administration of the occupied territory is required to protect two sets of interests: first, to preserve the sovereign rights of the ousted government, and, second, to protect the local population from exploitation of both their persons and their property by the occupant”.

2) Protection of the Existing Local Legal System

International humanitarian law provides for the keeping in place of the local legal system during occupation. This is a fundamental element in the juridical protection of the territory and population as they fall under the occupation of a hostile power. Article 43 of the Hague Regulations expressly provides for this in noting that the occupying power must respect local laws “unless absolutely prevented”, a high threshold which may be only rarely achieved. This is because occupation is a temporary factual situation with minimal modification of the underlying legal structure with regard to the territory in question. The term “laws in force” is to be interpreted widely to include not only laws in the strict sense, but also constitutional provisions, decrees, ordinances, court precedents as well as administrative regulations and executive orders.

39. Article 43 of the Hague Regulations has been supplemented by Geneva Convention IV. Article 64 provides, for example, that the penal laws of the occupied territory shall remain in force, unless they constitute a threat to the security of the occupying power. Occupying powers may however, under the second paragraph to this provision, subject the population of the occupied territory to “provisions which are essential to enable the occupying power to fulfil its obligations under the present Convention, to maintain the orderly government of the territory, and to ensure the security of the Occupying Power, of the members and property of the occupying forces or administration, and likewise of the establishments and lines of communication used by them”. However, this is to be restrictively interpreted and the difference between preserving local laws and providing for “provisions” which are “essential” is clear and significant. They mean not only that the legal system as such is unaffected save for the new measures which are not characterised as such as laws, but that the test for the legitimacy of these imposed measures is that they be “essential” for the purposes enumerated. The fact that the French term indispensable is used clearly demonstrates the restrictive nature of the reservation.

40. Article 64 also provides that “the tribunals of the occupied territory shall continue to function in respect of all offences covered by the said laws”, while article 54 provides that:

---


“the Occupying Power may not alter the status of public officials or judges in the occupied territories, or in any way apply sanctions to or take any measures of coercion or discrimination against them, should they abstain from fulfilling their functions for reasons of conscience”.

41. In other words, while the occupying power may enact penal provisions of its own in order to maintain an orderly administration, such competence is constrained by the need to preserve the existing local legal system and by the need to comply with the rule of law.\textsuperscript{395} Further, protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein.\textsuperscript{396} Representative of the delegates of the International Committee of the Red Cross (“ICRC”) have the right to go to all places where protected persons are found, particularly places of internment, detention and work.\textsuperscript{397}

42. In addition to the preservation of the local legal system, article 56 provides that to the fullest extent of the means available to it, the occupying power has the duty of ensuring and maintaining, with the cooperation of national and local authorities, the medical and hospital establishments and services, public health and hygiene in the occupied territory, with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics. Medical personnel of all categories are to be allowed to carry out their duties.\textsuperscript{398}

3) Property Rights

43. Article 46 of the Hague Regulations provides that, \textit{inter alia}, the lives of persons, and private property, as well as religious convictions and practice, must be respected. Article 46 also specifies that private property cannot be confiscated, except where requisitioned for necessary military purposes, but even then requisitioning must take into account the needs of the civilian population.\textsuperscript{399} Pillage is forbidden,\textsuperscript{400} while reprisals against the property of protected persons are prohibited.\textsuperscript{401}

44. Article 55 states that the occupying state shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile state, and situated in the occupied country and that it must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct. In addition, article 56 provides that the property of municipalities, institutions dedicated to religion, charity and education, the arts and sciences, even when state property, shall be treated as private property and that all seizure of, destruction or wilful damage done to institutions of this character, historic monuments, works of art and science, is forbidden, and should be made the subject of legal proceedings.

45. Article 53 of Geneva Convention IV prohibits the destruction by the occupying power of any real or personal property belonging individually or collectively to private persons, or to the state, or to other public authorities, or to social or cooperative organizations, except where such destruction is rendered...
absolutely necessary by military operations.\textsuperscript{402} It is a grave breach of the Convention to engage in extensive destruction not so justified.\textsuperscript{403}

4) \textit{Protecting Protected Persons}

46. A number of provisions exist detailing the treatment of persons within the occupied territory (termed protected persons under the convention). The major ones are as follows:

i) It is prohibited to employ protected persons for work outside the occupied territory (article 51 (3)).

ii) Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity. All protected persons shall be treated with the same consideration by the party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion (article 27).

iii) The party to the conflict in whose hands protected persons may be, is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred (article 28).

iv) No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties (article 31).

v) There is a prohibition on taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishments, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents (article 32).

vi) No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited and reprisals against protected persons and their property are prohibited (article 33).

vii) The taking of hostages is prohibited (article 34).

5) \textit{Missing Persons}

47. Special provisions apply with regard to missing persons. Article 26 of Geneva Convention IV provides that each party to the conflict shall facilitate enquiries made by members of families dispersed owing to the war, with the object of renewing contact with one another and of meeting, if possible. It shall encourage, in particular, the work of organizations engaged on this task provided they are acceptable to it and conform to its security regulations.

\textsuperscript{402} See also article 23 (g) of the Hague Regulations.
\textsuperscript{403} Article 147 of Geneva Convention IV.
48. Article 33 of Additional Protocol I, which is specifically entitled “Missing Persons”, provides that:

“1. As soon as circumstances permit, and at the latest from the end of active hostilities, each party to the conflict shall search for the persons who have been reported missing by an adverse party. Such adverse party shall transmit all relevant information concerning such persons in order to facilitate such searches.

2. In order to facilitate the gathering of information pursuant to the preceding paragraph, each party to the conflict shall, with respect to persons who would not receive more favourable consideration under the Conventions and this Protocol:

(a) Record the information specified in article 138 of the Fourth Convention in respect of such persons who have been detained, imprisoned or otherwise held in captivity for more than two weeks as a result of hostilities or occupation, or who have died during any period of detention;

(b) To the fullest extent possible, facilitate and, if need be, carry out the search for and the recording of information concerning such persons if they have died in other circumstances as a result of hostilities or occupation.

3. Information concerning persons reported missing pursuant to paragraph I and requests for such information shall be transmitted either directly or through the Protecting Power or the Central Tracing Agency of the International Committee of the Red Cross or national Red Cross (Red Crescent, Red Lion and Sun) Societies. Where the information is not transmitted through the International Committee of the Red Cross and its Central Tracing Agency, each party to the conflict shall ensure that such information is also supplied to the Central Tracing Agency.

4. The parties to the conflict shall endeavour to agree on arrangements for teams to search for, identify and recover the dead from battlefield areas, including arrangements, if appropriate, for such teams to be accompanied by personnel of the adverse party while carrying out the missions in areas controlled by the adverse party. Personnel of such teams shall be respected and protected while exclusively carrying out these duties”.

49. As a party to Additional Protocol I, Armenia is bound by the above provision.

50. Further, in resolution 59/189, adopted by the United Nations General Assembly on 20 December 2004, states parties to an armed conflict were called up to take all appropriate measures to prevent persons from going missing in connection with armed conflict and to account for persons reported missing as a result of such a situation. The resolution also reaffirmed both the right of families to know the fate of their relatives reported missing in connection with armed conflicts; and that each party to an armed conflict, as soon as circumstances permit and, at the latest, from the end of active hostilities, shall search for the persons who have been reported missing by an adverse party. States parties to an armed conflict were called upon to take all necessary measures, in a timely manner, to determine the identity and fate of persons reported missing in connection with the armed conflict.404

404 See also General Assembly resolutions 61/155, adopted on 19 December 2006, and 63/183, adopted on 18 December 2008.
51. Resolution 1553 (2007) of the Council of Europe Parliamentary Assembly emphasised that the issue of missing persons was a “humanitarian problem with human rights and international humanitarian law implications” and that time was of the essence when seeking to solve the issue of the missing. The resolution noted that the Parliamentary Assembly was concerned by the “continuing allegations of secret detention of missing persons”. The resolution also gave the figure of 4,499 Azerbaijanis listed as missing as a result of the Nagornoy Karabakh conflict and declared that:

“The right to know the fate of missing relatives is … firmly entrenched in international humanitarian law. Furthermore, state practice establishes as a norm of customary international law, applicable in both international and non-international armed conflicts, the obligations of each party to the armed conflict to take all feasible measures to account for persons reported missing as a result of armed conflict, and to provide their family members with any information it has on their fate. The right to know is also anchored in the rights protected under the European Convention on Human Rights, notably Articles 2, 3, 5, 8, 10 and 13”.

6) Prohibition on Settlements in Occupied Territories

52. Article 49 of Geneva Convention IV provides that “the occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies”. This constitutes the basis and expression of a rule of law prohibiting the establishment of settlements in the occupied territories consisting of the population of the occupying power or of persons encouraged by the occupying power with the intention, expressed or otherwise, of changing the demographic balance. The International Court of Justice has noted that this provision:

“prohibits not only deportations or forced transfer of population such as those carried out during the Second World War, but also any measures taken by an occupying power in order to organise or encourage transfers or parts of its own population into the occupied territory”.

53. Such activity also constitutes a grave breach of Additional Protocol I and, indeed, a breach of Armenia’s own domestic legislation. Attempts to change the demographic composition of occupied territories have also been condemned by the Security Council. The Committee on the Elimination of Racial Discrimination in its Decision 2 (47) of 17 August 1995 on the situation in Bosnia and Herzegovina declared that “any attempt to change or to uphold a changed demographic composition of an area, against the

---

405 According to the State Commission of the Republic of Azerbaijan on Prisoners of War, Hostages and Missing Persons, 4210 citizens of Azerbaijan are registered missing in connection with the conflict as of 1 January 2008, of them 47 children, 256 women and 355 elderly.
407 See article 85 (4) (a) defining as a grave breach of the Protocol: “The transfer by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory, in violation of Article 49 of the Fourth Convention”. It also amounts to a war crime under the Statute of the International Criminal Court 1998, see article 8 (2) b (viii).
409 See e.g. resolutions 446, 452, 465, 476, 677.
will of the original inhabitants, by whichever means is a violation of international law”, 410 while Special Rapporteur Al-Khasawneh in his Final Report on “Human Rights Dimensions of Population Transfer” for the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities underlined the illegality of population transfers and their prohibition under international human rights and humanitarian law. 411 This view was endorsed by the Sub-Commission in its consideration of the Report. 412

54. Practice shows clearly that Armenia has violated this prohibition. Significant numbers of Armenian settlers have been encouraged to move into the occupied areas, in particular the Lachin area, an area that had been especially depopulated of its Azerbaijani inhabitants. There have been numerous independent reports of the introduction of settlers into the occupied areas.

55. The Report of the OSCE Fact-Finding Mission to the Occupied Territories of Azerbaijan Surrounding Nagorny Karabakh, 2005, concluded that the settlement figures were approximately as follows: 1,500 in Kelbajar district; 800 to 1,000 in Agdam district; under 10 in Fizuli district; under 100 in Jebrail district; 700 to 1,000 in Zangelan district and from 1,000 to 1,500 in Kubatly district. 413 The report also noted that some 3,000 settlers lived in Lachin town 414 and emphasised that “[s]ettlement incentives are readily apparent”. 415 The US Committee for Refugees and Immigrants in its World Refugee Survey 2002 Country Report on Armenia stated that:

“According to the de facto government of Nagorno-Karabakh, the population of the enclave stood at about 143,000 in 2001, slightly higher than the ethnic Armenian population in the region in 1988, before the conflict. Government officials in Armenia have reported that about 1,000 settler families from Armenia reside in Nagorno-Karabakh and the Lachin Corridor, a strip of land that separates Nagorno-Karabakh from Armenia. According to the government, 875 ethnic Armenian refugees returned to Nagorno-Karabakh in 2001. Most, but not all, of the ethnic Armenian settlers in Nagorno-Karabakh are former refugees from Azerbaijan. Settlers choosing to reside in and around Nagorno-Karabakh reportedly receive the equivalent of $365 and a house from the de facto authorities”. 416

56. In a paper prepared by Anna Matveeva on “Minorities in the South Caucasus” for the ninth session (May 2003) of the Working Group on Minorities of the UN Sub-Commission on Promotion and Protection of Human Rights, the following was stated:

“A policy of resettlement in areas held by the Armenian forces around Karabakh (‘occupied territories’ or ‘security zone’) which enjoy relative security has been conducted since 1990s. Applications for settlement are approved by the governor of Lachin who tends to mainly

412 Sub-Commission resolution 1997/29.
414 Ibid., at page 29.
415 Ibid., at page 30.
416 <http://refugees.org/countryreports.aspx?__VIEWSTATE=dDwxMTA1OTA4MTYwOztsPENvdW50cnlERDpHb0J1dHRvbjs%2BPPrfhOeqDI29eBMz8b04PTi8xjW2&cid=312&subm=&ssm=&map=&_ctl0%3ASearchInput=+KEYWORD+SEARCH&CountryDD%3ALocationList>.
accept families. Settlers normally receive state support in renovation of houses, do not pay taxes and much reduced rates for utilities, while the authorities try to build physical and social infrastructure”. 417

57. The International Crisis Group report of September 2005 reported that:

“Stepanakert418 considers Lachin for all intents and purposes part of Nagorno-Karabakh. Its demographic structure has been modified. Before the war, 47,400 Azeris and Kurds lived there: today its population is some 10,000 Armenians, according to Nagorno-Karabakh officials. The incentives offered to settlers include free housing, social infrastructure, inexpensive or free utilities, low taxes, money and livestock. In the town centre, up to 85 percent of the houses have been reconstructed and re-distributed. New power lines, road connections and other infrastructure have made the district more dependent upon Armenia and Nagorno-Karabakh than before the war”. 419

58. The International Crisis Group report of October 2005 stated that:

“The interest in Lachin seems to be based on more than security. Stepanakert, with Armenia’s support, has modified the district’s demographic structure, complicating any handover... Stepanakert considers Lachin for all intents and purposes part of Nagorno-Karabakh and has established infrastructure and institutions in clear violation of international law prohibitions on settlement in occupied territories”. 420

59. Accordingly, Armenia’s breach of this important rule of international humanitarian law has been clearly established.

7) Application to Subordinate Local Administrations

60. Geneva Convention IV provides that for the continued existence of convention rights and duties irrespective of the will of the occupying power. Article 47 in particular provides that:

“Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory”.

61. In particular, the rights provided for under international humanitarian law cannot be avoided by recourse to the excuse that another party is exercising elements of power within the framework of the

418 Note that the name of the town was Khankendi until September 1923, when it was renamed after bolshevik leader Stepan Shaumian. Although the Azerbaijani authorities subsequently restored the original name of the town, it is still referred to by the Armenians as “Stepanakert”.
420 Op.cit., p. 22. See also the full analysis of the settlement programme presented by the Permanent Representative of Azerbaijan to the UN in November 2004, A/59/568.
occupation. This is the scenario that Roberts has referred to in noting that occupying powers often seek to
disguise or limit their own role by operating indirectly by, for example, setting up “some kind of quasi-
independent puppet regime”.421 It is clear, however, that an occupying power cannot evade its responsibility
by creating, or otherwise providing for the continuing existence of, a subordinate local administration. The
UK Manual of the Law of Armed Conflict has, for example, provided as follows:

“The occupying power cannot circumvent its responsibilities by installing a puppet
government or by issuing orders that are implemented through local government officials still
operating in the territory”.422

62. Accordingly, Armenia is responsible as the occupying power not only for the actions of its
own armed forces and other organs and agents of its government, but also for the actions of its subordinate
local administration in the occupied territories, including the forces and officials of the so-called “Republic
of Nagorny Karabakh”.

3. The Application of International Human Rights Law to Occupations

63. In addition to the traditional rules of humanitarian law, international human rights law is now
seen as in principle applicable to occupation situations. The International Court of Justice has interpreted
article 43 of the Hague Regulations to include:

“the duty to secure respect for the applicable rules of international human rights law and
international humanitarian law, to protect the inhabitants of the occupied territory against acts of
violence, and not to tolerate such violence by any third state”.423

64. More generally, the International Court of Justice has discussed the relationship between
international humanitarian law and international human rights law. In its advisory opinion on the Legality of
the Threat of Use of Nuclear Weapons, the Court emphasised that “the protection of the International
Covenant of Civil and Political Rights does not cease in times of war, except by operation of Article 4 of the
Covenant whereby certain provisions may be derogated from in a time of national emergency” and in such
cases the matter will fall to be determined by the applicable lex specialis, that is international humanitarian
law.424

65. The Court returned to this matter in its advisory opinion on the Construction of a Wall,
where it declared more generally that:

“the protection offered by human rights conventions does not cease in case of armed
conflict, save through the effect of provisions for derogation of the kind found in Article 4 of the
International Covenant on Civil and Political Rights”.

421 “Transformative Military Occupation: Applying the Laws of War and Human Rights”, 100 American Journal of
423 Congo v Uganda, ICJ Reports, 2005, pp. 168, 231 and 242 and following.
424 ICJ Reports, 1996, pp. 226, 239.
As to the relationship between international humanitarian law and human rights law, the Court noted that there were three possible situations. First, some rights might be exclusively matters of humanitarian law, some rights might be exclusively matters of human rights law and some matters may concern both branches of international law. It was essentially a question of interpretation of the particular instrument in question. In particular, the jurisdiction of states, while primarily territorial, may sometimes be exercised outside the national territory and in such a situation the International Covenant and other relevant human rights treaties had to be applied by state parties. This was an approach that was deemed consistent with both the travaux préparatoires of, for example, the International Covenant on Civil and Political Rights and with the constant practice of the Human Rights Committee established under it.

The Court concluded by affirming that the International Covenants on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child were “applicable in respect of acts done by a state in the exercise of its jurisdiction outside of its own territory”.

It is also worth point out the applicability of the general principle of state responsibility for the acts of its organs which would obviously include members of its armed forces acting abroad. The Court interestingly referred in addition in the Construction of a Wall case to the prolonged occupation question and to the applicability of the International Covenant on Economic, Social and Cultural Rights.

The Court returned to the question of the relationship between international humanitarian law and international human rights law by reaffirming that:

“international human rights instruments are applicable ‘in respect of acts done by a state in the exercise of its jurisdiction outside its own territory’, particularly in occupied territories”.

Accordingly, it is now accepted that the law applicable in occupation situations includes multilateral human rights instruments to which the occupying power is a party. This means inevitably not only that the organs and agents of the occupying power must act in conformity with the provisions of such instruments, but also that the population is entitled to the benefit of their application. Thus, the application of human rights law in these situations impacts upon the powers and duties of the occupier and affects the traditional attempts to balance military necessity and humanity in any occupation.

Armenia is a party to the following universal human rights conventions as from the date in parenthesis:

i) International Covenant on Civil and Political Rights (23 June 1993) (“ICCPR”);

---

426 Ibid.
427 Ibid., pp. 179-82.
428 Ibid., pp. 180 and 181.
431 ICJ Reports, 2005, pp. 178, 242-43.

iii) Convention on the Prevention and Punishment of the Crime of Genocide (23 June 1993);

iv) Convention on the Elimination of All Forms of Racial Discrimination (23 June 1993);

v) Convention on the Rights of the Child (23 June 1993);

vi) Convention on the Elimination of All Forms of Discrimination against Women (13 September 1993);


Accordingly, Armenia is bound by the provisions of these conventions not only within its own borders, but also in the occupied territories of Azerbaijan. One may note briefly the relevance of the following obligations by way of example:

i) The obligation to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the particular instrument, without distinction of any kind (article 2, ICCPR and article 2, ICESCR);

ii) Right to life (article 6, ICCPR);

iii) Prohibition of torture and cruel, inhuman and degrading treatment or punishment (article 7, ICCPR and Convention against Torture);

iv) Right to liberty and security of person (article 9, ICCPR);

v) Right to liberty of movement and the right not to be arbitrarily deprived of the right to enter one’s own country (article 12, ICCPR);

vi) Right to equality before court and tribunals (article 14, ICCPR) and to equality of protection before the law (article 26, ICCPR);

vii) Prohibition of arbitrary or unlawful interference with privacy, family, home or correspondence (article 17, ICCPR);

viii) Right to freedom of thought, conscience and religion;

ix) Prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (article 20);

x) Rights to peaceful assembly and association (articles 21 and 22, ICCPR);

432 Armenia is also a party to the International Convention for the Protection of All Persons from Enforced Disappearance 2006 (10 April 2007). This Convention is not yet in force.
xi) Right and opportunity, without distinction and without unreasonable restrictions to take part in the conduct of public affairs, directly or through freely chosen representatives; to vote and to have access, on general terms of equality, to public service in one’s country (article 25, ICCPR);

xii) Right of persons belonging to minorities not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language (article 27, ICCPR).

73. In addition, Armenia is also a party to the European Convention on Human Rights. The question of the application of this Convention extraterritorially by states parties has been the subject of a number of important cases.

74. The European Court of Human Rights has interpreted the concept of ‘jurisdiction’ as it appears under article 1 (“High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention”) to include the situation where acts of the authorities of contracting states, whether performed within or outside national boundaries, produce effects outside their own territory. The Court emphasised that:

“Bearing in mind the object and purpose of the Convention, the responsibility of a Contracting Party may also arise when as a consequence of military action whether lawful or unlawful it exercises effective control of an area outside its national territory. The obligation to secure, in such an area, the rights and freedoms set out in the Convention derives from the fact of such control whether it be exercised directly, through its armed forces, or through a subordinate local administration”.

75. The Court clarified further that a state’s responsibility in exercising effective control over the area outside its national territory “cannot be confined to the acts of its own soldiers or officials [in that area] but must also be engaged by virtue of the acts of the local administration which survives by virtue of [this state’s] military and other support”. Such responsibility would cover acts of a state supporting the installation of a separatist state within the territory of another state. Responsibility could also be engaged by the acquiescence or connivance of the authorities of a contracting state in the acts of private individuals which violate the convention rights of other individuals within its jurisdiction, particularly with regard to the recognition by a state of the acts of “self-proclaimed authorities which are not recognised by the international community”.

76. Accordingly, the responsibility of Armenia for violations of the European Convention of Human Rights in the occupied territory of Azerbaijan is engaged. The relevant rights under this Convention would include the right to life (article 2), the prohibition of torture and inhuman and degrading treatment and

---

435 Judgment of 10 May 2001 at para. 77 and Judgment of 8 July 2004 at paras. 312 and the following.  
436 Judgment of 8 July 2004, para. 312.  
punishment (article 3), due process (article 5), fair trial (article 6), the right to private and family life (article 8) and the right to peaceful enjoyment of property (article 1 of Protocol I).

4. Implementation of Armenia’s Responsibilities under Applicable International Law

77. To the extent that Armenia has violated the relevant applicable law with regard to the occupation of Azerbaijani territory, it is responsible under international law. That is the essential fact. As article 1 of the Articles on State Responsibility adopted by the International Law Commission on 9 August 2001 declares, “[e]very internationally wrongful act of a state entails the international responsibility of that state”, while article 2 provides that there is an internationally wrongful act of a state when conduct consisting of an action or omission is attributable to the state under international law and constitutes a breach of an international obligation of the state. This principle has been affirmed in the case-law.

78. It is international law that determines what constitutes an internationally unlawful act, irrespective of any provisions of municipal law. Article 12 stipulates that there is a breach of an international obligation when an act of that state is not in conformity with what is required of it by that obligation, regardless of its origin or character. A breach that is of a continuing nature extends over the entire period during which the act continues and remains not in conformity with the international obligation in question, while the Permanent Court of International Justice has emphasised that “it is a principle of international law, and even a greater conception of law, that any breach of an engagement involves an obligation to make reparation”.

79. Any state responsible for an internationally wrongful act is under an obligation to cease that act, if it is continuing, and to offer appropriate assurances and guarantees of non-repetition if circumstances so require. Armenia is under such an international obligation.

80. The question of implementation or enforcement of the relevant responsibility laid down in international humanitarian law and under international human rights law, however, is a separate legal and practical question. There are a number of relevant mechanisms. To the extent that Armenia is in violation of

---

438 Commended to governments in General Assembly resolution 56/83. See also General Assembly resolutions 59/35 and 62/61.
439 See e.g. Chorzów Factory case, PCIJ, Series A, No. 9, p. 21 and the Rainbow Warrior case, 82 International Law Reports, p. 499.
440 Article 3.
441 See the Gabčíkovo–Nagymaros Project case, ICJ Reports, 1997, pp. 7, 38.
442 See article 14. See also e.g. the Rainbow Warrior case, 82 International Law Reports, p. 499; the Gabčikovo-Nagymaros (Hungary v Slovakia) case, ICJ Reports, 1997, pp. 7, 54; Genocide Convention (Bosnia v Serbia) case, ICJ Reports, 2007, para. 431; Loizidou v. Turkey, Merits, European Court of Human Rights, Judgment of 18 December 1996, paras. 41–7 and 63–4; and Cyprus v. Turkey, European Court of Human Rights, Judgment of 10 May 2001, paras. 136, 150, 158, 175, 189 and 269.
443 The Chorzów Factory case, PCIJ, Series A, No. 17, 1928, p. 29; 4 AD, p. 258. See also the Corfu Channel case, ICJ Reports, pp. 4, 23.
444 Article 30. See also the Rainbow Warrior case, 82 International Law Reports, pp. 499, 573.
relevant UN treaties, organs created under such conventions (such as the Human Rights Committee; the Committee on Economic, Social and Cultural Rights; the Committee on the Elimination of Racial Discrimination; the Committee against Torture etc.) possess the jurisdiction to monitor and hold to account states, including Armenia, that have breached the binding provisions in question. The same is true of relevant regional conventions, in particular the European Convention on Human Rights, with the European Court of Human Rights being a particularly active body and one capable as a court of producing binding decisions.

81. International humanitarian law has its own implementation processes. Parties to the 1949 Geneva Conventions and to Additional Protocol I undertake to respect and to ensure respect for the instrument in question, and to disseminate knowledge of the principles contained therein. A variety of enforcement methods also exist, although the use of reprisals has been prohibited. One of the means of implementation is the concept of the Protecting Power, appointed to look after the interests of nationals of one party to a conflict under the control of the other, whether as prisoners of war or occupied civilians. Such a power must ensure that compliance with the relevant provisions has been effected and that the system acts as a form of guarantee for the protected person as well as a channel of communication for him with the state of which he is a national. However, the drawback of this system is its dependence upon the consent of the parties involved. Not only must the Protecting Power be prepared to act in that capacity, but both the state of which the protected person is a national and the state holding such persons must give their consent for the system to operate.

82. Additional Protocol I also provides for an International Fact-Finding Commission with competence to inquire into grave breaches of the Geneva Conventions and that Protocol or other serious violations, and to facilitate through its good offices the “restoration of an attitude of respect” for these instruments. This body came into being as the International Humanitarian Fact-Finding Commission in 1991 after 20 states parties to the Protocol agreed to accept its competence. The parties to a conflict may themselves, of course, establish an ad hoc inquiry into alleged violations of humanitarian law.

83. An important monitoring and indeed implementation role is played by the International Committee of the Red Cross. This body has a wide-ranging series of functions to perform, including

---

445 Common article 1.
446 See e.g. article 144 of Geneva Convention IV and article 83 of Additional Protocol I.
447 See e.g. articles 20 and 51(6) of Additional Protocol I.
448 See article 9 of Geneva Convention IV.
449 See article 90 of Additional Protocol I.
452 Articles 52, 53, 132 and 149 of the four 1949 Conventions respectively.
working for the application of the Geneva Conventions and acting in natural and man-made disasters. It has operated in a large number of states, visiting prisoners of war and otherwise functioning to ensure the implementation of humanitarian law. It operates in both international and internal armed conflict situations. It is involved in the Armenia-Azerbaijan conflict.

84. The International Court of Justice in the *Construction of a Wall* case referred to the “special position” of the ICRC concerning execution of Geneva Convention IV, which “must be ‘recognised and respected at all times’ by the parties pursuant to article 142 of the Convention”. In addition, the Eritrea-Ethiopia Claims Commission has noted that the ICRC had been assigned significant responsibilities in a number of articles of the Geneva Convention III (with which it was concerned) both as a humanitarian organization providing relief and as an organization providing necessary and vital external scrutiny of the treatment of prisoners of war.

85. It is, of course, also the case that breaches of international humanitarian law or international human rights law may constitute war crimes or crimes against humanity or even genocide for which universal jurisdiction is provided with regard to alleged offenders. In such cases, pursuit of such individuals may be undertaken through the domestic courts of involved or third party states. There is no current international criminal court or tribunal with relevant individual jurisdiction with regard to Armenia. State responsibility in such cases may be enforced through relevant inter-state mechanisms.

5. Conclusions

86. The following conclusions may be reached:

1) The applicable law in the first instance is international humanitarian law, consisting of the Hague Regulations (being part of customary international law), together with Geneva Convention IV and to Addition Protocol I on 7 June 1993 to both of which Armenia is a party;

2) Armenian involvement in the conflict with Azerbaijan gave to that conflict an international character;

3) Armenian involvement in the capture and retention of the Nagorny Karabakh region of Azerbaijan and its surrounding districts was such as to bring the provisions of international humanitarian law into operation;

4) The facts show that Armenia is in occupation of these areas as that term is understood in international humanitarian law;

---

454 See e.g. article 142 of Geneva Convention IV.  
5) International law precludes the acquisition of sovereignty to territory by the use of force so that the occupation by Armenia of Azerbaijani territory cannot give any form of title to the former state;

6) As an occupying power, Armenia is subject to a series of duties under international law;

7) The core of these duties is laid down in article 43 of the Hague Regulations and focus upon the restoration and ensuring, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country;

8) The presumption in favour of the maintenance of the existing legal order is particularly high and is supplemented by provisions in Geneva Convention IV;

9) Private and public property is particularly protected. Private property cannot be confiscated, except where requisitioned for necessary military purposes, but even then requisitioning must take into account the needs of the civilian population;

10) The occupying state is no more than the administrator of public property and must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct;

11) Destruction of private and public property is forbidden, except where such destruction is rendered absolutely necessary by military operations;

12) Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They are to be at all times humanely treated and protected especially against all acts of violence or threats thereof;

13) Armenia as the occupying power is under a special obligation with regard to Azerbaijani missing persons, of whom there are accepted to be 4,210 as of 1 January 2008;

14) Armenia bears a responsibility under international humanitarian law not to establish or facilitate the establishment of settlements of Armenians in the occupied territories;

15) Armenia cannot evade its responsibilities under international humanitarian law by means of its support for a subordinate local administration;

16) In addition to the traditional rules of humanitarian law, Armenia is also bound in its administration of the occupied territories by the provisions of those international human rights treaties to which it is a party;

17) Such treaties include the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Prevention and Punishment of the Crime of Genocide; the Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture;

18) Armenia is also bound by the European Convention of Human Rights in its occupation of Nagorny Karabakh and surrounding districts;
19) Armenia bears state responsibility for its breaches of international humanitarian law and international human rights law as discussed above and is under an obligation both to cease its violations and make reparation for them;

20) Such obligations under international humanitarian law and under international human rights law may be monitored and implemented by mechanisms in force for Armenia, such as the Human Rights Committee and the European Court of Human Rights, together with ICRC processes;

21) Insofar as war crimes, crimes against humanity and genocide are concerned, individual responsibility may lie and may be implemented through domestic courts in various involved or third party states, while state responsibility may be enforced where possible through relevant inter-state mechanisms.

mfa.gov.az
United Nations

General Assembly

A/C.6/51/5
8 November 1996
Original: English

Fifty-first session
Sixth Committee
Agenda item 151

Measures to eliminate International terrorism

Note verbale dated 8 November 1996 from the Permanent Mission of Azerbaijan to the United Nations addressed to the Secretary-General

The Permanent Mission of the Azerbaijani Republic to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to forward herewith, as received by fax, the "Information provided by the Ministry of Foreign Affairs of the Azerbaijani Republic on measures to eliminate international terrorism" (see annex). This information is forwarded in addition to that previously submitted on the organization and implementation by Armenia of terrorist activities against Azerbaijan and distributed as document A/C.6/50/4 of 15 November 1995.

The Permanent Mission of the Azerbaijani Republic to the United Nations should be extremely grateful to the Secretary-General for his kind assistance in distributing the attached material as a document of the General Assembly under agenda item 151.

Information provided by the Ministry of Foreign Affairs of the Azerbaijani Republic on measures to eliminate international terrorism

The information provided by the Permanent Mission of the Azerbaijani Republic to the United Nations which was circulated as an official document of the United Nations General Assembly at its fiftieth session (A/C.6/50/4 of 15 November 1995) under agenda item 146, "Measures to eliminate international terrorism", on the organization and implementation by the Republic of Armenia of terrorist activities against the Azerbaijani Republic, provided detailed information demonstrating the participation in and responsibility for the perpetration of subversive and terrorist acts against Azerbaijan of official Armenia, which makes use of terrorism in its campaign to implement its annexationist plans.

After the open assertion by Armenia in the late 1980s of its territorial claims on Azerbaijan and the launching of armed operations in the Nagorny Karabakh region of the Azerbaijani Republic, Armenian terrorism became significantly more active and such well-known terrorist organizations as the Armenian Secret Army for the Liberation of Armenia, the Commandos of Justice of the Armenian Genocide and the
Armenian Revolutionary Army transferred the centre of their activities from the countries of the Middle East, Western Europe and North America to the territory of the former Union of Soviet Socialist Republics. During that period, terrorism in Armenia was raised to the level of a State policy and its target was the territory of Azerbaijan. Weapons and ammunition were transported on a large scale from Armenia to the Nagorny Karabakh region of the Azerbaijani Republic and into the hands of underground terrorist groups in other parts of Azerbaijan.

In all, as a result of terrorist acts against Azerbaijan carried out since the late 1980s by the Armenian secret service and Armenian terrorist organizations closely connected with it, including terrorist acts on road, rail, sea and air transport and ground communications, over 2,000 peaceful citizens of Azerbaijan have been killed, the majority of them women, the elderly and children.

The secret terrorist operations of the Armenian secret service led to a major scandal connected with the arrest and conviction in Azerbaijan of Igor Khatkovsky, a Russian national whom it had recruited. Detailed information regarding this criminal case and the judicial process is contained in the aforementioned document (A/C.6/50/4). The case of Igor Khatkovsky helped the secret service of the Russian Federation to uncover and neutralize a group of agents of the Directorate for National Security (the former KGB) of Armenia who were operating in Russian territory and were responsible for organizing terrorist acts in Azerbaijan, Georgia and the Russian Federation. Despite persistent attempts by the Armenian authorities to avoid publicity concerning the participation of the Armenian secret service in terrorist activities and to influence the investigation, the case of the Armenian terrorists was handed over to the courts and the circumstances were the subject of reports by the mass information media. For instance, the Russian newspaper Argumenty i fakty reported the following facts:

"... Between 1991 and 1993, the countries of the Commonwealth of Independent States suffered a series of brutal terrorist acts ... In Russian, Azerbaijani and Georgian territory, passenger and goods trains headed for Baku began to be blown up with alarming regularity. The services responsible were run off their feet searching for the malefactors. In the summer of 1993, in Baku, a certain Igor Khatkovsky was arrested and found to be in possession of a whole set of explosive devices. In the autumn of the same year, another operative, Soso Aroyana, an agent of the counter-espionage service of the Transcaucasian Military District, was arrested while attempting to place a bomb on a train from Tbilisi to Baku. Both gave evidence, which was reported to Moscow. The Russian secret services were involved in the case. After a carefully planned operation in May 1994, officials of the Federal Security Service (FSB) (at that time the Federal Counterespionage Service (FCS)) of the Russian Federation in Moscow arrested a group of terrorist organizers. The head of the group was Lieutenant-Colonel Jan Oganesyany, the chief of the department of intelligence and subversive operations in the territory of an adversary, the Directorate for National Security of Armenia (counterpart of FSB). The second was his subordinate, Lieutenant-Colonel Ashot Galoyan. A third, Boris Simonyan, worked in FCS, in the department dealing with combating terrorism. All three were Russian nationals, residents of Moscow. The first two were consultant members of the Fund for the Technological and Intellectual Development of Russia (TIRR), which was headed by a certain Valery Petrosian ..." (Alexander Kakotkin, "Takoe ni v odnom detektive ne pridumaesh", Argumenty i fakty, No. 26 (819), June 1996).

According to information from the same source, the military tribunal of the Tambov garrison sentenced J. Oganesyany, A. Galoyan and B. Simonyan to various terms of imprisonment. In the same article in the newspaper Argumenty i fakty, it was further reported that, according to unofficial sources,
"... Ashot Galoyan, after having attempted to hang himself in his cell, was promoted to colonel on his return to Armenia (after his release - Ed.)" (Alexander Kakotkin, ibid.)

Evidence of the special relationship of Armenia to international terrorists can be seen, for example, in the fact that the signatures of 1,227,473 nationals of that country were collected in defence of the Armenian terrorist Varujan Karapetyan, who was sentenced in France to life imprisonment for placing an explosive device near the office of the Turkish airlines at Orly airport. The sixth grade at a school in Erevan had already been named in his honour, and in Erevan and Ejmiatsin exhibitions of his paintings were organized. Expressions of sympathy for terrorists by the highest political leadership in Armenia have included the appeal by the President of Armenia, Levon Ter-Petrosian, to the President of France, Jacques Chirac, for a pardon for V. Karapetyan, and the participation by the President of Armenia in the memorial service, attended by 50,000 people, for the well-known international terrorist Monte Melkonyan and his presence at the latter's funeral in Erevan. Recently in Baku, the trial took place of 10 members of the terrorist organization Sadval, the aim of which is to seize by force of arms part of the territory in the northern part of the Azerbaijani Republic. During the investigation and trial, it was established that the Armenian secret service had cooperated in the establishment of Sadval and in providing funding and weapons for that organization and that the leaders of Sadval had repeatedly visited Erevan and had meetings with various State authorities in Armenia. It was also established that, with a view to carrying out subversive and terrorist acts in the territory of Azerbaijan, 17 terrorists of the Sadval organization had, in April 1992, undergone special subversive training at a training centre of the Ministry of Defence of Armenia located in the village of Lusokert in the Nairi district of Armenia. The court found the accused guilty and pronounced appropriate sentences on the members of Sadval for carrying out a terrorist act at the "20 January" metro station in Baku on 19 March 1994, as a result of which 14 people were killed and 42 sustained bodily injuries of varying degrees of severity.

It is no secret that there are close ties between the Armenian secret service and other known terrorist organizations responsible for killing thousands of innocent people, in particular the Kurdish Workers' Party, militant members of which, according to the information available, are undergoing training at bases made available to them in the territory of Armenia.

The many facts in the possession of the law-enforcement organs of Azerbaijan provide unconditional proof of Armenia's responsibility for the carrying out of terrorist activities against Azerbaijan and other States, its cooperation in the carrying out of such activities by various terrorist organizations and the assistance it has provided to such organizations by making its territory available to them for use as bases and training camps for the preparation and organization of terrorist acts against the States of the region. These facts thus provide sufficient grounds for including Armenia in the list of States which support terrorism at the State level.
The situation in the occupied territories of Azerbaijan
Letter dated 17 February 2009 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General


By paragraph 8 of the resolution, the General Assembly requested the Secretary-General to submit to the General Assembly at its sixty-third session a comprehensive report on the implementation of the resolution.

In view of this provision, Member States were requested to provide relevant information on the matter. Azerbaijan responded to this request by submitting the relevant documents covering a wide range of issues pertaining to the conflict between Armenia and Azerbaijan. This written contribution by Azerbaijan included among others the document entitled "Support by States Members of the United Nations and international organizations to Azerbaijan's position on the conflict in and around the Nagorny Karabakh region of Azerbaijan" (see annex).

Insofar as the existing page limit requirement prevents the content of this document from being reflected in the report of the Secretary-General, I should be grateful if you would have the present letter and the aforementioned document circulated as a document of the General Assembly, under agenda items 13 ("Protracted conflicts in the GUAM area and their implications for international peace, security and development") and 18 ("The situation in the occupied territories of Azerbaijan") of its sixty-third session, and of the Security Council.

(Signed) Agshin Mehdiyev
Ambassador Permanent Representative
Annex to the letter dated 17 February 2009 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Support by States Member of the United Nations and international organizations to Azerbaijan's position on the conflict in and around the Nagorny Karabakh region of Azerbaijan


The Organization of the Islamic Conference has been consistently taking the principled position regarding the illegal use of force against the sovereignty and territorial integrity of Azerbaijan and occupation of its territories. Since the evolution of the issue, the OIC has explicitly determined the actions of Armenia on the territory of Azerbaijan as the aggression by the former against the sovereignty and territorial integrity of Azerbaijan and included this issue as the permanent item on its agenda. Vast number of the OIC decisions and resolutions on the conflict between Armenia and Azerbaijan and individual support of Member States of this Organization have been instrumental in addressing occupation of the territories of Azerbaijan by the international community and in particular by the United Nations General Assembly and the Security Council.


The United States Department of State declared on 21 May 1992 that the United States "will not accept unilateral changes in the status of Nagorny-Karabakh, Nakhichevan, or any other territory by military actions or violence".

In its Statement of 23 May 1992 the Ministry of Foreign Affairs of the Russian Federation made it clear that "No current circumstances can permit the State to resort to the annexation of foreign territory. No one can count on the support of Russia for such unlawful actions".

In its Statement of 22 May 1992 the European Community declared that "the Community and its Member States condemn in particular any actions against territorial integrity or designed to achieve political goals by force, including the driving out of civilian population".

The North Atlantic Council stated on 22 May 1992 that "Any action against Azerbaijan' or any other State's territorial integrity or to achieve political goals by force would represent a flagrant and unacceptable violation of the principles of international law and CSCE". The Council called for taking "immediate steps to de-escalate the conflict, including withdrawal from occupied areas".

In the Statement by the President of the United Nations Security Council of 6 April 1993 the Security Council "express[ed] its serious concern at the deterioration of relations between the Republic of Armenia and the Republic of Azerbaijan, and at the escalation of hostile acts in the Nagorno-Karabakh conflict, especially the invasion of the Kelbadjar district of the Republic of Azerbaijan by local Armenians forces". The Council "demand[ed] the immediate cessation of all such hostilities, which endanger peace and security of the region, and the withdrawal of these forces". "In this context, the Security Council, reaffirming the sovereignty and territorial integrity of all States of the region and the inviolability of their borders, expres[ed] its support for the CSCE peace process" and "request[ed] the Secretary-General, in consultation with the CSCE, to ascertain facts, as appropriate, and to submit urgently a report to the Council containing an assessment of the situation on the ground".

The United Nations Secretary-General's Report submitted to the Security Council, in particular its paragraph 10, determined that "The intensification of fighting in and around Nagorno-Karabakh, especially the recent attacks against the Kelbadjar and Fizuli districts of Azerbaijan, poses a serious threat to the maintenance of international peace and security in the entire Transcaucasus region." According to the Report, "It is clear ... that there has been a major outbreak of fighting in various locations in Azerbaijan, outside the enclave of Nagorny-Karabakh, Reports of the use of heavy weaponry, such as T-72 tanks, Mi-24 helicopter gunships and advanced fixed wing aircraft are
particularly disturbing and would seem to indicate the involvement of more than local eininic [Armenian] force" (emphasis added).

The United Nations Security Council resolution 822 (1993) adopted in response to the occupation of Kelbadjar region of Azerbaijan, reaffirmed the respect for sovereignty and territorial integrity of all states in the region, the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory. The Council demanded the immediate withdrawal of all occupying forces from the Kelbadjar district and other recently occupied areas of Azerbaijan. It also reaffirmed that all parties are bound to comply with principles and rules of international humanitarian law.

At the second summit of the Economic Cooperation Organization, held in Istanbul on 6-7 July 1993, the Heads of States or Governments of Afghanistan, Azerbaijan, Iran, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, Turkey, Turkmenistan, and Uzbekistan adopted the Statement in which they condemned the continuation of the Armenian aggression against Azerbaijani territories and the escalation and widening of hostilities towards Agdam, Fizuli, Jabrail, Gubatli and Agdere regions of Azerbaijan. Reaffirming the principle of inadmissibility of acquisition of territory by force and non-use of force for gaining political advantages, the participating states called upon the international community to use its influence over Armenia for putting an end to this aggression.

The CSCE Chairman of the Minsk Conference in its Report submitted for consideration by the United Nations Security Council in response to the occupation on 23 July 1993 of the Agdam region clearly indicated that Agdam posed no serious military threat to Nagorny Karabakh. The CSCE Chairman, on behalf of the nine members of the CSCE Minsk Group, condemned the seizure of Agdam, as an act that cannot be justified on self-defense grounds and that contradicts the commitment to a peaceful settlement of the conflict. He further spelled out that those who encourage the Armenian community of the Nagorny Karabakh [region of Azerbaijan] to continue the fighting and the encroachment on the surrounding territories share responsibility for the continuing loss of Armenian lives and destruction of the Armenian economy.

In its resolution 853 (1993) the United Nations Security Council reaffirmed the sovereignty and territorial integrity of Azerbaijan and demanded the immediate, unconditional and complete withdrawal of all occupying forces involved from the Agdam region and all other recently occupied areas of Azerbaijan. The Council urged States to refrain from the supply of any munitions and weapons which might lead to an intensification of the conflict or the continued occupation of the territory.

The 17 August 1993 Statement by the Ministry of Foreign Affairs of Turkey expressed its deep concern over the continued occupation of the territories of Azerbaijan in defiance of the Security Council resolutions and CSCE peace process. It underlined that if there is a desire for peace, stability and cooperation in the region, then the use of force should be avoided and the immediate, complete and unconditional withdrawal of Armenian forces from all occupied Azerbaijani territories should be secured.1

In the Presidential Statement of 18 August 1993 the United Nations Security Council condemned the attacks on the Fizuli region from the Nagorny Karabakh region of Azerbaijan. The Council demanded the immediate, complete and unconditional withdrawal of occupying forces from the area of Fizuli, and from the Kelbadjar and Agdam regions and other recently occupied areas of Azerbaijan. The Council strongly reaffirmed its calls for States to refrain from supplying any weapons and munitions which might lead to an intensification of the conflict or the continued occupation of the territory of Azerbaijan. The Council called upon the Government of Armenia to ensure that the forces involved are not provided with the means to extend their military campaign still further.2

On 29 August 1993, the Minister for Foreign Affairs of the Islamic Republic of Iran addressed the letter to the United Nations Secretary-General informing him on the new and critical stage in the escalation of the conflict caused by the ongoing offensives by the Armenian forces against the territory of the Republic of Azerbaijan. In the light of Iran's experience in mediation in the area and in view of its knowledge of the complex issues involved, the Minister believed that in order to curb the spread of the war and achieve a just solution it was essential that the United Nations took immediate and effective measures to implement Security Council resolutions 822 (1993) and 853 (1993) and decisively compel the aggressive forces to accept a cease-fire and to withdraw to the internationally recognized borders.

The Statement by the European Community and its Member States of 6 September 1993 condemned the recent offensives by local Armenians in Nagorny Karabakh resulting in deeper
and deeper incursions into Azerbaijani territories. They noted with regret that such actions were extending the area of armed conflict to encompass more and more of the Azerbaijani territory and were creating a very serious refugee problem in Azerbaijan and one already involving neighboring countries, with a concomitant threat to regional security. The Community and its Member States reaffirmed their support for the territorial integrity and sovereignty of the States in the region. The Community and its Member States called upon Armenia to ensure that the local Armenian forces carrying out offensives in Azerbaijan territory were not given the material means of further extending such offensives.

Statement of 7 September 1993 by the Official Spokesman of the Ministry of External Affairs of the Government of India on the conflict between Armenia and Azerbaijan over Nagorny Karabakh pointed out that the Government of India followed with great concern the escalation of hostilities in and around Nagorny Karabakh with the considerable ingress of Armenian forces into Azerbaijan. The Government of India apprised the parties concerned urgently to take the remedial steps required to respect international borders, to restore peace and to resolve mutual differences through early peaceful negotiations.

In its resolution 874 (1993) of 14 October 1993 the United Nations Security Council reaffirmed the sovereignty and territorial integrity of Azerbaijan, the inviolability of its international borders, the inadmissibility of the use of force for the acquisition of territory and that the Nagorny Karabakh region is inalienable part of Azerbaijan. The Council expressed its grave concern at the human suffering the conflict has caused and at the serious humanitarian emergency and the displacement of large numbers of civilians in Azerbaijan. The Council, inter alia, called for withdrawal of occupying forces from the occupied territories of Azerbaijan and requested the Secretary-General and relevant international organizations to assist refugees and displaced persons to return to their homes in security and dignity.

The Permanent Representative of Turkey to the United Nations in his letter of 27 October 1993 addressed to the President of the United Nations Security Council stated that "at a time when H.E. Margaritza af Ugglas, Chairperson of the CSCE was paying the visit to the region in order to promote a dialogue between the interested parties, the Armenian forces initiated a new and large-scale attack on the Zangelan region of Azerbaijan and the town of Horadis. As a result of this new Armenian aggression, the city of Zangelan remained besieged by the Armenian forces and the alarming reports indicate that the inhabitants of Zagelan, in addition to tens of thousands of Azerbaijanis who had been encircled near the Iranian border, are desperately striving to evacuate the city in order to reach safer areas. It had become clear that, despite serious warnings of the Security Council and all the efforts of the CSCE Minsk Group, Armenia persisted to control close to 20% of the Azerbaijani territories it had occupied and was determined to continue its aggressive policy against Azerbaijan".

The Spokesman of the Ministry of Foreign Affairs of Turkey in the Statement of 27 October 1993 in connection with the attacks on the city of Horadiz and Zangelan region of Azerbaijan emphasized that "not only the countries of the region, but the international community as well must, without further delay, react against the ongoing Armenian aggression, which is being carried out in blatant violation of the relevant Security Council resolutions and CSCE principles. In an attempt to halt Armenian aggression, as a first step, the logistical supply enabling the continuation of the Armenian attacks must be cut off and other necessary enforcement measures, including sanctions, should be adopted by the international community at once".

The Deputy Permanent Representative of the Islamic Republic of Iran to the United Nations in his letter dated 28 October 1993 addressed to the President of the United Nations Security Council expressed its "extreme concern about (the fresh Armenian military offensives and continued occupation of the territories of Azerbaijan. Local Armenian forces, supported by forces of the Republic of Armenia, are grabbing more lands as they push deeper inside the territory of Azerbaijan. The recent military operations have already resulted in significant casualties and so far, 30,000 citizens of Azerbaijan, fleeing their homes, have entered the territory of the Islamic Republic of Iran seeking safe refugee. The Islamic Republic of Iran reaffirms full support for the sovereignty and territorial integrity of Azerbaijan and underlines the importance of respect for the cease-fire and the immediate withdrawal of all Armenian forces from the entire occupied territory of the Republic of Azerbaijan".

The European Union in its Statement dated 9 November 1993 concerning Nagorny Karabakh condemned the breach of cease-fire agreement reached on 24 October 1993 in the region of Nagorny Karabakh and called upon all forces to withdraw from recently occupied territories. The EU reiterated the importance it attached to the territorial integrity and sovereignty of the Republic of Azerbaijan, in
accordance with the principles of the CSCE. The EU was particularly concerned at the fate of tens of thousands of civilians who had been fleeing the fighting and pledged to continue its humanitarian aid to the affected population.

The Chairman of the CSCE Minsk Conference in his letter addressed on behalf of the nine Minsk Group countries (Germany, United States of America, Belarus, France, Italy, Russian Federation, Sweden, Czech Republic and Turkey) to the President of the United Nations Security Council condemned the seizure of the territories of Azerbaijan by force and defined that such actions constitute unacceptable violations of the CSCE principle of non-use of force and undercut their efforts to find a peaceful solution to this conflict. They also condemned the looting, burning and destruction of villages, and towns, which cannot be justified under any standards of civilized behavior. The nine countries declared that no acquisition of territory by force can be recognized, and occupation of territory cannot be used to obtain international recognition or to impose a change of legal status and requested the unilateral withdrawal from the occupied territories of Azerbaijan.

Complete occupation of the Zangilan region of Azerbaijan and the city of Horadiz and the expulsion of all Azerbaijani population considerably worsened the humanitarian situation in Azerbaijan and impelled the United Nations Security Council to respond again. The Council in its resolution 884 (1993) reaffirmed the sovereignty and territorial integrity of Azerbaijan and condemned the occupation of the Zangilan region and the city of Horadiz, and the attacks on civilians and bombardment of territory of the Republic of Azerbaijan. The Council demanded the unilateral withdrawal of occupying forces from the occupied Zangilan region and the city of Horadiz and from other recently occupied territories of Azerbaijan and requested the Secretary-General and relevant international agencies to provide urgent humanitarian assistance and to assist refugees and displaced persons to return to their homes in security and dignity.

"Noting with alarm that the humanitarian situation in Azerbaijan has continued to deteriorate seriously..., and that the number of refugees and displaced persons in Azerbaijan has recently exceeded one million", the United Nations General Assembly in its resolution 48/114 entitled "Emergency international assistance to refugees and displaced persons in Azerbaijan" "urgently appealed[d] to all States, organizations end programmes of the United Nations, specialized agencies and other intergovernmental and non-governmental organizations to provide adequate and sufficient financial, medical and material assistance to the Azerbaijani refugees and displaced persons".


The OSCE Chairman-in-Office in his Statement at the OSCE Lisbon Summit of 1996 outlined the three principles which should form part of the settlement of the Nagorny Karabakh conflict, which were recommended by the Co-Chairmen of the Minsk Group.-These principles were supported by all OSCE participating States, except for Armenia, They are:

- territorial integrity of the Republic of Armenia and the Republic of Azerbaijan;
- legal status of Nagorny Karabakh defined in an agreement based on self-determination which confers on Nagorny Karabakh the highest degree of self-rule within Azerbaijan;
- guaranteed security for Nagorny Karabakh and its whole population, including mutual obligations to ensure compliance by all the Parties with the provisions of the settlement.

On 29 October 2004, the United Nations General Assembly decided to include the item entitled "The situation in the occupied territories of Azerbaijan" to the agenda of its 59th session. The Assembly's consideration of this agenda item pleyed a crucial role in attracting attention to the issue of the illegal transfer of settlers into the occupied territories of Azerbaijan, as well as in initiating urgent measures for putting this dangerous practice to an end.

On 7 September 2006, the United Nations General Assembly adopted without a vote resolution 60/285 entitled "The situation in the occupied territories of Azerbaijan" in regard to the incidents of massive fires taken place in the occupied territories. The resolution stressed the necessity of the urgent conduct of the environmental operation, called for assessment of the short-term and long-term impact of the fires on the environment of the region and its rehabilitation. For these purposes, the resolution emphasized the readiness of the parties to cooperate and called upon the organizations and programs of the United Nations system, in particular the United Nations Environment Program to cooperate with the OSCE.

The European Union in the Action Plan of the European Neighbourhood Policy set ambitious objectives based on mutual commitments of the E3J and its Member States and Azerbaijan to common values, including the respect of and support for the sovereignty, territorial integrity and
inviolability of internationally recognised borders of each other and compliance to international and European norms and principles as well as support for effective implementation of political, economic and institutional reforms.

In the NATO Riga (2006) and Bucharest (2008) Summits' Declarations the NATO Member States underlined their "... support to the territorial integrity, independence, and sovereignty of Armenia, Azerbaijan, Georgia and Republic of Moldova.".

The Embassy of Japan in Azerbaijan in response to the so-called "presidential elections" held in the Nagorny Karabakh region in 2007 by the illegal separatist regime established in the occupied territories of Azerbaijan stressed that "it is important to settle the conflict in a peaceful way basing on a principle of the territorial integrity of the Republic of Azerbaijan within the internationally recognized borders".

The European Union in response to the so-called "presidential elections" held in the Nagorny Karabakh region of Azerbaijan in 2007 issued the Statement in which it "underlined that EU does not recognize the independence of Nagorno-Karabakh". Neither does it recognize the legitimacy of these 'presidential elections', which should not have any impact on the peaceful settlement of the Nagorno-Karabakh conflict. Furthermore, the EU recalls that refugees and internally-displaced persons should be given the right to a safe, secure and dignified return of their homes in order to fully participate in electoral acts".

Mr. Liu Jianchao, Foreign Ministry Spokesman of China, in response to the so-called "presidential elections" held in the Nagorno-Karabakh region of Azerbaijan in 2007 emphasized that "the Chinese Government respects the independence, sovereignty and territorial integrity of the Republic of Azerbaijan, supports the UN Security Council's resolutions on Nagorno-Karabakh Region".

H.E. Mr. Bernard Kouchner, Minister of Foreign and European Affairs of France, in his letter of April 2008 addressed to his Azerbaijani counterpart stressed that "France has always supported, supports and will support the territorial integrity of Azerbaijan... As a consequence of this support to the territorial integrity of Azerbaijan, France has never, in the past, considered Nagorno-Karabakh as an independent state. This position remains unchanged. Moreover, France does not recognize the independence of Nagorno-Karabakh, notwithstanding with the results of the solutions of other conflicts elsewhere".


Seriously concerned that the armed conflict in and around the Nagorny Karabakh region of the Republic of Azerbaijan continued to endanger international peace and security, the General Assembly reaffirmed its continued strong support for the sovereignty and territorial integrity of the Republic of Azerbaijan within its internationally recognized borders, demanding the immediate, complete and unconditional withdrawal of all Armenian forces from all occupied territories of the Republic of Azerbaijan. A', the same time, the Assembly reaffirmed the inalienable right of the population expelled from the occupied territories to return to their homes. It has been also recognized the necessity of providing normal, secure, and equal conditions of life for Armenian and Azerbaijani communities in the Nagorny Karabakh region of the Republic of Azerbaijan, which would allow to build up an effective democratic system of self-governance in this region within the Republic of Azerbaijan. The General Assembly also reaffirmed that no State shall recognize as lawful the situation resulting from the occupation of the territories of the Republic of Azerbaijan, nor render aid or assistance in maintaining this situation.

At the meeting of the Presidents of Armenia, Azerbaijan and the Russian Federation in Moscow on 2 November 2008, they signed the Declaration stating that "the settlement of the conflict should be based on the norms and principles of international law and the decisions and documents adopted in this framework", which indisputably implies the United Nations General Assembly and Security Council resolutions on the conflict.

mfa.gov.az
Summary of Conclusions

1. The Ministers expressed their deep concern about the continuing escalation of the armed conflict in and around Nagorno-Karabakh and the resulting increased suffering and loss of life of the inhabitants. They held an extensive discussion of ways and means to end the conflict, bearing in mind the implications for regional and international security which could result from its continuation and further extension. They called upon all parties to exercise restraint.

2. The Ministers reiterated in the strongest terms the call for an immediate and effective cease-fire including an active commitment by responsible local commanders to its implementation. They issued an appeal for the re-establishment of conditions for confidence and constructive dialogue, including the cessation of measures of economic and political constraint.

3. The Ministers reviewed the ongoing action within the CSCE framework and endorsed in their entirety the decisions taken by the Committee of Senior Officials. They expressed their appreciation for the activities of the Chairman-in-Office of the CSCE undertaken in this connection and stressed their willingness to extend all possible assistance to him whenever it is needed.

4. The Ministers welcomed the complementary efforts made by the European Community and its member States, by the member States of the Commonwealth of Independent States, by the members of the North Atlantic Co-operation Council, and, in particular, the efforts made by the United Nations Secretary-General.

They requested the Chairman-in-Office of the CSCE to keep in close contact with the United Nations in this respect and to arrange for regular exchanges of information.

The Ministers agreed that the CSCE must play a major role in promoting a peace process relating to the conflict. They agreed that the situation in and around Nagorno-Karabakh requires further CSCE action.

5. The Ministers mandated the Chairman-in-Office of the CSCE Council of Ministers, Mr. Jiri Dienstbier, to visit the region shortly in order to contribute, in particular, to the establishment and maintenance of an effective cease-fire as well as to the establishment of a framework for an overall peaceful settlement.

6. The Ministers expressed their firm conviction that a conference on Nagorno-Karabakh under the auspices of the CSCE would provide an ongoing forum for negotiations towards a peaceful settlement of the crisis on the basis of the principles, commitments and provisions of the CSCE. The Ministers therefore requested the Chairman-in-Office of the CSCE Council of Ministers to convene such a conference as soon as possible.

7. The Ministers furthermore agreed that this Conference, which will take place in Minsk, will have as participants Armenia, Azerbaijan, Belarus, Czech and Slovak Federal Republic, France, Germany, Italy, Russian Federation, Sweden, Turkey and United States of America. Elected and other representatives of Nagorno-Karabakh will be invited to the Conference as interested parties by the Chairman of the Conference after consultation with the States participating at the Conference. The Chairman-in-Office of the CSCE Council will appoint the Chairman of the Conference on Nagorno-Karabakh under the auspices of the CSCE.

8. The Ministers urged all CSCE participating States and all concerned parties to take all necessary steps to ensure that humanitarian assistance is provided to all those in need through rapid and effective means including safe corridors under international control.

9. The Ministers noted the commitment of Armenia and Azerbaijan to fully support the mission of the Chairman-in-Office of the CSCE Council to the region as well as other actions on which the CSCE Council has agreed and appeal to these two countries to pursue actively this commitment to reach a lasting, peaceful solution.

http://www.osce.org
2. Conference for Security and Co-operation in Europe
1994 SUMMIT
Budapest, 5-6 December 1994

BUDAPEST DOCUMENT 1994
TOWARDS A GENUINE PARTNERSHIP IN A NEW ERA

BUDAPEST DECISIONS
II
REGIONAL ISSUES

Intensification of CSCE action in relation to the Nagorno-Karabakh conflict

1. Deploring the continuation of the conflict and the human tragedy involved, the participating States welcomed the confirmation by the parties to the conflict of the cease-fire agreed on 12 May 1994 through the mediation of the Russian Federation in co-operation with the CSCE Minsk Group. They confirmed their commitment to the relevant resolutions of the United Nations Security Council and welcomed the political support given by the Security Council to the CSCE's efforts towards a peaceful settlement of the conflict. To this end they called on the parties to the conflict to enter into intensified substantive talks, including direct contacts. In this context, they pledged to redouble the efforts and assistance by the CSCE. They strongly endorsed the mediation efforts of the CSCE Minsk Group and expressed appreciation for the crucial contribution of the Russian Federation and the efforts by other individual members of the Minsk Group. They agreed to harmonize these into a single coordinated effort within the framework of the CSCE.

2. To this end, they have directed the Chairman-in-Office, in consultation with the participating States and acting as soon as possible, to name co-chairmen of the Minsk Conference to ensure a common and agreed basis for negotiations and to realize full co-ordination in all mediation and negotiation activities. The co-chairmen, guided in all of their negotiating efforts by CSCE principles and an agreed mandate, will jointly chair meetings of the Minsk Group and jointly report to the Chairman-in-Office. They will regularly brief the Permanent Council on the progress of their work.

3. As a first step in this effort, they directed the co-chairmen of the Minsk Conference to take immediate steps to promote, with the support and co-operation of the Russian Federation and other individual members of the Minsk Group, the continuation of the existing cease-fire and, drawing upon the progress already achieved in previous mediation activities, to conduct speedy negotiations for the conclusion of a political agreement on the cessation of the armed conflict, the implementation of which will eliminate major consequences of the conflict for all parties and permit the convening of the Minsk Conference. They further requested the co-chairmen of the Minsk Conference to continue working with the parties towards further implementation of confidence-building measures, particularly in the humanitarian field. They underlined the need for participating States to take action, both individually and within relevant international organizations, to provide humanitarian assistance to the people of the region with special emphasis on alleviating the plight of refugees.

4. They agreed that, in line with the view of the parties to the conflict, the conclusion of the agreement mentioned above would also make it possible to deploy multinational peacekeeping forces as an essential element for the implementation of the agreement itself. They declared their political will to provide, with an appropriate resolution from the United Nations Security Council, a multinational CSCE peacekeeping force following agreement among the parties for cessation of the armed conflict. They requested the Chairman-in-Office to develop as soon as possible a plan for the establishment, composition and operations of such a force, organized on the basis of Chapter III of the Helsinki Document 1992 and in a manner fully consistent with the Charter of the United Nations. To this end the Chairman-in-Office will be assisted by the co-chairmen of the Minsk Conference and by the Minsk Group, and be supported by the Secretary General; after appropriate consultations he will also establish a high-level planning group in Vienna to make recommendations on, inter alia, the size and characteristics of the force, command and control, logistics, allocation of units and resources, rules
of engagement and arrangements with contributing States. He will seek the support of the United Nations on the basis of the stated United Nations readiness to provide technical advice and expertise. He will also seek continuing political support from the United Nations Security Council for the possible deployment of a CSCE peacekeeping force.

5. On the basis of such preparatory work and the relevant provisions of Chapter III of the Helsinki Document 1992, and following agreement and a formal request by the parties to the Chairman-in-Office through the co-chairmen of the Minsk Conference, the Permanent Council will take a decision on the establishment of the CSCE peacekeeping operation.

http://www.osce.org
3. Organization for Security and Co-operation in Europe
1996 SUMMIT
LISBON, 2-3 December 1996

STATEMENT
OF THE OSCE CHAIRMAN-IN-OFFICE

You all know that no progress has been achieved in the last two years to resolve the Nagorno-Karabakh conflict and the issue of the territorial integrity of the Republic of Azerbaijan. I regret that the efforts of the Co-Chairmen of the Minsk Conference to reconcile the views of the parties on the principles for a settlement have been unsuccessful.

Three principles which should form part of the settlement of the Nagorno-Karabakh conflict were recommended by the Co-Chairmen of the Minsk Group. These principles are supported by all member States of the Minsk Group. They are:

- territorial integrity of the Republic of Armenia and the Azerbaijan Republic;
- legal status of Nagorno-Karabakh defined in an agreement based on self-determination which confers on Nagorno-Karabakh the highest degree of self-rule within Azerbaijan;
- guaranteed security for Nagorno-Karabakh and its whole population, including mutual obligations to ensure compliance by all the Parties with the provisions of the settlement.

I regret that one participating State could not accept this. These principles have the support of all other participating States.

This statement will be included in the Lisbon Summit documents.

http://www.osce.org
4. Organization for Security and Co-operation in Europe

ISTANBUL SUMMIT,
19 November 1999

ISTANBUL DOCUMENT 1999

ISTANBUL SUMMIT DECLARATION

20. We received the report of the Co-Chairman of the OSCE Minsk Group on the evolving situation and recent developments connected with the Nagorno-Karabakh conflict and commend their efforts. We applaud in particular the intensified dialogue between the Presidents of Armenia and Azerbaijan, whose regular contacts have created opportunities to dynamize the process of finding a lasting and comprehensive solution to the problem. We firmly support this dialogue and encourage its continuation, with the hope of resuming negotiations within the OSCE Minsk Group. We also confirm that the OSCE and its Minsk Group, which remains the most appropriate format for finding a solution, stand ready to further advance the peace process and its future implementation, including by providing all necessary assistance to the parties.

21. We welcome the opening of an OSCE Office in Yerevan this year and the decision to open a similar office in Baku. These steps will enable the OSCE to strengthen our co-operation with Armenia and Azerbaijan.

http://www.osce.org
5. Organization for Security and Co-operation in Europe  
BUCHAREST, 3-4 December 2001

Ninth Meeting of the Ministerial Council  
3 and 4 December 2001

Bucharest Ministerial Declaration  
Decision on Combating Terrorism and the  
Bucharest Plan of Action for Combating Terrorism  
Statements by the Ministerial Council  
Decisions of the Bucharest Ministerial Council Meeting  
Reports to the Bucharest Ministerial Council Meeting

**DECISION No. 2 STATEMENTS BY THE MINISTERIAL COUNCIL**

1. We express deep concern at the failure to achieve a settlement of the Nagorno-Karabakh conflict despite the intensified dialogue between the parties and active support of the Minsk Group Co-Chairs. We reaffirm that the prompt resolution of this protracted conflict will contribute to lasting peace, security, stability and co-operation in the South Caucasus region.

2. We reiterate the importance of continuing the peace dialogue and call upon the sides to continue their efforts to achieve an early resolution of the conflict based on norms and principles of international law. We also encourage the parties to explore further measures that would enhance mutual confidence and trust, including the release of POWs.

3. We welcome the commitment of the parties to the ceasefire and to achieving a peaceful and comprehensive settlement. We encourage the parties to continue their efforts, with the active support of the Co-Chairs, aimed at reaching a just and enduring settlement.

http://www.osce.org
6. Organization for Security and Co-operation in Europe
PORTO, 6-7 December 2002

Tenth Meeting of the Ministerial Council
6 and 7 December 2002

Porto Ministerial Declaration
OSCE Charter on Preventing and Combating Terrorism
Declaration on Trafficking in Human Beings
Statements by the Ministerial Council
Decisions of the Porto Ministerial Council Meeting
Reports to the Porto Ministerial Council Meeting
Porto 2002

STATEMENTS BY THE MINISTERIAL COUNCIL

1. We remain deeply concerned at the failure to achieve a settlement of the Nagorno-Karabakh conflict despite the intensified dialogue between the parties and the active support of the Minsk Group Co-Chairmen. We reaffirm that the prompt resolution of this protracted conflict will contribute to lasting peace, security, stability and co-operation in the South Caucasus region.

2. We reiterate the importance of continuing the peace dialogue and call upon the sides to continue their efforts to achieve an early resolution of the conflict based on norms and principles of international law. We also encourage the parties to explore further measures that would enhance mutual confidence and trust.

3. We welcome the commitment of the parties to the ceasefire and to achieving a peaceful and comprehensive settlement. We welcome in particular the continued meetings of the Presidents of Armenia and Azerbaijan and of their Special Representatives. We encourage the parties to continue their efforts, with the active support of the Co-Chairmen, aimed at reaching a just and enduring settlement.

Attachment 3 to Statements

INTERPRETATIVE STATEMENT UNDER PARAGRAPH 79 (CHAPTER 6) OF THE FINAL RECOMMENDATIONS OF THE HELSINKI CONSULTATIONS

By the Delegation of Azerbaijan:

“With regard to the just adopted decision of the 10th meeting of the OSCE Ministerial Council, I would like to make an interpretative statement in accordance with paragraph 79, Chapter 6 of the Final Recommendations of the Helsinki Consultations.

The Republic of Azerbaijan has joined the consensus over the statement on the conflict between Armenia and Azerbaijan, proceeding from the following principles of the OSCE according to which:

‘The participating States will respect the territorial integrity of each of the participating States. Accordingly, they will refrain from any action inconsistent with the purposes and principles of the Charter of the United Nations against the territorial integrity, political independence or the unity of any participating State, and in particular from any such action constituting a threat or use of force.

The participating States will likewise refrain from making each other’s territory the object of military occupation or other direct or indirect measures of force in contravention of international law, or the object of acquisition by means of such measures or the threat of them. No such occupation or acquisition will be recognized as legal’.

The Republic of Azerbaijan would also like to stress that the principle of the right of peoples to self-determination shall be exercised in conformity with the following principle of the Helsinki Final Act:

‘The participating States will respect the equal rights of peoples and their right to self-determination, acting at all times in conformity with the purposes and principles of the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of states’.

222
Further on, the Republic of Azerbaijan states that the conflict between Armenia and Azerbaijan may be solved only on the basis of full respect of the territorial integrity of Azerbaijan, which implies:

- unequivocal recognition by Armenia of the territorial integrity of Azerbaijan, an inalienable part of which is the Nagorno-Karabakh region;
- immediate and unconditional withdrawal of occupying Armenian forces from all territories of Azerbaijan including the Nagorno-Karabakh region;
- creation of all favourable conditions for the safe return of forcibly expelled Azerbaijani population to their lands.

Furthermore, the Republic of Azerbaijan states that whatever status of self-rule for the Armenian community living in the Nagorno-Karabakh region of Azerbaijan will be elaborated, it is only possible on the basis of full respect to the territorial integrity of Azerbaijan.

I request you to attach this statement to the journal of the day.”

http://www.osce.org
7. Organization for Security and Co-operation in Europe
Ministerial Council
Ljubljana, 5 December, 2005.

December 5, 2005
Slovenian Chairmanship

STATEMENT
ON THE CONFLICT DEALT WITH
BY THE OSCE MINSK GROUP

We take note with satisfaction of the progress in the Nagorno-Karabakh negotiations through the "Prague Process" in 2005, and in particular the two meetings of the Presidents of Armenia and Azerbaijan in Warsaw and Kazan under the auspices of the Co-Chairs of the OSCE Minsk Group. We believe that the Parties are now poised to make the transition from negotiation to decision and that there are serious benefits within reach for all. We encourage the Presidents of Armenia and Azerbaijan to use the current promising window of opportunity in order to attain within the coming year significant achievements in the settlement of the conflict in the framework of the OSCE Minsk process.

http://www.mfa.gov.az
8. Organization for Security and Co-operation in Europe  
Ministerial Council  
Belgian Chairmanship  
Brussels, 5 December 2006

**STATEMENT ON NAGORNO-KARABAKH**

We are encouraged that negotiations in 2006, facilitated by the Co-Chairs of the OSCE Minsk Group and supported by the OSCE Chairman-in-Office, have brought the sides closer to agreement on the basic principles for the resolution of the Nagorno-Karabakh conflict.

We welcome the support of the leaders of the G8 to these efforts, expressed at the G8 Summit in St. Petersburg in July.

We urge the Presidents of Armenia and Azerbaijan to redouble their efforts in the coming year to finalize these basic principles as soon as possible.

We call on the sides, with the assistance of the international community, to extend co-operation to conduct an environmental operation to suppress the fires in the affected territories and to overcome their detrimental consequences. These measures can constitute significant steps toward restoring confidence between the sides. The OSCE is available to assist.

We also express our continuing support for the Personal Representative of the OSCE Chairman-in-Office and his mission to the region, and particularly for their efficient assistance to the Environmental Assessment Mission and for their ongoing monitoring of the cease-fire. We regret that incidents along the front lines continue occasionally to result in loss of life and call on both sides to adhere strictly to the ceasefire.

8.5. Council of Europe

COMMITTEE OF MINISTERS

1. Declaration on Nagorno-Karabakh
11 March, 1992

(Adopted by the Committee of Ministers on 11 March 1992 at the 471st meeting of the Ministers' Deputies)

The Committee of Ministers, deeply concerned about recent reports of indiscriminate killings and outrages, firmly condemns the violence and attacks directed against the civilian populations in the Nagorno-Karabakh area of the Azerbaijan Republic. It underlines that no solution imposed by force can be accepted by the international community.

The Committee of Ministers endorses the recommendations of the CSCE participating states in Prague on 28 February that there should be an immediate and effective cease-fire; an embargo on the supply of arms to the area and the setting up of safe corridors for the channelling of humanitarian aid. It recalls that any solution to the crisis in Nagorno-Karabakh should be based on the rule of law, democracy, human rights, and guarantees for the rights of members of minorities and on the respect for inviolability of all borders, whether internal or external, which can only be changed by peaceful means and by common agreement.

The Committee of Ministers welcomes the agreement by the conflicting parties to the involvement of the International Committee of the Red Cross in the dispute and hopes that the ICRC and other NGOs will play the leading role in the supply of humanitarian aid to the victims of this dispute.

The Committee of Ministers supports all mediation efforts to find a peaceful solution to the dispute. Once an effective cease-fire is in place the dispute should be solved through negotiation among all the interested parties, including local authorities and representatives from Nagorno-Karabakh. Negotiations should be based on respect for both the letter and the spirit of the Helsinki Final Act and the Paris Charter adopted in the framework of the CSCE, and particularly the commitment to settle disputes by peaceful means.

https://wcd.coe.int
2. Council of Europe, Committee of Ministers Declaration on the Escalation of the Nagorno Karabakh Conflict

(Adopted by the Committee of Ministers on 15 April 1993 at the 492nd meeting of the Ministers’ Deputies)

The Committee of Ministers is seriously concerned about the escalation of the Nagorno Karabakh conflict and especially the extension of the combat zone to the Kelbadjar district of the Republic of Azerbaijan. The Committee of Ministers endorses the demand by the President of the UN Security Council for the immediate cessation of all hostilities and calls for the withdrawal of all forces which endanger the peace and security of the region.

Convinced that a lasting solution to the conflict can be found only through respect for international law and the principles and commitments of the Council of Europe and of the CSCE, in particular the inviolability of frontiers, territorial integrity, the protection of minorities and respect for human rights and fundamental freedoms, the Committee of Ministers:

expresses its grave concern over the growing danger that the extension of the combat zone to the Kelbadjar district of Azerbaijan threatens the democratic future and the stability of the whole region;

declares that no solution imposed by force can be accepted by the international community;

calls also for unimpeded access to international humanitarian relief efforts in the region and in particular in all areas affected by the conflict in order to alleviate the suffering of the civilian population;

urges the parties to the conflict to refrain from taking any action that will further endanger a peaceful solution;

stresses that the only way to end the hostilities is, whilst renouncing recourse to force, to pursue negotiations in good faith within the framework of the Minsk Group of the CSCE.

Azerbaijan in united and indivisible Europe 2001-2011

1. The Assembly notes with satisfaction that the ceasefire in Nagorno-Karabakh, which came into force on 12 May 1994, has been relatively well complied with and hope that it will be followed up as soon as possible by a peace agreement between the warring parties.

2. This conflict, which broke out in 1988, has already resulted in almost 20 000 deaths and more than one million refugees.

3. The Assembly notes with satisfaction the efforts of the CSCE's Minsk Group, the Government of the Russian Federation, the United Nations Security Council, the Interparliamentary Assembly of the CIS and its own Committee on Relations with European Non-Member Countries to encourage the warring parties to sign a peace agreement.

4. It welcomes the agreement signed on 26 July 1994 by the Ministers of Defence of Armenia and Azerbaijan and the commander of the army of Nagorno-Karabakh, in which they affirm their commitment to observe the ceasefire and their eagerness to accelerate the signing of a political agreement, and calls urgently on all the warring parties to refrain from any hostile act which might jeopardise the fragile ceasefire that has been in force since 12 May 1994.

5. It declares its readiness to help promote the conclusion of a peace agreement to the best of its abilities, particularly by encouraging dialogue between parliamentarians from the parties concerned.

6. Finally, it calls on the warring parties to organise the return home of refugees on an urgent basis and to respect minority rights as advocated in its Recommendation 1201, and urgently calls on Azerbaijan and Turkey to immediately end the blockade of their means of communication with Armenia.

1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 10 November 1994.

See Doc. 7182, report of the Committee on Relations with European Non-Member Countries, Rapporteurs: Mr Pfuhl and Mr Solé Tura.

http://assembly.coe.int

1. The Assembly notes that the Nagorno-Karabakh conflict broke out in 1988 and that it has already resulted in almost 20,000 deaths and more than one million refugees.

2. Its Committee on Relations with European Non-Member Countries has organised a series of hearings since 1992 which delegations from the Armenian and Azerbaijani Parliaments, the "leadership of Nagorno-Karabakh" and the "Azeri interested party of Nagorno-Karabakh" attended.

3. The Assembly notes with satisfaction that the ceasefire which came into force on 12 May 1994 has been relatively well complied with, and hopes that it will be followed up as soon as possible with a peace agreement signed by all the interested parties.

4. It welcomes the efforts of the CSCE's Minsk Group, the United Nations Security Council, the Government of the Russian Federation and the Interparliamentary Assembly of the CIS to encourage the warring parties to sign a peace agreement, as well as the agreement signed on 26 July 1994 by the Ministers of Defence of Armenia and Azerbaijan and the commander of the army of Nagorno-Karabakh, in which they affirm their commitment to observe the ceasefire and their eagerness to accelerate the signing of a political agreement.

5. The Assembly consequently recommends that the Committee of Ministers:
   i. call on the governments of Council of Europe member states to make the necessary resources available to the CSCE's Minsk Group so that it can achieve its objectives, particularly the deployment of international observers in the war zone;
   ii. renew political dialogue with the authorities of Armenia and Azerbaijan;
   iii. as soon as the conditions are met, open its co-operation programmes to Armenia and Azerbaijan and, if these parties so wish, place experts at their disposal who could help draw up a political status for Nagorno-Karabakh.

---

1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 10 November 1994.

See Doc. 7182, report of the Committee on Relations with European Non-Member Countries, rapporteurs: MM. Pfuhl and Solé Tura.

http://assembly.coe.int
5. Resolution 1059 (1995)\(^1\) on the humanitarian situation of the refugees and displaced persons in Armenia and Azerbaijan

1. The Assembly deplores that the Nagorno Karabakh conflict, which broke out in 1988, has resulted in untold human suffering, leaving thousands dead, tens of thousands wounded and more than one million refugees and displaced persons in Armenia and Azerbaijan.

2. The last figure includes hundreds of thousands who were compelled to leave their homes following threats, reports of atrocities committed, or orders issued by the Soviet authorities before 1991.

3. Following the independence of Armenia and Azerbaijan in 1991, their economies have seriously deteriorated. The situation is aggravated by the effects of the conflict and of the economic blockades by neighbouring countries.

4. As a result, the populations of both countries have experienced a serious decrease in living standards, and are facing increasing hardships, including rising unemployment and severe shortages of water, fuel and energy. The United Nations estimates that over one million people in both countries are now living below poverty level.

5. The refugees in particular, and especially those living in inadequate tents in Azerbaijan, are facing extreme hardships through a lack of basic warmth, food and medical support.

6. United Nations programmes have been established in both countries since December 1992. However, their funding is far from adequate to meet the needs of the situation.

7. In addition, United Nations agencies are advising and assisting both governments on the transition to market economies, decentralisation, and the provision of databases for health and education programmes. However, these services, currently conducted from separate headquarters in the countries concerned, including Georgia, are hampered by certain obstacles to co-operation, and their provision may not represent the most efficient deployment of expertise, management, and resources over the long term.

8. The Assembly recalls its Recommendation 1251 (1994) welcoming the ceasefire which came into force on 12 May 1994, calling on all sides to refrain from any hostile act which might prejudice it, and offering to help promote a peace agreement to the best of its abilities, particularly by encouraging dialogue between the parliamentarians from the parties concerned.

9. The Assembly reiterates its calls on the warring parties to organise the earliest possible return home of those refugees who wish to do so, with compensation for those who wish to resettle elsewhere; to respect minority rights; and for an immediate end to the blockades of all means of transport and communication between them and those imposed by Russia and Turkey.

10. The Assembly urges:
   I. the Armenian, Azeri, and Georgian Governments to co-operate to the fullest extent with United Nations agencies and non-governmental organisations in the provision of emergency relief and longer term programmes for health, education, rehabilitation, and development;
   II. the Georgian Government to accept the return and resettlement of the Meskhetian Turks, with United Nations assistance, and calls on the United Nations to give special emphasis to the situation of this particularly vulnerable group;
   III. the European Union, through its Humanitarian Office, to step up its aid to the vulnerable populations of the southern Caucasus.

11. Finally, the Assembly calls for greater international efforts to help re-establish peace and to improve the humanitarian situation in the Caucasus, and, to this end, encourages the governments and parliaments of member states to offer their assistance, expertise and cooperation to the region as it emerges from seventy years of isolation.

---

\(^1\) Text adopted by the Standing Committee, acting on behalf of the Assembly, on 15 March 1995.

See Doc. 7250, report of the Committee on Migration, Refugees and Demography, rapporteur: Mr Atkinson; and Doc. 7266, opinion of the Committee on Relations with European Non-Member Countries, rapporteur: Mr Jeszenszky.

1. The Assembly, referring to its Resolution 1059 (1995) on the humanitarian situation of the refugees and displaced persons in Armenia and Azerbaijan, recommends that the Committee of Ministers:
   I. consider as a matter of urgency the critical situation arising from the sheer inadequacy of international assistance to the victims of the cruel conflict over Nagorno Karabakh, and in particular to those driven from their homes;
   II. following its Recommendation 1247 (1994) on enlargement of the Council of Europe, invite the Council of Europe’s Social Development Fund and its member states to enable refugees and displaced persons in Armenia, Azerbaijan and Georgia to benefit from financing by the fund, through its emergency account, possibly in co-ordination with United Nations and other international institutions involved;
   III. invite the governments of all member states:
      a. to accept that international assistance through United Nations agencies, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and non-governmental organisations will be required in the Caucasus for many years to come, and as a result to respond generously to their future appeals;
      b. to offer the required expertise and manpower for de-mining the area in and around Karabakh;
      c. to consider the creation of a unified United Nations agency for the Caucasus along the lines of UNRWA in Palestine and the establishment of a regional headquarters in Tbilisi, or of a similar co-ordinating mechanism;
      d. to set up political dialogue with the authorities of Armenia, Azerbaijan and Georgia by confirming the offers of Council of Europe assistance, expertise and co-operation particularly in the areas of human rights, the introduction of parliamentary democracy, and, where appropriate, protection of minority rights and cultural identity.

Azerbaijan in united and indivisible Europe 2001-2011

1. The Assembly considers that maintaining the cease-fires, in force in the Transcaucasian conflicts, particularly in Abkhazia and Nagorno-Karabakh since May 1994, should help to bring about political stabilisation in the zones of tension.

2. Following the various hearings held by its Committee on Relations with European Non-Member Countries, it hopes that rapid, decisive progress towards a political settlement of these conflicts will be made.

3. The three Transcaucasian countries – Armenia, Azerbaijan and Georgia – all hold special guest status and have applied for full membership of the Council of Europe. The Assembly considers that a genuine political will by all the parties to settle these conflicts would help to speed up the accession procedures.

4. The Assembly appeals to all parties directly or indirectly involved in these conflicts to participate constructively in the mediation work conducted on the ground, particularly by the United Nations, the Commonwealth of Independent States (CIS) and the Organisation for Security and Co-operation in Europe (OSCE).

5. Even though these two conflicts are different in nature, the Assembly stresses that their political settlement must be negotiated by all parties involved, drawing in particular on the following principles, which are based upon the 1975 Helsinki Final Act and the 1990 Paris Charter:
   i. inviolability of borders;
   ii. guaranteed security for all peoples in the areas concerned, particularly through multinational peacekeeping forces;
   iii. extensive autonomy status for Abkhazia and Nagorno-Karabakh to be negotiated by all the parties concerned;
   iv. right of return of refugees and displaced persons and their reintegration respecting human rights.

6. The Assembly considers that in the Transcaucasian countries, the Council of Europe should make a genuine contribution to establishing the rule of law, pluralist democracy, the protection of human rights and the creation of a social market economy.

A. In connection with Abkhazia,

7. The Assembly is interested to note certain signs of rapprochement between the positions of Tbilisi and Sukhumi and hopes that a negotiated political settlement will soon be reached on the basis of the above-mentioned principles.

8. It hopes that the efforts of the parties concerned and also of the United Nations, the OSCE and the Russian Federation, will soon lead to an institutional balance acceptable to both Tbilisi and Sukhumi, so that the refugees can return under optimum security conditions and the populations of the region can return to peace and economic prosperity.

B. With regard to Nagorno-Karabakh,

9. The Assembly welcomes the continued dialogue between Armenian and Azeri parliamentarians, particularly as part of the seminar on the conflicts in Transcaucasia organised by its Committee on Relations with European Non-Member Countries in Strasbourg on 26 January 1997, and welcomes in this connection the resumption of the activities of the OSCE Minsk Group on Nagorno-Karabakh, which it encourages to continue negotiations with a view to securing an early settlement of the conflict.

10. It appeals to all parties to the conflict to intensify direct negotiations with a view to achieving a political settlement to the conflict guaranteeing restitution of occupied territories and the return of refugees and displaced persons, satisfactory alternative status for Nagorno-Karabakh as well as its security.

11. Finally, it expresses the wish that in the long run the three Transcaucasian countries – Armenia, Azerbaijan and Georgia – envisage the creating of a community of Transcaucasian states and the setting up of a joint parliamentary assembly.

1. Assembly debate on 22 April 1997 (10th and 11th Sittings) (see Doc. 7793, report of the Committee on Relations with European Non-Member Countries, rapporteur: Mr Seitlinger).
   Text adopted by the Assembly on 22 April 1997 (11th Sitting).
8. The conflict over the Nagorno-Karabakh region dealt with by the OSCE Minsk Conference
Resolution 1416 (2005)

1. The Parliamentary Assembly regrets that, more than a decade after the armed hostilities started, the conflict over the Nagorno-Karabakh region remains unsolved. Hundreds of thousands of people are still displaced and live in miserable conditions. Considerable parts of the territory of Azerbaijan are still occupied by Armenian forces and separatist forces are still in control of the Nagorno-Karabakh region.

2. The Assembly expresses its concern that the military action, and the widespread ethnic hostilities which preceded it, led to large-scale ethnic expulsion and the creation of mono-ethnic areas which resemble the terrible concept of ethnic cleansing. The Assembly reaffirms that independence and secession of a regional territory from a state may only be achieved through a lawful and peaceful process based on democratic support by the inhabitants of such territory and not in the wake of an armed conflict leading to ethnic expulsion and the de facto annexation of such territory to another state. The Assembly reiterates that the occupation of foreign territory by a member state constitutes a grave violation of that state's obligations as a member of the Council of Europe and reaffirms the right of displaced persons from the area of conflict to return to their homes safely and with dignity.

3. The Assembly recalls Resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993) of the United Nations Security Council and urges the parties concerned to comply with them, in particular by refraining from any armed hostilities and by withdrawing military forces from any occupied territories. The Assembly also aligns itself with the demand expressed in Resolution 853 (1993) of the United Nations Security Council and thus urges all member states to refrain from the supply of any weapons and munitions which might lead to an intensification of the conflict or the continued occupation of territory.

4. The Assembly recalls that both Armenia and Azerbaijan committed themselves upon their accession to the Council of Europe in January 2001 to use only peaceful means for settling the conflict, by refraining from any threat of using force against their neighbours. At the same time, Armenia committed itself to use its considerable influence over Nagorno-Karabakh to foster a solution to the conflict. The Assembly urges both Governments to comply with these commitments and refrain from using armed forces against each other as well as from propagating military action.

5. The Assembly recalls that the Council of Ministers of the Conference for Security and Co-operation in Europe (CSCE) agreed in Helsinki in March 1992 to hold a conference in Minsk in order to provide for a forum for negotiations for a peaceful settlement of the conflict. Armenia, Azerbaijan, Belarus, the former Czech and Slovak Federal Republic, France, Germany, Italy, the Russian Federation, Sweden, Turkey and the United States of America agreed at that time to participate in this Conference. The Assembly calls on these states to step up their efforts to achieve the peaceful resolution of the conflict and invites their national delegations to the Assembly to report annually to the Assembly on the action of their governments in this respect. For this purpose, the Assembly asks its Bureau to create an Ad hoc Committee with inter alia the heads of these national delegations.

6. The Assembly pays tribute to the tireless efforts of the Co-Chairs of the Minsk Group and the Personal Representative of the OSCE Chairman-in-Office, in particular for having achieved a ceasefire in May 1994 and having monitored the observance of this ceasefire since then. The Assembly calls on the OSCE Minsk Group Co-Chairs to take immediate steps to conduct speedy negotiations for the conclusion of a political agreement on the cessation of the armed conflict, the implementation of which will eliminate major consequences of the conflict for all parties and permit the convening of the Minsk Conference. The Assembly calls on Armenia and Azerbaijan to make use of the OSCE Minsk Process and actively submit to each other via the Minsk Group their constructive proposals for the peaceful settlement of the conflict in accordance with the relevant norms and principles of international law.

7. The Assembly recalls that Armenia and Azerbaijan are signatory parties to the Charter of the United Nations and, in accordance with Article 93, paragraph 1 of the Charter, ipso facto parties to the Statute of the International Court of Justice. Therefore, the Assembly suggests that if the negotiations under the auspices of the Co-Chairs of the Minsk Group fail, Armenia and Azerbaijan should consider using the International Court of Justice in accordance with Article 36, paragraph 1 of the Court's Statute.
8. The Assembly calls on Armenia and Azerbaijan to foster political reconciliation among themselves by stepping up bilateral inter-parliamentary co-operation within the Assembly as well as in other forums such as the meetings of the Speakers of the Parliaments of the Caucasian Four. It recommends that both delegations should meet during each part-session of the Assembly to review progress on such reconciliation.

9. The Assembly calls on the Government of Azerbaijan to establish contacts without preconditions with the political representatives of both communities from the Nagorno-Karabakh region regarding the future status of the region. It is prepared to provide facilities for such contacts in Strasbourg, recalling that it did so in the form of a hearing on previous occasions with Armenian participation.

10. Recalling its Recommendation 1570 (2002) on the situation of refugees and displaced persons in Armenia, Azerbaijan and Georgia, the Assembly calls on all member and observer states to provide humanitarian aid and assistance to the hundreds of thousands of people displaced as a consequence of the armed hostilities and the expulsion of ethnic Armenians from Azerbaijan and ethnic Azerbaijanis from Armenia.

11. The Assembly condemns any expression of hatred portrayed in the media of Armenia and Azerbaijan. The Assembly calls on Armenia and Azerbaijan to foster reconciliation, confidence-building and mutual understanding among their peoples through schools, universities and the media. Without such reconciliation, hatred and mistrust will prevent stability in the region and may lead to new violence. Any sustainable settlement must be preceded by and embedded in such reconciliation processes.

12. The Assembly calls on the Secretary General of the Council of Europe to draw up an action plan for specific support to Armenia and Azerbaijan targeted at mutual reconciliation processes and to take this resolution into account in deciding on action concerning Armenia and Azerbaijan.

13. The Assembly calls on the Congress of Local and Regional Authorities of the Council of Europe to assist locally elected representatives of Armenia and Azerbaijan in establishing mutual contacts and inter-regional co-operation.

14. The Assembly resolves to analyse the conflict settlement mechanisms existing within the Council of Europe, in particular the European Convention for the Peaceful Settlement of Disputes, in order to provide its member states with better mechanisms for the peaceful settlement of bilateral conflicts as well as internal disputes involving local or regional territorial communities or authorities which may endanger human rights, stability and peace.

15. The Assembly resolves to continue monitoring on a regular basis the peaceful resolution of this conflict and decides to revert to considering this issue at its first part-session in 2006.

The conflict over the Nagorno-Karabakh region dealt with by the OSCE Minsk Conference

The Parliamentary Assembly refers to its Resolution 1416 (2005) on the conflict over the Nagorno-Karabakh region dealt with by the OSCE Minsk Conference, and recommends that the Committee of Ministers:

i. urge the parties concerned to comply with United Nations Security Council Resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), in particular by refraining from any armed hostilities and by withdrawing military forces from all occupied territories of Azerbaijan;

ii. monitor the compliance by Armenia and Azerbaijan with the United Nations Security Council resolutions and the decisions of the OSCE Council of Ministers on this conflict and inform the Assembly of the outcomes of this monitoring;

iii. report to the Assembly on the efforts undertaken by member states for the peaceful settlement of the conflict in accordance with the resolutions of the United Nations Security Council, and on whether member states refrain from supplying any weapons and munitions which might lead to an intensification of the conflict or the continued occupation of territory in violation of Resolution 853 of the United Nations Security Council;

iv. recalling its Recommendation 1251 (1994) on the conflict in Nagorno-Karabakh, place at the disposal of Armenia and Azerbaijan, if they so wish, experts who could help draw up a political status for Nagorno-Karabakh;

v. allocate resources for an action plan of specific confidence-building measures for Armenia and Azerbaijan;

vi. allocate resources for specific training programmes for teachers and journalists from both countries aimed at better mutual understanding, tolerance and reconciliation;

vii. allocate resources for specific action by the European Commission against Racism and Intolerance concerning both countries, in particular with regard to educational institutions and the public media;

viii. instruct its competent steering committee to analyse how far the European Convention for the Peaceful Settlement of Disputes reflects the current requirements of conflict settlement among member states of the Council of Europe, and where it should be revised in order to provide an adequate instrument for the peaceful settlement of disputes between member states of the Council of Europe;

ix. take Resolution 1416 into account when deciding on action concerning both countries;

x. forward Resolution 1416 and the recommendation to the governments of member states with a view to supporting them nationally, bilaterally and internationally.

1. Assembly debate on 25 January 2005 (2nd Sitting) (see Doc.10364, report of the Political Affairs Committee, rapporteur: Mr Atkinson).

Text adopted by the Assembly on 25 January 2005 (2nd Sitting).

http://assembly.coe.int
8.6. Organization of the Islamic conference

1. Resolution No. 12/21-P. Conflict between Armenia and Azerbaijan

The Twenty-First Islamic Conference of Foreign Ministers (Session of Islamic Unity and Cooperation for Peace, Justice and Progress), held in Karachi, Islamic Republic of Pakistan, from 4 to 8 Zul Qa'ddah, 1413H (25-29 April, 1993),
Proceeding from the principles and objectives of the Charter of the Organization of the Islamic Conference;
Gravely concerned over the serious escalation of the conflict between Armenia and Azerbaijan over the Karabakh issue;
Strongly condemning the recent Armenian offensive against Azerbaijan and the occupation of Azeri territory;
Deeply distressed by the magnitude and severity of humanitarian problems resulting from Armenian aggression against the Republic of Azerbaijan;
Recalling the principled position taken by the Fifth Extraordinary Session of the Islamic Conference of Foreign Ministers, held in Istanbul in June 1992 on this issue;
Also recalling the relevant paragraphs of the Final Communique adopted by the OIC Coordination Meeting of the Foreign Ministers at the United Nations, New York, on 23 September, 1992;
Noting the efforts made by the neighbouring countries and regional states notably the Islamic Republic of Iran and the Republic of Turkey to promote a peaceful settlement of the Karabakh issue;
Conscious of the threat posed to international peace and security by this latest Armenian aggression;
Aware of the disruptive effect that this new military offensive can have on the peace process being pursued within the framework of the CSCE;
Noting with appreciation the Report of the Secretary General on this subject (Document No.ICFM/21-93/PIL/D.6/ Rev.I);
Strongly condemns the Armenian aggression against the Republic of Azerbaijan.
Demands the immediate withdrawal of Armenian forces from all occupied Azeri territories and strongly urges Armenia to respect the sovereignty and territorial integrity of the Republic of Azerbaijan.
Calls for a just and peaceful settlement of the Karabakh issue on the basis of respect for the principles of territorial integrity of states and inviolability of internationally recognized frontiers.
Urges both Armenia and Azerbaijan to engage constructively in the ongoing CSCE peace process and refrain from any action that will make it more difficult to reach a peaceful solution.
Reaffirms its total solidarity and support for the efforts being made by the Government and people of Azerbaijan to defend their country.
Calls for enabling the forcibly displaced persons to return to their homes in safety, honour and dignity.
Requests the Member States, the Islamic Development Bank and other Islamic institutions to provide urgent financial and humanitarian assistance to the Republic of Azerbaijan.
Requests also the UN Secretary General and the President of the Security Council to use their full authority for the adoption of the Security Council Resolution condemning the Armenian aggression and demanding immediate withdrawal of Armenian military formations from all occupied Azeri territories.
Requests further the Secretary General to follow up the implementation of this Resolution and to submit a Report thereon to the Twenty-Second Islamic Conference of Foreign Ministers.

http://www.mfa.gov.az
2. Resolution No. 16/22-E. On economic assistance to the Republic of Azerbaijan

The Twenty Second Islamic Conference of Foreign Ministers, held in Casablanca, Kingdom of Morocco, from 8 to 10 Rajab 1415H (10-12 December, 1994),

Recalling OIC Resolutions adopted by the Islamic Conferences of Foreign Ministers regarding the situation in Azerbaijan resulting from the aggression by neighboring Armenia;

Confirming full solidarity of the Member Countries of the OIC with the Government and people of Azerbaijan at this grave and very critical time of the country’s history;

Referring to the relevant UN Security Council Resolutions regarding this conflict;

Deploring the Armenian hostilities in the Nagorno-Karabakh district of Azerbaijan followed by the occupation of about 20 percent of Azerbaijani territory which forced almost one million Azeri people to flee their homes in the face of the brutal attacks and gross violations of human rights by this aggression;

Recognizing the need to demonstrate in more concrete terms the solidarity of the OIC Member Countries with the Government and people of Azerbaijan,

Welcoming and appreciating the assistance extended by some Member Countries and OIC relevant bodies, United Nations institutions and international organizations.

1. Urges the international community to make serious and tangible efforts and take immediate action to end the occupation of the Azeri territories by Armenian forces and ensure their unconditional withdrawal thus restoring the territorial integrity of Azerbaijan.

2. Appeals to the Member States and Islamic institutions to make available to the Government of Azerbaijan the much needed economic assistance with a view to alleviating the suffering of the Azeri people.

3. Requests the international organizations to maintain urgent humanitarian, financial assistance to Azerbaijan.

http://www.mfa.gov.az
3. Resolution no.11/7-p(is). On the conflict between Armenia and Azerbaijan

The Seventh Islamic Summit Conference (Session of Fraternity and Revival), held in Casablanca, Kingdom of Morocco, from 11 to 13 Rajab, 1415H (13-15 December, 1994), Proceeding from the principles and objectives of the Charter of the Organization of the Islamic Conference;

Gravely concerned over the serious escalation of aggression by the Republic of Armenia against the Azerbaijan Republic which has resulted in the occupation of more than 20% of Azeri territory;

Deeply distressed over the plight of more than one million Azeri displaced persons and refugees resulting from Armenian aggression and magnitude and severity of humanitarian problems;

Recalling the principled position taken on this issue by the Fifth and Seventh Extraordinary Sessions of the Islamic Conference of Foreign Ministers, held in Istanbul in June 1992, and Islamabad in September, 1994 respectively;

Also recalling the relevant paragraphs of the Final Communiqué adopted by the OIC Coordination Meeting of the Foreign Ministers at the United Nations, New York, on 23 September, 1992 and 3 October, 1994;

Noting the efforts made by the neighbouring countries and regional states, notably the Islamic Republic of Iran and the Republic of Turkey to promote a peaceful settlement of the conflict between Armenia and Azerbaijan;

Conscious of the threat posed to international peace and security by the Armenian aggression;

Urging strict adherence to the Charter of the UN and full implementation of Security Council resolutions;

Noting the destructive influence of the policy of aggression of the Republic of Armenia on the peace process in the CSCE framework;

1. Strongly condemns the aggression of the Republic of Armenia against the Azerbaijan Republic;

2. Considers the actions perpetrated against civilian Azeri population in occupied Azeri territory as crimes against humanity;

3. Strongly demands the strict implementation of the United Nations Security Council resolutions 822, 853, 874 and 884, immediate unconditional and complete withdrawal of Armenian forces from all occupied Azeri territories inter alia Lachin and Shusha regions and strongly urges Armenia to respect the sovereignty and territorial integrity of the Azerbaijan Republic.

4. Calls on the Security Council to recognize the existence of aggression against the Azerbaijan Republic; take the necessary steps under Chapter VII of the Charter of the United Nations to ensure compliance with its resolutions; condemn and reverse aggression against the sovereignty and territorial integrity of the Azerbaijan Republic and decides to take coordinated action to this end at the United Nations.

5. Reaffirms that, acquisition of land by use of force cannot be recognized.

6. Calls for a just and peaceful settlement of the conflict between Armenia and Azerbaijan on the basis of respect for the principles of territorial integrity of states and inviolability of internationally recognized frontiers.

7. Urges both Armenia and Azerbaijan and all states member of the Minsk Group to engage constructively in the ongoing CSCE peace process and refrain from any action that will make it more difficult to reach a peaceful solution.

8. Reaffirms its total solidarity and support for the efforts being made by the Government and people of Azerbaijan to defend their country.

9. Calls for enabling the displaced persons and refugees to return to their homes in safety, honour and dignity.

10. Expresses its concern over the severity of humanitarian problems concerning the existence of more than one million displaced persons and refugees in the territory of the Azerbaijan Republic and requests the member states, the Islamic Development Bank and the other Islamic Institutions to render urgent financial and humanitarian assistance to the Azerbaijan Republic.

11. Requests the Secretary General to follow up the implementation of this Resolution and to submit a Report to the Twenty-third Islamic Conference of Foreign Ministers.

ftp://www.azembassy.ir
4. Resolution no. 16/7-e(is). On economic assistance to the Republic of Azerbaijan

The Seventh Islamic Summit Conference (Session of Fraternity and Revival), held in Casablanca, Kingdom of Morocco, from 11 to 13 Rajab 1415H (13-15 December 1994),

Recalling OIC Resolutions adopted by the Islamic Conferences of Foreign Ministers regarding the situation in Azerbaijan resulting from the aggression by neighboring Armenia;

Confirming full solidarity of the Member Countries of the OIC with the Government and people of Azerbaijan at this grave and very critical time of the country's history;

Referring to the relevant UN Security Council Resolutions regarding this conflict;

Deploiring the Armenian hostilities in the Negrno-Karabakh district of Azerbaijan followed by the occupation of about 20 percent of Azerbaijani territory which forced almost one million Azeri people to flee their homes in the face of the brutal attacks and gross violations of human rights by this aggression;

Recognizing the need to demonstrate in more concrete terms the solidarity of the OIC Member Countries with the Government and people of Azerbaijan,

Welcoming and appreciating the assistance extended by some Member Countries and OIC relevant bodies, United Nations institutions and international organizations.

1. Urges the international community to make serious and tangible efforts and take immediate action to end the occupation of the Azeri territories by Armenian forces and ensure their unconditional withdrawal thus restoring the territorial integrity of Azerbaijan.

2. Appeals to the Member States and Islamic institutions to make available to the Government of Azerbaijan the much needed economic assistance with a view to alleviating the suffering of the Azeri people.

3. Requests the international organizations to maintain urgent humanitarian, financial assistance to Azerbaijan.

ftp://www.azembassy.ir
Tehran. 9-11 December, 1997

Adopted by the eighth Islamic summit conference
(Session of dignity, dialogue, participation)
Tehran, Islamic republic of Iran
9-11 Sha’aban 1418H, 9-11 December, 1997

The Eighth Session of the Islamic Summit Conference (Session of Dignity, Dialogue, Participation), held in Tehran, Islamic Republic of Iran, from 9 to 11 Sha’aban, 1418H (9-11 December, 1997),
Proceeding from the principles and objectives of the Charter of the Organization of the Islamic Conference;
Gravely concerned over the aggression by the Republic of Armenia against the Republic of Azerbaijan which has resulted in the occupation of more than 20% of Azeri territory;
Deeply distressed over the plight of more than one million Azeri displaced persons and refugees resulting from Armenian aggression and magnitude and severity of humanitarian problems;
Reaffirming all previous relevant resolutions and, in particular, the resolution on this matter, adopted by the Seventh Islamic Summit Conference, held in Casablanca, Kingdom of Morocco, from 11 to 13 Rajab, 1415H (13-15 December 1994);
Conscious of the threat posed to international peace and security by the Armenian aggression;
Urging strict adherence to the Charter of the UN and full implementation of Security Council resolutions;
Welcoming all diplomatic and other efforts for the settlement of the conflict;
Reaffirming all Member States respect for the sovereignty, territorial integrity and political independence of the Republic of Azerbaijan;
Reaffirming also that acquisition of land by use of force cannot be recognized.
Noting also the destructive influence of the policy of aggression of the Republic of Armenia on the peace process in the OSCE framework;
2. Considers the actions perpetrated against civilian Azeri population in occupied Azeri territory as crimes against humanity.
3. Strongly condemns looting and destruction of the archaeological, cultural and religious monuments on the occupied territories of Azerbaijan.
4. Strongly demands the strict implementation of the United Nations Security Council resolutions 822, 853, 874 and 884; immediate, unconditional and complete withdrawal of Armenian forces from all occupied Azeri territories inter alia Lachin and Shusha regions and strongly urges Armenia to respect the sovereignty and territorial integrity of the Republic of Azerbaijan.
5. Expresses its concern that Armenia has not yet implemented demands contained in the UN Security Council resolutions.
6. Calls on the Security Council to recognize the existence of aggression against the Republic of Azerbaijan; take the necessary steps under Chapter VII of the Charter of the United Nations to ensure compliance with its resolutions; condemn and reverse aggression against the sovereignty and territorial integrity of the Republic of Azerbaijan and decides to take coordinated action to this end at the United Nations.
7. Urges all States to refrain from providing any supplies of military arms and equipment to Armenia, which can encourage the aggressor to escalate the conflict and to continue the occupation of the Azerbaijani territories. The territory of Member States should not be used for transit of such supplies.
8. Calls upon Member States, as well as other members of the international community, to use such effective political and economic measures as required in order to put an end to Armenian aggression and to occupation of the Azerbaijani territories.
9. Calls for a just and peaceful settlement of the conflict between Armenia and Azerbaijan on the basis of respect for the principles of territorial integrity of states and inviolability of internationally recognized frontiers.

10. Urges both Armenia and Azerbaijan and all states member of the Minsk Group to engage constructively in the ongoing OSCE peace process and refrain from any action that will make it more difficult to reach a peaceful solution.

11. Reaffirms its total solidarity and support for the efforts being made by the Government and people of Azerbaijan to defend their country.

12. Calls for enabling the displaced persons and refugees to return to their homes in safety, honour and dignity.

13. Expresses its appreciation to all Member States which have made humanitarian assistance to the refugees and displaced persons and urges all the others to extend their contributions to these people.

14. Expresses its concern over the severity of humanitarian problems concerning the existence of more than one million displaced persons and refugees in the territory of the Republic of Azerbaijan and requests Member States, the Islamic Development Bank and the other Islamic Institutions to render urgent financial and humanitarian assistance to the Republic of Azerbaijan.

15. Considers, that Azerbaijan has the right for appropriate compensation with regard to damages it suffered, and puts the responsibility for the adequate compensation of these damages on Armenia.

16. Appreciates the efforts of the Secretary General to convey to the OSCE Chairman-in-Office the position of Member States on this matter.

17. Requests the Secretary General to follow up the implementation of this Resolution and submit a report to the Ninth Session of the Islamic Summit Conference.

ftp://www.azembassy.ir
6. Resolution no. 18/8-e(is). On economic assistance to the Republic of Azerbaijan
Tehran. 9-11 December, 1997

Adopted by the eighth Islamic summit conference
(Session of dignity, dialogue, participation)
Tehran, Islamic republic of Iran
9-11 sha’aban 1418h, 9-11 December, 1997

The Eighth Session of the Islamic Summit Conference (Session of Dignity, Dialogue, Participation), held in Tehran, Islamic Republic of Iran from 9-11 Sha'aban 1418H (9-11 December 1997).

Recalling Resolution No. 18/24-E adopted by the Twenty-fourth Session of the Islamic Conference of Foreign Ministers;

Confirming full solidarity of the Member States of the OIC with the Government and people of Azerbaijan at this grave and very critical time of the country's history;

Referring to the relevant UN Security Council Resolutions regarding this conflict;

Deploring the Armenian hostilities in the Upper-Karabakh district of Azerbaijan followed by the occupation of about 20 percent of Azerbaijani territory which forced almost one million Azeri people to flee their homes in the face of the brutal attacks and gross violations of human rights by this aggression;

Recognizing the need to demonstrate in more concrete terms the solidarity of the OIC Member Countries with the Government and people of Azerbaijan;

Welcoming and appreciating the assistance extended by some Member Countries and OIC relevant bodies, United Nations institutions and international organizations;

Having taken note also of the recommendations of the Twentieth Session of the Islamic Commission for Economic, Cultural and Social Affairs;

1. Appeals to the Member States and Islamic institutions to make available to the Government of Azerbaijan the much needed economic and humanitarian assistance with a view to alleviating the suffering of the Azeri people.

2. Calls upon the international organizations to provide urgent humanitarian, financial assistance to Azerbaijan.

3. Requests the Secretary General to follow up the question and submit a report thereon to the next Session of the Islamic Summit.

ftp://www.azembassy.ir
The Eighth Session of the Islamic Summit Conference (Session of Dignity, Dialogue, Participation), held in Tehran, Islamic Republic of Iran, from 9 to 11 Sha'aban, 1418H (9-11 December, 1997),

Proceeding from the principles and objectives of the Charter of the Organization of the Islamic Conference;

Gravely concerned over the aggression by the Republic of Armenia against the Republic of Azerbaijan which has resulted in the occupation of more than 20% of Azeri territory;

Deeply distressed over the plight of more than one million Azerbaijani displaced persons and refugees resulting from the Armenian aggression and magnitude and severity of humanitarian problems;

Reaffirming all previous relevant resolutions and, in particular, the resolution on this matter, adopted by the Seventh Islamic Summit Conference, held in Casablanca, Kingdom of Morocco, from 11 to 13 Rajab, 1415H (13-15 December 1994);

Conscious of the threat posed to international peace and security by the Armenian aggression;

Urging strict adherence to the Charter of the UN and full implementation of Security Council resolutions;

Welcoming all diplomatic and other efforts for the settlement of the conflict;

Reaffirming all Member States respect for the sovereignty, territorial integrity and political independence of the Republic of Azerbaijan;

Reaffirming also that acquisition of land by use of force cannot be recognized.

Noting also the destructive influence of the policy of aggression of the Republic of Armenia on the peace process in the OSCE framework;


2. Considers the actions perpetrated against the civilian Azeri population in the occupied Azeri territory as crimes against humanity.

3. Strongly condemns looting and destruction of the archeological cultural and religious monuments on the occupied territories of Azerbaijan.

4. Strongly demands the strict implementation of the United Nations Security Council resolutions 822, 853, 874 and 884, immediate unconditional and complete withdrawal of Armenian forces from all occupied Azeri territories inter alia Lachin and Shusha regions and strongly urges Armenia to respect the sovereignty and territorial integrity of the Republic of Azerbaijan.

5. Expresses its concern that Armenia has not yet implemented demands contained in the UN Security Council resolutions.

6. Calls on the Security Council to recognize the existence of aggression against the Republic of Azerbaijan; take the necessary steps under Chapter VII of the Charter of the United Nations to ensure compliance with its resolutions; condemn and reverse aggression against the sovereignty and territorial integrity of the Republic of Azerbaijan and decides to take coordinated action to this end at the United Nations.

7. Urges all States to refrain from providing any supplies of military arms and equipment to Armenia, which can encourage the aggressor to escalate the conflict and to continue the occupation of the Azerbaijani territories. The territory of Member States should not be used for transit of such supplies.

8. Calls upon Member States, as well as other members of the international community, to use such effective political and economic measures as required in order to put an end to Armenian aggression and to occupation of the Azerbaijani territories.
9. Calls for a just and peaceful settlement of the conflict between Armenia and Azerbaijan on the basis of respect for the principles of territorial integrity of states and inviolability of internationally recognized frontiers.

10. Urges both Armenia and Azerbaijan and all states member of the Minsk Group to engage constructively in the ongoing OSCE peace process and refrain from any action that will make it more difficult to reach a peaceful solution.

11. Reaffirms its total solidarity and support for the efforts being made by the Government and people of Azerbaijan to defend their country.

12. Calls for enabling the displaced persons and refugees to return to their homes in safety, honour and dignity.

13. Expresses its appreciation to all Member States which have made humanitarian assistance to the refugees and displaced persons and urges all the others to extend their contributions to these people.

14. Expresses its concern over the severity of humanitarian problems concerning the existence of more than one million displaced persons and refugees in the territory of the Republic of Azerbaijan and requests Member States, the Islamic Development Bank and the other Islamic Institutions to render urgent financial and humanitarian assistance to the Republic of Azerbaijan.

15. Considers, that Azerbaijan has the right for appropriate compensation with regard to damages it suffered, and puts the responsibility for the adequate compensation of these damages on Armenia.

16. Appreciates the efforts of the Secretary General to convey to the OSCE Chairman-in-Office the position of Member States on this matter.

17. Requests the Secretary General to follow up the implementation of this Resolution and submit a report to the Ninth Session of the Islamic Summit Conference.
8. Resolution no. 39/26-c. On the destruction and sabotage of Islamic historical and cultural relics and shrines in the occupied Azeri territories as part of the Republic of Armenia’s aggression against the Republic of Azerbaijan
Ouagadougou. From June 28 to July 01, 1999

The Twenty-sixth Session of the Islamic Conference of Foreign Ministers (Session of Peace and Partnership for Development), held in Ouagadougou, Burkina Faso from 15 to 18 Rabiiul Awal 1420H (28 June to 01 July 1999),

Affirming those objectives and principles enshrined in the Charter of the Organization of the Islamic Conference (OIC) aimed at coordinating efforts to safeguard and preserve the Islamic heritage;

Aware of the fact that the Azeri culture, archaeology and ethnography are part and parcel of the history of Azerbaijan and its people and a source of the Islamic heritage as well;

Reiterating United Nations (UN) Security Council resolutions nos. 822, 853, 874 and 884 on the Armenian forces total withdrawal from all the occupied Azeri territories, including the Lachin and Shousha areas, immediately and without conditions; and strongly urging Armenia to respect the sovereignty and territorial integrity of the Republic of Azerbaijan;

Reaffirming all the relevant decisions of previous conferences, particularly the resolution on the armed conflict between the Republic of Armenia and the Republic of Azerbaijan adopted by the 7th Islamic Summit Conference, held in Casablanca, Kingdom of Morocco, Rajab 11-12, 1415H (December 13-14, 1994); resolution no. 12/8-P (IS) adopted by the 8th Islamic Summit, held in Tehran, Islamic Republic of Iran, Sha'ban 9-11, 1418H (December 9-11, 1997) on the aggression by the Republic of Armenia against the Republic of Azerbaijan; and the resolution adopted by the 14th session of the Executive Board of the Islamic States Education, Scientific and Cultural Organization (ISESCO) on the destruction of mosques as well as Islamic educational and cultural institutions in the occupied Azeri territories as part of the aggression by the Republic of Armenia against the Republic of Azerbaijan;

Stressing that the mass and barbaric demolition of mosques and other Islamic shrines in Azerbaijan, by Armenia, for ethnic cleansing is one the crimes of genocide;

Realizing the necessity to follow a policy of aligning efforts to safeguard the Islamic heritage;

Noting the tremendous losses inflicted by the Armenian aggressors insofar as the Islamic heritage is concerned in the Azeri territories occupied by the Republic of Armenia, including complete or partial demolition of rare antiquities and places of Islamic civilization, history and architecture, such as mosques and other sanctuaries, mausoleums and tombs, archaeological sites, museums, libraries, artefact exhibition halls, government theatres and conservatories, besides and smuggling, out of the country, and destruction of a large number of precious property and millions of books and historic manuscripts and luminaries;

Having taken cognizance of the report of the OIC Secretary-General on the subject:

1 - Strongly condemns the barbaric acts committed by the Armenian aggressor in the Republic of Azerbaijan aiming at the total annihilation of the Islamic heritage in the occupied Azeri territories;

2 - Vigorously demands the strict and unconditional implementation by the Republic of Armenia of UN Security Council resolutions nos. 822, 853, 874 and 884.

3 - Fully shares the anxiety and alarm felt by the Government and people of the Republic of Azerbaijan and Emphasizes its support of the efforts exerted by Azerbaijan at international organizations designed to put an end to the armed aggression, erase its sequels and honouring the pledges and commitments spelled out in the relevant paragraphs of the Convention reached in the Hague in 1954 on the protection of valuable cultural items in the course of military conflicts. Those paragraphs include a reminder that where an armed conflict erupts, the states undertake to prevent the smuggling of valuable cultural items from the territories under occupation. Likewise, governments are bound to ban theft and looting of whatever type, acts of illegal violations of cultural values [which are tantamount to rape] as well as savage prejudice to the above values. They are committed to prevent such acts or reverse their effects where necessary. The Convention also prohibits the confiscation of cultural assets moved to the territories of other countries.
4 - Asserts that Azerbaijan is entitled to receiving adequate compensation for the damage it sustained and considers that it is the responsibility of the Republic of Armenia to give full compensation for such damage.

5 - Requests the relevant OIC subsidiary organs and specialized agencies to explore the possibility of drawing up a program to help rebuild the mosques, educational institutions, libraries and museums in the Azeri territories liberated from occupation with the help of OIC Member States.

6 - Entrusts the Secretary-General to convey the OIC Member States' stance on this issue to the United Nations (UNO), the Organization for Security and Cooperation in Europe (OSCE) and other international bodies.

7 - Requests the Secretary-General to follow up the implementation of the present resolution and report thereon to the Twenty-seventh Session of the Islamic Conference of Foreign Ministers.

http://www.oic-un.org
9. Resolution no.21/9-p(is). On the aggression of the republic of Armenia against the Republic of Azerbaijan
Doha. 12-13 November, 2000

Doha - state of Qatar
16-17 Shaban, 1421h 12-13 November, 2000

The Ninth Session of the Islamic Summit Conference, Session of Peace and Development "Al Aqsa Intifada", held in Doha, State of Qatar, from 16to 17 Shaban 1421H (12-13 November, 2000),

Proceeding from the principles and objectives of the Charter of the Organization of the Islamic Conference;

Gravely concerned over the aggression by the Republic of Armenia against the Republic of Azerbaijan which has resulted in the occupation of more than 20% of Azeri territory;

Deeply distressed over the plight of more than one million Azeri displaced persons and refugees resulting from Armenian aggression and magnitude and severity of humanitarian problems;

Reaffirming all previous relevant resolutions and, in particular, the resolution No.12/8-P (IS), adopted by the Eighth Session of the Islamic Summit Conference, held in Tehran, Islamic Republic of Iran from 9 to 11Shaban, 1418H (9-11 December 1997);

Conscious of the threat posed to international peace and security by the Armenian aggression;

Urging strict adherence to the Charter of the UN and full implementation of Security Council resolutions;

Welcoming all diplomatic and other efforts for the settlement of the conflict;

Reaffirming all Member States respect for the sovereignty, territorial integrity and political independence of the Republic of Azerbaijan;

Reaffirming also that acquisition of land by use of force cannot be recognized;

Noting also the destructive influence of the policy of aggression of the Republic of Armenia on the peace process in the OSCE framework;

Taking note of the Report of the Secretary General (Document No.IS/9-2000/PIL/D.7);


2. Considers the actions perpetrated against civilian Azeri population in occupied Azeri territory as crimes against humanity.

3. Strongly condemns looting and destruction of the archaeological, cultural and religious monuments on the occupied territories of Azerbaijan.

4. Strongly demands the strict implementation of the United Nations Security Council resolutions 822, 853, 874 and 884, and the immediate, unconditional and complete withdrawal of Armenian forces from all occupied Azeri territories inter alia Lachin and Shusha regions and strongly urges Armenia to respect the sovereignty and territorial integrity of the Republic of Azerbaijan.

5. Expresses its concern that Armenia has not yet implemented demands contained in the UN Security Council resolutions.

6. Calls on the UN Security Council to recognize the existence of aggression against the Republic of Azerbaijan; take the necessary steps under Chapter VII of the Charter of the United Nations to ensure compliance with its resolutions; condemn and reverse aggression against the sovereignty and territorial integrity of the Republic of Azerbaijan and decides to take coordinated action to this end at the United Nations.

7. Urges all States to refrain from providing any supplies of military arms and equipment to Armenia, which can encourage the aggressor to escalate the conflict and to continue the occupation of the Azerbaijani territories. The territory of Member States should not be used for transit of such supplies.

8. Calls upon Member States, as well as other members of the international community, to use such effective political and economic measures as required in order to put an end to Armenian aggression and to occupation of the Azerbaijani territories.
9. Calls for a just and peaceful settlement of the conflict between Armenia and Azerbaijan on the basis of respect for the principles of territorial integrity of states and inviolability of internationally recognized frontiers.

10. Urges both Armenia and Azerbaijan and all Member States of the Minsk Group to engage constructively in the ongoing OSCE peace process on the basis of the relevant resolutions of the UN Security Council and relevant OSCE decisions and documents, including those of the First Additional Meeting of the OSCE Council of 24 March 1992, OSCE Summit of 5-6 December 1994, OSCE Summit of 2-3 December 1996, OSCE Council of Ministers Meeting of 18-19 December 1997 and refrain from any action that will make it more difficult to reach a peaceful solution.


12. Considers the proposal made by the OSCE Minsk Conference Co-chairmen aimed at the staged settlement of the Armenia-Azerbaijan armed conflict as the basis for the negotiations within the framework of the OSCE Minsk Group and expresses its understanding that this approach is to ensure immediate elimination of the most serious consequences of the aggression against the Republic of Azerbaijan.

13. Reaffirms its total solidarity and support for the efforts being made by the Government and people of Azerbaijan to defend their country.

14. Calls for enabling the displaced persons and refugees to return to their homes in safety, honour and dignity.

15. Expresses its appreciation to all Member States which have made humanitarian assistance to the refugees and displaced persons and urges all the others to extend their contributions to these people.

16. Expresses its concern over the severity of humanitarian problems concerning the existence of more than one million displaced persons and refugees in the territory of the Republic of Azerbaijan and requests the OIC Member States, the Islamic Development Bank and the other Islamic Institutions to render urgent financial and humanitarian assistance to the Republic of Azerbaijan.

17. Considers, that Azerbaijan has the right for appropriate compensation with regard to damages it suffered, and puts the responsibility for the adequate compensation of these damages on Armenia.

18. Requests the Secretary General to follow up the implementation of this Resolution and submit a report thereon to the Tenth Session of the Islamic Summit Conference.

ftp://www.azembassy.ir
10. Resolution no. 21/9-e(is), On economic assistance to the Republic of Azerbaijan
Doha. 12-13 November, 2000

Doha - state of Qatar
16-17 Shaban 1421h, 12-13 November, 2000

The Ninth Session of the Islamic Summit Conference, Session of Peace and Development “Al-Aqsa Intifada” held in Doha, State of Qatar, from 16to 17 Shaban 1421H (12 - 13 November 2000),
Recalling Resolution No. 18/8-E (IS) adopted by the Eighth Session of the Islamic Summit Conference;
Recalling also Resolution No. 20/27-E adopted by the Twenty-seventh Session of the Islamic Conference of Foreign Ministers;
Confirming full solidarity of the Member States of the OIC with the Government and people of Azerbaijan at this grave and very critical time of the country's history;
Referring to the relevant UN Security Council Resolutions regarding this conflict;
Deploring the Armenian hostilities in the Upper-Karabakh district of Azerbaijan followed by the occupation of about 20 percent of Azerbaijani territory which forced almost one million Azeri people to flee their homes in the face of the brutal attacks and gross violations of human rights by this aggression;
Recognizing the need to demonstrate in more concrete terms the solidarity of the OIC Member States with the Government and people of Azerbaijan;
Welcoming and appreciating the assistance extended by some Member States and OIC relevant bodies, United Nations institutions and international organizations;

Having taken note of the report of the Secretary General,

1. Appeals to the Member States and Islamic institutions to make available to the Government of Azerbaijan the much needed economic and humanitarian assistance with a view to alleviating the suffering of the Azeri people.
2. Calls upon the international organizations to continue to grant humanitarian, financial assistance to Azerbaijan.
3. Requests the Secretary General to submit a report on thereon to the Tenth Session of the Islamic Summit Conference.

ftp://www.azembassy.ir
11. Resolution no. 25/9-c (is). On the destruction and desecration of Islamic historical and cultural relics and shrines in the occupied Azeri territories resulting from the Republic of Armenia’s aggression against the Republic of Azerbaijan

Doha. 12-13 November, 2000

The Ninth Session of the Islamic Summit Conference, Session of Peace and Development "Al-Aqsa Intifada", held in Doha, State of Qatar from 16 to 17 Shaban 1421H (12-13 November 2000),

Recalling resolution No. 25/27-C adopted by the Twenty-seventh Session of the ICFM;

Affirming those objectives and principles enshrined in the Charter of the Organization of the Islamic Conference (OIC) aimed at coordinating efforts to safeguard and preserve the Islamic heritage;

Aware of the fact that the Azeri culture, archaeology and ethnography are part and parcel of the history of Azerbaijan and its people and a source of the Islamic heritage as well;

Reiterating United Nations (UN) Security Council resolutions nos. 822, 853, 874 and 884 on the Armenian forces total withdrawal from all the occupied Azeri territories, including the Lachin and Shusha areas, immediately and without conditions; and strongly urging Armenia to respect the sovereignty and territorial integrity of the Republic of Azerbaijan;

Reaffirming all the relevant decisions of previous conferences, particularly the resolution on the armed conflict between the Republic of Armenia and the Republic of Azerbaijan adopted by the 7th Islamic Summit Conference, held in Casablanca, Kingdom of Morocco, Rajab 11-12, 1415H (December 13-14, 1994); resolution no. 12/8-P (IS) adopted by the 8th Islamic Summit, held in Tehran, Islamic Republic of Iran, Sha'ban 9-11, 1418H (December 9-11, 1997); on the aggression by the Republic of Armenia against the Republic of Azerbaijan; and the resolution adopted by the 14th session of the Executive Board of the Islamic States Education, Scientific and Cultural Organization (ISESCO) on the destruction of mosques as well as Islamic educational and cultural institutions in the occupied Azeri territories as part of the aggression by the Republic of Armenia against the Republic of Azerbaijan;

Stressing that the mass and barbaric demolition of mosques and other Islamic shrines in Azerbaijan, by Armenia, for ethnic cleansing is one of the crimes of genocide;

Realizing the necessity to follow a policy of aligning efforts to safeguard the Islamic heritage;

Noting the tremendous losses inflicted by the Armenian aggressors insofar as the Islamic heritage is concerned in the Azeri territories occupied by the Republic of Armenia, including complete or partial demolition of rare antiquities and places of Islamic civilization, history and architecture, such as mosques and other sanctuaries, mausoleums and tombs, archaeological sites, museums, libraries, artefact exhibition halls, government theatres and conservatories, besides and smuggling, out of the country, and destruction of a large number of precious property and millions of books and historic manuscripts and luminaries;

Having taken cognizance of the report of the OIC Secretary-General on the subject:

1. Strongly condemns the barbaric acts committed by the Armenian aggressor in the Republic of Azerbaijan aiming at the total annihilation of the Islamic heritage in the occupied Azeri territories;

2. Vigorously demands the strict and unconditional implementation by the Republic of Armenia of UN Security Council resolutions nos. 822, 853, 874 and 884.

3. Fully shares the anxiety and alarm felt by the Government and people of the Republic of Azerbaijan and Emphasizes its support of the efforts exerted by Azerbaijan at international organizations designed to put an end to the armed aggression, erase its sequels and honouring the pledges and commitments spelled out in the relevant paragraphs of the Convention reached in the Hague in 1954 on the protection of valuable cultural items in the course of military conflicts. Those paragraphs include a reminder that where an armed conflict erupts, the states undertake to prevent the smuggling of valuable cultural items from the territories under occupation. Likewise, governments are bound to ban theft and looting of whatever type, acts of illegal violations of cultural values [which are tantamount to rape] as well as savage prejudice to the above values.
They are committed to prevent such acts or reverse their effects where necessary. The Convention also prohibits the confiscation of cultural assets moved to the territories of other countries.

4. Asserts that Azerbaijan is entitled to receiving adequate compensation for the damage it sustained and considers that it is the responsibility of the Republic of Armenia to give full compensation for such damage.

5. Requests the relevant OIC subsidiary organs and specialized agencies to explore the possibility of drawing up a program to help rebuild the mosques, educational institutions, libraries and museums in the Azeri territories liberated from occupation with the help of OIC Member States.

6. Entrusts the Secretary-General to convey the OIC Member States' stance on this issue to the United Nations (UNO), the Organization for Security and Cooperation in Europe (OSCE) and other international bodies.

7. Requests the Secretary-General to follow up the implementation of the present resolution and report thereon to the Tenth Session of the Islamic Summit Conference.
12. Resolution No.10/30-C.
On the destruction and desecration of Islamic historical and cultural relics and shrines in the occupied Azeri territories resulting from the Republic of Armenia's aggression against the Republic of Azerbaijan
Tehran. 28-30 May, 2003

The Thirtieth Session of the Islamic Conference of Foreign Ministers (Session of Unity and Dignity) held in Tehran - Islamic Republic of Iran, 27-29 Rabea Al-Awal 1424H (28-30 May 2003),
Recalling the Resolutions adopted by the Islamic Summit and other Islamic Conferences, in particular the Ninth Session of the Islamic Summit Conference;
Affirming those objectives and principles enshrined in the Charter of the Organization of the Islamic Conference (OIC) aimed at coordinating efforts to safeguard and preserve the Islamic heritage;
Aware of the fact that the Azeri culture, archaeology and ethnography are part and parcel of the history of Azerbaijan and its people and a source of the Islamic heritage as well;
Reiterating United Nations (UN) Security Council Draft RESOLUTION No.s nos. 822, 853, 874 and 884 on the Armenian forces total withdrawal from all the occupied Azeri territories, including the Lachin and Shusha areas, immediately and without conditions; and strongly urging Armenia to respect the sovereignty and territorial integrity of the Republic of Azerbaijan;
Stressing that the mass and barbaric demolition of mosques and other Islamic Shrines in Azerbaijan, by Armenia, for ethnic cleansing is a crime of genocide;
Noting the tremendous losses inflicted by the Armenian aggressors insofar as the Islamic heritage is concerned in the Azeri territories occupied by the Republic of Armenia, including complete or partial demolition of rare antiquities and places of Islamic civilization, history and architecture, such as mosques and other sanctuaries, mausoleums and tombs, archaeological sites, museums, libraries, artifact exhibition halls, government theatres and conservatories, besides smuggling, out of the country, and destruction of a large number of precious property and millions of books and historic manuscripts;
Fully sharing the concern of the government and people of Azerbaijan in this respect;
Having taken cognizance of the report of the OIC Secretary-General on the subject:
1. Strongly condemns the barbaric acts committed by the Armenian aggressor in the Republic of Azerbaijan aiming at the total annihilation of the Islamic heritage in the occupied Azeri territories;
3. Emphasizes its support of the efforts exerted by Azerbaijan at international organizations designed to put an end to the armed aggression, erase its sequels and honouring the pledges and commitments spelled out in the relevant paragraphs of the Convention reached in the Hague in 1954 on the protection of valuable cultural items in the course of military conflicts. Those paragraphs include a reminder that where an armed conflict erupts, the states undertake to prevent the smuggling of valuable cultural items from the territories under occupation. Likewise, governments are bound to ban theft and looting of whatever type, acts of illegal violations of cultural values [which are tantamount to rape] as well as savage prejudice to the above values. They are committed to prevent such acts or reverse their effects where necessary.
4. Asserts that Azerbaijan is entitled to receiving adequate compensation for the damage it sustained and considers that it is the responsibility of the Republic of Armenia to give full compensation for such damage.
5. Requests the relevant OIC subsidiary organs and specialized agencies to explore the possibility of drawing up a program to help rebuild the mosques, educational institutions, libraries and museums in the Azeri territories liberated from occupation with the help of OIC Member States.
6. Thanks the Secretary-General for conveying the OIC Member States' stance on this issue to the United Nations (UNO), the Organization for Security and Cooperation in Europe (OSCE) and other international bodies, and for the coordination procedures undertaken in the framework of OIC subsidiary, specialized and affiliated organs. It also thanks those organs and organizations for their response, especially for the adoption by the IDB and ISESCO of programmes to implement projects to protect Islamic holy places in the Republic of Azerbaijan.
7. Requests the Secretary General to follow-up the matter and report thereon to the 31st Session of the Islamic Conference of Foreign Ministers.

http://www.mfa.gov.az
Putrajaya, Malaysia. 16-17 October 2003

The Tenth Session of the Islamic Summit Conference (Session of Knowledge and Morality for the Progress of Ummah), held in Putrajaya, Malaysia, from 20 to 21 Shaban, 1424H (16-17 October 2003),

Proceeding from the principles and objectives of the Charter of the Organization of the Islamic Conference;

Gravely concerned over the aggression by the Republic of Armenia against the Republic of Azerbaijan which has resulted in the occupation of more than 20% of Azeri territory;

Deeply distressed over the plight of more than one million Azerbaijani displaced persons and refugees resulting from Armenian aggression and magnitude and severity of humanitarian problems;

Reaffirming all previous relevant resolutions and, in particular, the resolution No.21/9-P(IS), adopted by the Ninth Session of the Islamic Summit Conference;

Urging strict adherence to the Charter of the UN and full implementation of Security Council resolutions;

Welcoming all diplomatic and other efforts for the settlement of the conflict;

Reaffirming all Member States respect for the sovereignty, territorial integrity and political independence of the Republic of Azerbaijan;

Noting also the destructive influence of the policy of aggression of the Republic of Armenia on the peace process in the OSCE framework;


2. Considers the actions perpetrated against civilian Azerbaijani population in occupied Azerbaijani territory as crimes against humanity.

3. Strongly condemns looting and destruction of the archeological cultural and religious monuments on the occupied territories of Azerbaijan.

4. Strongly demands the strict implementation of the United Nations Security Council resolutions 822, 853, 874 and 884, and the immediate unconditional and complete withdrawal of Armenian forces from all occupied Azerbaijani territories inter alia Lachin and Shusha regions and strongly urges Armenia to respect the sovereignty and territorial integrity of the Republic of Azerbaijan.

5. Expresses its concern that Armenia has not yet implemented demands contained in the UN Security Council resolutions.

6. Calls on the UN Security Council to recognize the existence of aggression against the Republic of Azerbaijan; take the necessary steps under Chapter VII of the Charter of the United Nations to ensure compliance with its resolutions; condemn and reverse aggression against the sovereignty and territorial integrity of the Republic of Azerbaijan and decides to take coordinated action to this end at the United Nations.

7. Urges all States to refrain from providing any supplies of military arms and equipment to Armenia, which can encourage the aggressor to escalate the conflict and to continue the occupation of the Azerbaijani territories. The territory of Member States should not be used for transit of such supplies.

8. Calls upon Member States, as well as other members of the international community, to use such effective political and economic measures as required in order putting an end to Armenian aggression and to occupation of the Azerbaijani territories.

9. Calls for a just and peaceful settlement of the conflict between Armenia and Azerbaijan on the basis of respect for the principles of territorial integrity of states and inviolability of internationally recognized frontiers.

10. Urges both Armenia and Azerbaijan and all Member States of the Minsk Group to engage constructively in the ongoing OSCE peace process on the basis of the relevant resolutions of the UN Security Council and relevant OSCE decisions and documents, including those of the First Additional


12. Considers the proposal made by the OSCE Minsk Conference Co-chairmen aimed at the staged settlement of the Armenia-Azerbaijan armed conflict as the basis for the negotiations within the framework of the OSCE Minsk Group and expresses its understanding that this approach is to ensure immediate elimination of the most serious consequences of the aggression against the Republic of Azerbaijan.

13. Requests the Secretary General to communicate the OIC's principled and firm position vis-a-vis the Armenian aggression against the Republic of Azerbaijan, to the current Chairman of the European Organization for Security and Cooperation.

14. Reaffirms its total solidarity and support for the efforts being made by the Government and people of Azerbaijan to defend their country.

15. Calls for enabling the displaced persons and refugees to return to their homes in safety, honour and dignity.

16. Expresses its appreciation to all Member States which have made humanitarian assistance to the refugees and displaced persons and urges all the others to extend their contributions to these people.

17. Expresses its concern over the severity of humanitarian problems concerning the existence of more than one million displaced persons and refugees in the territory of the Republic of Azerbaijan and requests the OIC Member States, the Islamic Development Bank and the other Islamic Institutions to render urgent financial and humanitarian assistance to the Republic of Azerbaijan.

18. Considers, that Azerbaijan has the right for appropriate compensation with regard to damages it suffered, and puts the responsibility for the adequate compensation of these damages on Armenia.

19. Requests the Secretary General to follow up the implementation of this resolution and to report thereon to the Eleventh Session of the Islamic Summit Conference.
DESTRUCTION AND DESECRATION OF ISLAMIC HISTORICAL AND CULTURAL RELICS AND SHRINES IN THE OCCUPIED AZERI TERRITORIES RESULTING FROM THE REPUBLIC OF ARMENIA'S AGGRESSION AGAINST THE REPUBLIC OF AZERBAIJAN

1. Strongly condemns the barbaric acts committed by the Armenian aggressor in the Republic of Azerbaijan aiming at the total annihilation of the Islamic heritage in the occupied Azeri territories;
3. Emphasizes its support of the efforts exerted by Azerbaijan at international organizations designed to put an end to the armed aggression, erase its sequels and honouring the pledges and commitments spelled out in the relevant paragraphs of the Convention reached in the Hague in 1954 on the protection of valuable cultural items in the course of military conflicts. Those paragraphs include a reminder that where an armed conflict erupts, the states undertake to prevent the smuggling of valuable cultural items from the territories under occupation. Likewise, governments are bound to ban theft and looting of whatever type, acts of illegal violations of cultural values [which are tantamount to rape] as well as savage prejudice to the above values. They are committed to prevent such acts or reverse their effects where necessary.
4. Asserts that Azerbaijan is entitled to receiving adequate compensation for the damage it sustained and considers that it is the responsibility of the Republic of Armenia to give full compensation for such damage.
5. Requests the relevant OIC subsidiary organs and specialized agencies to explore the possibility of drawing up a program to help rebuild the mosques, educational institutions, libraries and museums in the Azeri territories liberated from occupation with the help of OIC Member States.
6. Thanks the Secretary-General for conveying the OIC Member States' stance on this issue to the United Nations (UNO), the Organization for Security and Cooperation in Europe (OSCE) and other international bodies, and for the coordination procedures undertaken in the framework of OIC subsidiary, specialized and affiliated organs. It also thanks those organs and organizations for their response, especially for the adoption by the IDB and ISESCO of programmes to implement projects to protect Islamic holy places in the Republic of Azerbaijan.

http://www.mfa.gov.az
15. Resolution no. 21/10-e(is). On economic assistance to the Republic of Azerbaijan
Putrajaya, Malaysia. 16-17 October 2003

The Tenth Session of the Islamic Summit Conference (Session of Knowledge and Morality for the Progress of Ummah) held in Putrajaya, Malaysia, from 20-21 Shaban 1424H (16-17 October 2003),
Recalling Resolution No. 21/9-E (IS) adopted by the Ninth Session of the Islamic Summit Conference;
Recalling Resolution No. 21/30-E adopted by the Thirtieth Session of the Islamic Conference of Foreign Ministers;
Confirming full solidarity of the Member States of the OIC with the Government and people of Azerbaijan at this very critical time of the country's history;
Referring to the relevant UN Security Council Resolutions regarding this conflict;
Deploring the Armenian hostilities in the Upper-Karabakh district of Azerbaijan followed by the occupation of about 20 percent of Azerbaijani territory which forced almost one million Azeri people to flee their homes in the face of the brutal attacks and gross violations of human rights by this aggression;
Recognizing the need to reinforce concrete solidarity of the OIC Member States with the Government and people of Azerbaijan;
Welcoming and appreciating the assistance extended by some Member States and OIC relevant bodies, United Nations institutions and international organizations;
Having taken note of the report of the Secretary General;

1. Appeals to the Member States and Islamic institutions to make available to the Government of Azerbaijan the much needed economic and humanitarian assistance with a view to alleviating the suffering of the Azeri people.
2. Calls upon the international organizations to continue to grant humanitarian, financial assistance to Azerbaijan.
3. Requests the Secretary General to follow up the implementation of his resolution and submit a report thereon to the Eleventh Session of the Islamic Summit Conference.

ftp://www.azembassy.ir
Baku. 19-21 June 2006

Proceeding from the principles and objectives of the Charter of the Organization of the Islamic Conference;
Gravely concerned over the aggression by the Republic of Armenia against the Republic of Azerbaijan which has resulted in the occupation of about 20 percent of the territories of Azerbaijan;
Expressing its profound concern over continued occupation of significant part of the territories of Azerbaijan and illegal transfer of settlers of the Armenian nationality to those territories;
Deeply distressed over the plight of more than one million Azerbaijani displaced persons and refugees resulting from the Armenian aggression and over magnitude and severity of these humanitarian problems;
Reaffirming all previous relevant resolutions and, in particular, the Resolution No. 21/10-P(IS), adopted by the Tenth Session of the Islamic Summit Conference held in Putrajaya, from 20 to 21 Shaban, 1424H (16-17 October 2003);
Urging strict adherence to the Charter of the UN and full implementation of the relevant Security Council resolutions;
Welcoming all diplomatic and other efforts for the settlement of the conflict between Armenia and Azerbaijan;
Reaffirming commitment by all Member States to respect the sovereignty, territorial integrity and political independence of the Republic of Azerbaijan;
Noting also the destructive influence of the policy of aggression of the Republic of Armenia on the peace process within the OSCE framework;

2. Considers the actions perpetrated against civilian Azerbaijani population in the occupied Azerbaijani territories as crimes against humanity.
3. Strongly condemns any looting and destruction of the archeological, cultural and religious monuments in the occupied territories of Azerbaijan.
4. Strongly demands the strict implementation of the United Nations Security Council resolutions 822, 853, 874 and 884, and the immediate, unconditional and complete withdrawal of Armenian forces from all occupied Azerbaijani territories including the Nagorno-Karabakh region and strongly urges Armenia to respect the sovereignty and territorial integrity of the Republic of Azerbaijan.
5. Expresses its concern that Armenia has not yet implemented demands contained in the above stated UN Security Council resolutions.
6. Calls on the UN Security Council to recognize the existence of aggression against the Republic of Azerbaijan; to take the necessary steps under Chapter VII of the Charter of the United Nations to ensure compliance with its resolutions; to condemn and reverse aggression against the sovereignty and territorial integrity of the Republic of Azerbaijan, and decides to take coordinated action to this end at the United Nations.
7. Urges all States to refrain from providing any supplies of arms and military equipment to Armenia, in order to deprive the aggressor of any opportunity to escalate the conflict and to continue the occupation of the Azerbaijani territories. The territories of the Member States should not be used for transit of such supplies.
8. Calls upon Member States, as well as other members of the international community, to use such effective political and economic measures as required in order to put an end to Armenian aggression and occupation of the Azerbaijani territories.
9. Calls for a just and peaceful settlement of the conflict between Armenia and Azerbaijan on the basis of respect for the principles of territorial integrity of states and inviolability of internationally recognized borders.

10. Decides to instruct the Permanent Representatives of Member States at the United Nations in New York, while voting at the UN General Assembly, to give full support to the issue of territorial integrity of the Republic of Azerbaijan.

11. Urges Armenia and all Member States of the OSCE Minsk Group to engage constructively in the ongoing OSCE peace process on the basis of the relevant resolutions of the UN Security Council and the relevant OSCE decisions and documents, including those of the First Additional Meeting of the OSCE Council of 24 March 1992, OSCE Summits of 5-6 December 1994, 2-3 December 1996, 18-19 November, 1999, and refrain from any action that will make it more difficult to reach a peaceful solution.


13. Stresses that fait accompli may not serve as a basis for a settlement, and that neither the current situation within the occupied areas of the Republic of Azerbaijan, nor any actions, including arranging voting process, undertaken there to consolidate the status quo, may be recognized as legally valid.

14. Demands to cease and reverse immediately the transfer of settlers of the Armenian nationality to the occupied territories of Azerbaijan, which constitute a blatant violation of international humanitarian law and has a detrimental impact on the process of peaceful settlement of the conflict, and agrees to render its full support to the efforts of Azerbaijan undertaken to this end, including at the General Assembly of the United Nations, inter alia, through their respective Permanent Missions to the United Nations in New York.

15. Expresses its support to the activities of the OSCE Minsk Group and consultations held at the level of the Foreign Ministers of Azerbaijan and Armenia and its understanding that a step-by-step solution will help to ensure gradual elimination of the most serious consequences of the aggression against the Republic of Azerbaijan.

16. Requests the Secretary General to communicate the principled and firm position of the OIC vis-à-vis the Armenian aggression against the Republic of Azerbaijan, to the current Chairman of the Organization for Security and Cooperation in Europe.

17. Reaffirms its total solidarity with and support for the efforts undertaken by the Government and people of Azerbaijan to defend their country.

18. Calls for enabling the displaced persons and refugees to return to their homes in safety, honour and dignity.

19. Expresses its appreciation to all Member States which have provided humanitarian assistance to the refugees and displaced persons and urges all the others to extend their contribution to these people.

20. Expresses its concern over the severity of humanitarian problems concerning the existence of more than one million displaced persons and refugees in the territory of the Republic of Azerbaijan and requests the OIC Member States, the Islamic Development Bank and other Islamic Institutions to render much needed financial and humanitarian assistance to the Republic of Azerbaijan.

21. Considers that Azerbaijan has the right for appropriate compensation with regard to damages it suffered as a result of the conflict and puts the responsibility for the adequate compensation of these damages on Armenia.

22. Requests the Secretary-General to follow up the implementation of this resolution and to report thereon to the Thirty-fourth Session of the Islamic Conference of Foreign Ministers.
17. Resolution no. 10/33-E on economic assistance to the Republic of Azerbaijan
Baku, 19-21 June 2006

The Thirty-third Session of the Islamic Conference of Foreign Ministers (Session of Harmony of Rights, Freedoms and Justice), held in Baku, Republic of Azerbaijan, from 23 to 25 Jumada Al-Awwal 1427H (19-21 June 2006),

Recalling the Ten-Year Programme of Action adopted by the Third Extraordinary Session of the Islamic Summit Conference held at Makkah Al-Mukarramah on 7-8 December, 2005;

Recalling Resolution No. 21/10-E (IS) adopted by the Tenth Session of the Islamic Summit Conference;

Recalling Resolution No. 10/32-E adopted by the Thirty-second Session of the Islamic Conference of Foreign Ministers;

Confirming full solidarity of the Member States of the OIC with the Government and people of Azerbaijan at this very critical time of the country’s history;

Referring to the relevant UN Security Council Resolutions regarding this conflict;

Deploring the Armenia-backed aggressive separatism instigated in the Nagorno-Karabakh region of the Republic of Azerbaijan, followed by aggression and occupation by Armenia of about 20 percent of Azerbaijani territories and resulted in violent displacement of almost one million Azerbaijani people from their homes, which, as such, resembles the terrible concept of ethnic cleansing;

Conscious of the fact that economic damage inflicted upon Azerbaijan in its territories currently by Armenia already exceeds US$ 60 billion;

Welcoming and appreciating the assistance extended by some Member States and OIC relevant bodies, United Nations institutions and international organizations;

Having taken note of the report of the Secretary General;

1. Appeals to the Member States and Islamic institutions to make available to the Government of Azerbaijan the much needed economic and humanitarian assistance with a view to alleviating the suffering of the Azerbaijani people.

2. Calls upon the international organizations to continue to grant humanitarian, financial assistance to Azerbaijan.

3. Requests the Secretary General to follow up the implementation of this resolution and submit a report thereon to the Thirty-fourth Session of the Islamic Conference of Foreign Ministers.
18. Resolution no. 2/33-C on the protection of Islamic sanctities
Baku, 19-21 June 2006

The Thirty-third Session of the Islamic Conference of Foreign Ministers (Session of Harmony of Rights, Freedoms and Justice), held in Baku, Republic of Azerbaijan, from 23 to 25 Jumada Al-Awwal 1427H (19-21 June 2006),

Recalling the resolutions adopted by Islamic Summit and other Islamic Conferences, in particular the 10th Session of the Islamic Summit Conference (ISC);

Affirming those objectives and principles enshrined in the Charter of the Organization of the Islamic Conference (OIC) aimed at coordinating efforts to safeguard and preserve the Islamic heritage;

Emphasizing those pieces of Azerbaijani history, culture, archaeology, and ethnography remaining in the territories occupied by Armenia are an integral part of this heritage, and, therefore, must be protected;

Reaffirming United Nations Security Council (UNSC) Resolutions No.822, 853, 874, and 884, which call on the Armenian forces to effect a full withdrawal from all the occupied Azerbaijani territories, including the Lachin and Shousha areas, immediately and without conditions; and strongly urge Armenia to respect the sovereignty and territorial integrity of the Republic of Azerbaijan;

Affirming that the utter and barbaric destruction of mosques and other Islamic Shrines in Azerbaijan, at the hands of Armenia, for ethnic cleansing is a crime against humanity;

Noting the tremendous losses inflicted by the Armenian aggressors on the Islamic heritage in the Azerbaijani territories occupied by the Republic of Armenia, including total or partial demolition of rare antiquities and places of Islamic civilization, history, and architecture, such as mosques, mausoleums, graves, archaeological excavations, museums, libraries, art exhibition halls, and government theatres and conservatories, besides the destruction and smuggling out of the country of large quantities of priceless treasures and millions of books and historic manuscripts;

Fully sharing the anguish of the government and people of Azerbaijan in this regard;

Having taken cognizance of the Report of the OIC Secretary-General on the subject:

1. Strongly condemns the barbaric acts committed by the Armenian aggressors in the Republic of Azerbaijan with the aim of working the total annihilation of the Islamic heritage in the occupied Azerbaijani territories;

2. Vigorously demands the strict and unconditional implementation by the Republic of Armenia of UN Security Council Resolutions No. 822, 853, 874, and 884.

3. Reaffirms its support of the efforts deployed by Azerbaijan at regional and international levels and aimed at protecting and preserving Islamic cultural values and treasures in the territories occupied by Armenia.

4. Asserts that Azerbaijan is entitled to adequate compensation for the damages it has sustained and affirms the Republic of Armenia’s responsibility to pay up full compensation for such damages.

5. Requests the relevant OIC subsidiary organs and specialized agencies to explore the possibility of drawing up a program to help rebuild the mosques, educational institutions, libraries, and museums in the Azerbaijani territories liberated from occupation with the help of OIC Member States.

6. Thanks the Secretary-General for transmitting the OIC Member States' position on this issue to the United Nations (UNO), the Organization for Security and Cooperation in Europe (OSCE), and other international bodies, and for the coordination measures he has taken within the framework of OIC subsidiary, specialized, and affiliated organs. It also thanks those organs and organizations for their response, especially for the adoption by the IDB and ISESCO of programmes to implement projects aimed at protecting Islamic holy places in the Republic of Azerbaijan.
THE 11TH DAKAR SUMMIT OF OIC, MARCH 13-14, 2008

Dakar. March 13-14, 2008

Proceeding from the principles and objectives of the Charter of the Organization of the Islamic Conference;
Gravely concerned over the aggression by the Republic of Armenia against the Republic of Azerbaijan which has resulted in the occupation of about 20 percent of the territories of Azerbaijan;
Expressing its profound concern over continued occupation of significant part of the territories of Azerbaijan and illegal transfer of settlers of the Armenian nationality to those territories;
Deeply distressed over the plight of more than one million Azerbaijani displaced persons and refugees resulting from the Armenian aggression and over magnitude and severity of these humanitarian problems;
Reaffirming all previous relevant resolutions and, in particular, the Resolution No. 21/10-P(IS), adopted by the Tenth Session of the Islamic Summit Conference held in Putrajaya, from 20 to 21 Shaban, 1424H (16-17 October 2003);
Urging strict adherence to the Charter of the UN and full implementation of the relevant Security Council resolutions;
Welcoming all diplomatic and other efforts for the settlement of the conflict between Armenia and Azerbaijan;
Reaffirming commitment by all Member States to respect the sovereignty, territorial integrity and political independence of the Republic of Azerbaijan;
Noting also the destructive influence of the policy of aggression of the Republic of Armenia on the peace process within the OSCE framework;

2. Considers the actions perpetrated against civilian Azerbaijani population in the occupied Azerbaijani territories as crimes against humanity.
3. Strongly condemns any looting and destruction of the archeological, cultural and religious monuments in the occupied territories of Azerbaijan.
4. Strongly demands the strict implementation of the United Nations Security Council resolutions 822, 853, 874 and 884, and the immediate, unconditional and complete withdrawal of Armenian forces from all occupied Azerbaijani territories including the Nagorno-Karabakh region and strongly urges Armenia to respect the sovereignty and territorial integrity of the Republic of Azerbaijan.
5. Expresses its concern that Armenia has not yet implemented demands contained in the above stated UN Security Council resolutions.
6. Calls on the UN Security Council to recognize the existence of aggression against the Republic of Azerbaijan; to take the necessary steps under Chapter VII of the Charter of the United Nations to ensure compliance with its resolutions; to condemn and reverse aggression against the sovereignty and territorial integrity of the Republic of Azerbaijan, and decides to take coordinated action to this end at the United Nations.
7. Urges all States to refrain from providing any supplies of arms and military equipment to Armenia, in order to deprive the aggressor of any opportunity to escalate the conflict and to continue the occupation of the Azerbaijani territories. The territories of the Member States should not be used for transit of such supplies.
8. Calls upon Member States, as well as other members of the international community, to use such effective political and economic measures as required in order to put an end to Armenian aggression and occupation of the Azerbaijani territories.

9. Calls for a just and peaceful settlement of the conflict between Armenia and Azerbaijan on the basis of respect for the principles of territorial integrity of states and inviolability of internationally recognized borders.

10. Decides to instruct the Permanent Representatives of Member States at the United Nations in New York, while voting at the UN General Assembly, to give full support to the issue of territorial integrity of the Republic of Azerbaijan.

11. Urges Armenia and all Member States of the OSCE Minsk Group to engage constructively in the ongoing OSCE peace process on the basis of the relevant resolutions of the UN Security Council and the relevant OSCE decisions and documents, including those of the First Additional Meeting of the OSCE Council of 24 March 1992, OSCE Summits of 5-6 December 1994, 2-3 December 1996, 18-19 November, 1999, and refrain from any action that will make it more difficult to reach a peaceful solution.


13. Stresses that fait accompli may not serve as a basis for a settlement, and that neither the current situation within the occupied areas of the Republic of Azerbaijan, nor any actions, including arranging voting process, undertaken there to consolidate the status quo, may be recognized as legally valid.

14. Demands to cease and reverse immediately the transfer of settlers of the Armenian nationality to the occupied territories of Azerbaijan, which constitute a blatant violation of international humanitarian law and has a detrimental impact on the process of peaceful settlement of the conflict, and agrees to render its full support to the efforts of Azerbaijan undertaken to this end, including at the General Assembly of the United Nations, inter alia, through their respective Permanent Missions to the United Nations in New York.

15. Requests the OIC Member States to encourage their legal and physical persons not to be engaged in economic activities in the Nagorno-Karabakh region and other occupied territories of Azerbaijan.

16. Expresses its support to the activities of the OSCE Minsk Group and consultations held at the level of the Foreign Ministers of Azerbaijan and Armenia and its understanding that a step-by-step solution will help to ensure gradual elimination of the most serious consequences of the aggression against the Republic of Azerbaijan.

17. Requests the Secretary General to communicate the principled and firm position of the OIC vis-à-vis the Armenian aggression against the Republic of Azerbaijan, to the current Chairman of the Organization for Security and Cooperation in Europe.

18. Reaffirms its total solidarity with and support for the efforts undertaken by the Government and people of Azerbaijan to defend their country.

19. Calls for enabling the displaced persons and refugees to return to their homes in safety, honour and dignity.

20. Expresses its appreciation to all Member States which have provided humanitarian assistance to the refugees and displaced persons and urges all the others to extend their contribution to these people.

21. Expresses its concern over the severity of humanitarian problems concerning the existence of more than one million displaced persons and refugees in the territory of the Republic of Azerbaijan and requests the OIC Member States, the Islamic Development Bank and other Islamic Institutions to render much needed financial and humanitarian assistance to the Republic of Azerbaijan.

22. Considers that Azerbaijan has the right for appropriate compensation with regard to damages it suffered as a result of the conflict and puts the responsibility for the adequate compensation of these damages on Armenia.

23. Requests the Secretary-General to follow up the implementation of this resolution and to report thereon to the 12th Islamic Summit Conference.
THE 11TH DAKAR SUMMIT OF OIC, MARCH 13-14, 2008

21. Resolution no. 2/11-E (IS) on the activities related to economic assistance to member states and non-OIC countries and Muslim Communities
Dakar. March 13-14, 2008

(B) Economic Assistance to the Republic of Azerbaijan:

Recalling Resolution No. 21/10-E (IS) adopted by the Tenth Session of the Islamic Summit Conference and Resolution No. 10/33-E adopted by the Thirty-third Session of the Islamic Conference of Foreign Ministers;

Confirming full solidarity of the Member States of the OIC with the Government and people of Azerbaijan at this very critical time of the country’s history;

Referring to the relevant UN Security Council Resolutions regarding this conflict;

Deploring the Armenia-backed aggressive separatism instigated in the Nagorno-Karabakh region of the Republic of Azerbaijan, followed by aggression and occupation by Armenia of about 20 percent of Azerbaijani territories and resulted in violent displacement of almost one million Azerbaijani people from their homes, which, as such, resembles the terrible concept of ethnic cleansing;

Conscious of the fact that economic damage inflicted upon Azerbaijan in its territories currently by Armenia already exceeds US$ 60 billion;

Welcoming and appreciating the assistance extended by some Member States and OIC relevant bodies, United Nations institutions and international organizations;

Having taken note of the report of the Secretary General;

1. Appeals to the Member States, International Community and Islamic Institutions to make available to the Government of Azerbaijan the economic and humanitarian assistance with a view of alleviating the suffering of the Azerbaijani people.

2. Calls upon the international organizations to continue to grant humanitarian, financial assistance to Azerbaijan.
THE 11TH DAKAR SUMMIT OF OIC, MARCH 13-14, 2008

22. Resolution no. 2/11-C (IS) On Protection of Islamic holy places

C) The destruction and desecration of Islamic historical and
Cultural relics and shrines in the occupied Azerbaijan territories
Resulting from the aggression of the Republic of Armenia against the
Republic of Azerbaijan
Dakar. March 13-14, 2008

Emphasizing that pieces of Azerbaijani history, culture, archaeology, and ethnography remaining in the territories occupied by Armenia are an integral part of Islamic heritage, and, therefore, must be protected;

Reaffirming United Nations Security Council (UNSC) Resolutions No.822, 853, 874, and 884, which call on the Armenian forces to effect a full withdrawal from all the occupied Azerbaijani territories, including the Lachin and areas, immediately and without conditions; and strongly urge Armenia to respect the sovereignty and territorial integrity of the Republic of Azerbaijan;

Reaffirming that the utter and barbaric destruction of mosques and other Islamic Shrines in Azerbaijan, at the hands of Armenia, for the purpose of ethnic cleansing is a crime against humanity;

Noting the tremendous losses inflicted by the Armenian aggressors on the Islamic heritage in the Azerbaijani territories occupied by the Republic of Armenia, including total or partial demolition of rare antiquities and places of Islamic civilization, history, and architecture, such as mosques, mausoleums, graves, archaeological excavations, museums, libraries, art exhibition halls, and government theatres and conservatories, besides the destruction and smuggling out of the country of large quantities of priceless treasures and millions of books and historic manuscripts;

Fully sharing the anguish of the government and people of Azerbaijan in this regard;

1. Strongly condemns the barbaric acts committed by the Armenian aggressors in the Republic of Azerbaijan with the aim of total annihilation of the Islamic heritage in the occupied Azerbaijani territories;

2. Vigorously demands the strict and unconditional implementation by the Republic of Armenia of UNSC Resolutions No. 822, 853, 874, and 884.

3. Reaffirms its support for the efforts deployed by Azerbaijan at regional and international levels and aimed at protecting and preserving Islamic cultural values and treasures in the territories occupied by Armenia.

4. Asserts that Azerbaijan is entitled to adequate compensation for the damages it has sustained and affirms the Republic of Armenia’s responsibility to pay up full compensation for such damages.

5. Requests the relevant OIC subsidiary organs and specialized agencies to explore the possibility of drawing up a program to help rebuild the mosques, educational institutions, libraries, and museums in the Azerbaijani territories liberated from occupation with the help of OIC Member States.

6. Thanks the Secretary-General for transmitting the OIC Member States’ position on this issue to the United Nations, the Organization for Security and Cooperation in Europe (OSCE), and other international bodies, and for the coordination measures he has taken within the framework of OIC subsidiary, specialized, and affiliated organs. It also thanks those organs and organizations for their response, especially for the adoption by the IDB and ISESCO of programs to implement projects aimed at protecting Islamic holy places in the Republic of Azerbaijan.
8.7. European Union

1. European Political Cooperation. Declaration on Nagorno-Karabakh
Brussels, 10 March 1992

1.

PRESS RELEASE

P. 31/92 Brussels, 10 March 1992

The Russian Federation and the Community and its member States are profoundly concerned about the continuing conflict over Nagorno Karabakh, which threatens to grow into a protracted and bloody war. Such a development would be tragic for the Armenian and Azeri peoples and could threaten regional and international security.

The European Community and its member States and the Russian Federation therefore urge the conflicting parties to honour the immediate cease-fire they agreed to call for in Moscow on 20 February, and as called for by Senior Officials of the CSCE in Prague on the 28 January, before the situation deteriorates still further. It is urgent and necessary that they start immediately to implement the decisions taken at that meeting.

The European Community and its member States and the Russian Federation welcome the request by CSCE participating States to the CSCE Chairman in office to stand ready to participate in the mediation efforts as necessary. In this context, they stress the importance of the meeting of the Committee of Senior Officials on 11 March.

The Community and its member States express their support for the mediation efforts undertaken by the Russian Federation, as manifested in the initiatives by the President of Russia and in the meeting held on 20 February in Moscow between the Foreign Ministers of Armenia, Azerbaijan and Russia at the suggestion of the Russian Minister of Foreign Affairs. The implementation of the agreements reached at that meeting could reduce tensions over Nagorno Karabakh and create the necessary conditions for substantive negotiations.

The European Community and its member States and the Russian Federation support the call for the setting-up of safe corridors for the channelling of humanitarian aid in accordance with the request made by the Chairman in office of the CSCE. They welcome the agreement by the conflicting parties to the involvement of the International Committee of the Red Cross in the dispute and hope that the ICRC and other Non Governmental Organisations will have the leading role in the supply of humanitarian aid to the victims of this dispute.

The Russian Federation and the Community and its member States strongly appeal to both parties to the conflict to respect the letter and spirit of the CSCE Helsinki Final Act and the Paris Charter, as well as the guiding principles of the United Nations.

http://www.azembassy.ir
PRESS RELEASE

Brussels, 22 May 1992

2. European Political Cooperation. Statement on Nagorno-Karabakh

Brussels, 22 May 1992

The Community and its member States express their deepest concern at the latest escalation of the fighting in the Nagorno-Karabakh region and strongly condemn the use of force by whatever side. The Community and its member states deplore the renewed sufferings inflicted on populations and the loss of human life resulting from the continuing fighting.

All inhabitants of both Armenia and Azerbaijan including the Armenian and Azeri populations of Nagorno-Karabakh are entitled to the same levels of protection afforded by their government's acceptance of CSCE principles and commitments. Therefore, the Community and its member States condemn in particular as contrary to these principles and commitments any actions against territorial integrity or designed to achieve political goals by force, including the driving out of civilian populations. Fundamental rights of Armenian and Azeri populations should be fully restored, in the context of existing borders.

The Community and its member States appeal to Armenia and Azerbaijan to show maximum restraint and to contribute constructively to the CSCE process. In this context they also urge all parties to work towards the early convening of the CSCE Peace Conference on Nagorno-Karabakh and to find a solution regarding the modalities of a representation of the communities of Nagorno-Karabakh, without which no lasting peace can be established.

http://www.azembassy.ir
PRESS RELEASE

Brussels, 18 June 1992

The Community and its member States are deeply concerned about the continued fighting in Nagorno Karabagh. They strongly condemn any use of force which will in no way help to resolve the crisis. They call upon the parties involved to show restraint and avoid inflicting further suffering or loss of human life.

The Community and its member States urge the Governments concerned to use all their influence to end the vicious circle of violence and to bring about an effective cease-fire.

They renew their call to Azerbaijan and Armenia to respect human rights, to which they have committed themselves at their admission into the CSCE. They urge them to contribute to the efforts underway in the framework of the preliminary emergency meeting in Rome to create the necessary conditions to hold the Minsk Conference at the earliest moment under the auspices of the CSCE, which offers the best hope of seeing peace restored to this region.

http://www.azembassy.ir
Press Release

Brussels, 15 March 1993

The Community and its member States welcome the progress made at the recent negotiations on the conflict in Nagorno-Karabakh carried out in Rome within the framework of the Minsk process, as a first step towards the convening of the Minsk Conference. They urge the parties to take the necessary steps to advance the peace process, including an early ceasefire as an essential prerequisite for establishing a lasting peace in the region.

The Community and its member States reconfirm their support to the efforts of the Chairman of the CSCE Minsk Conference, the Hon. Mario Raffaelli and consider that the CSCE peace process represents the appropriate framework to reach a peaceful settlement of the conflict. The Community and its member States will work with its partner in the CSCE framework in Vienna to assist the efforts at mediation currently underway.

http://www.azembassy.ir
Brussels, 7 April 1993

PRESS RELEASE

P. 34/93 Brussels, 7 April 1993

The Community and its member States are seriously concerned about the latest degradation of the relations between the Republic of Armenia and the Republic of Azerbaijan on the Nagorno-Karabakh conflict. The Community and its member States regret the enlargement of the combat zone to Kelbajar and the Fizuli area. The Armenian government is strongly urged to use its influence on the Nagorno-Karabakh forces for an immediate withdrawal from the Azeri territory and to stop the fighting in the area. All parties are requested not to withdraw from the ongoing negotiations in the Minsk group of the CSCE due to the recent events.

http://www.azembassy.ir
PRESS RELEASE

P. 57/93 Brussels, 17 June 1993

The European Community and its member States are following developments in Azerbaijan with great concern and are alarmed by the possibility that the present armed rebellion might lead to civil war. They condemn any attempt to remove by unconstitutional means the democratically elected President. They urge all the leading figures in Azerbaijani political life to work for a peaceful and constitutional solution to the present crisis in which respect for democratic institutions and for the rule of law are upheld.

The Community and its member States also consider a stable, constitutional Azerbaijan vital in efforts to negotiate a peaceful political solution to the conflict in Nagorno-Karabakh. They regret that the present crisis should coincide with the positive responses of all parties to the Nagorno-Karabakh dispute to the peace plan presented by the CSCE. They hope that a swift resolution of Azerbaijan's domestic crisis will allow for them early implementation of this peace plan.

http://www.azembassy.ir
PRESS RELEASE

P. 58/93 Brussels, 24 June 1993

The Community and its member States welcome the acceptance by all the parties to the Nagorno-Karabakh dispute of the CSCE plan put to them by Signor Raffaelli. They believe that this plan represents the best hope for a comprehensive ceasefire in the region, for the implementation of UN Security Council resolution 822 of 30 April and for real progress towards a negotiated settlement to the Nagorno-Karabakh conflict. They pay tribute in particular to President Ter-Petrosyan of Armenia for his successful personal intervention to secure the agreement of representatives of the Armenian community in Nagorno-Karabakh to this plan.

The Community and its member States hope that the Armenian government will continue to urge full acceptance of the peace plan on those elements in Nagorno-Karabakh who have not yet accepted it and that those elements in Nagorno-Karabakh will refrain from exploiting the present internal difficulties in Azerbaijan on the ground in and around Nagorno-Karabakh. They warn that in the present circumstances any offensive operation by whatever side may jeopardize the peace plan.

The Community and its member States urge the parties to the conflict to continue to lend their full support to the plan, thus facilitating the deployment of the first phase of the CSCE monitoring mission. They also urge the parties to agree to accept the withdrawal of troops from occupied territories and guarantee the security of CSCE observers on the ground as soon as they are deployed.

http://www.azembassy.ir
PRESS RELEASE

P. 86/93 Brussels, 3 September 1993

The Community and its member States condemn the recent offensives by local Armenian forces in Nagorno-Karabakh, which are making deeper and deeper incursions into Azerbaijani territory. They note with regret that such actions are extending the area of armed conflict to encompass more and more of Azerbaijani territory and are creating a very serious refugee problem in Azerbaijan and one already involving neighbouring countries, with a concomitant increased threat to regional security.

The Community and its member States reaffirm their support for the territorial integrity and sovereignty of the States in the region.

The Community and its member States fully support the efforts being made by the Minsk Group within the framework of the CSCE to consolidate the provisional ceasefire decided on 31 August 1993 between the Nagorno-Karabakh Authorities and the Azerbaijan Government. They urge both parties to embark on any form of additional dialogue which would make it possible to implement the timetable on which there was agreement in principle by all parties at the end of June.

The Community and its member States also hope to see local Armenian forces in Nagorno-Karabakh fully respect United Nations Security Council Resolutions No. 822 and No. 853, and withdraw from the regions of Kelbadjar, Agdam, Fizouli and Djebrail. The Community and its member States have no evidence that Azerbaijan would be capable of initiating major attacks from these regions.

The Community and its member States call on the Government of the Republic of Armenia to use its decisive influence over the Armenians of Nagorno-Karabakh to see that they comply with Security Council Resolutions No. 822 and No. 853 and the proposals of the CSCE Minsk Group. The Community and its member States call upon Armenia to ensure that the local Armenian forces carrying out offensives in Azerbaijan territory are not given the material means of further extending such offensives.

http://www.azembassy.ir
Brussels, 9 November 1993

P. 103/93                                                    Brussels, 9 November 1993

The European Union condemns the breach of the ceasefire agreement reached on 24 October 1993 in the region of Nagorno-Karabakh and calls upon all forces to withdraw from the recently occupied territories. The European Union reiterates the importance it attaches to the territorial integrity and sovereignty of the Republic of Azerbaijan, in accordance with the principles of the CSCE.

The European Union is particularly concerned at the fate of tens of thousands of civilians who are fleeing the fighting. Receiving and protecting these refugees must be a priority for the international community. Moreover, the presence of these refugees increases the risk of the conflict becoming an international one and threatens the stability of the whole region.

The European Union will continue its humanitarian aid to the affected population and would call upon all States in the region to facilitate the convoying of the aid.

The European Union reaffirms its total support for the efforts undertaken by the CSCE Minsk Group in order to find a lasting political solution to the conflict in Nargorno-Karabakh. It prevails upon the parties to the conflict to restore the ceasefire broken on 24 October 1993.

http://www.azembassy.ir
The European Union is deeply concerned at the fact that large-scale fighting has been going on again in the Nagorno-Karabakh region since mid-December. It would request the opposing parties to display self-control and not inflict further suffering on a civilian population already sorely tried by the war. It reaffirms its support for the principle of the territorial integrity of Azerbaijan and calls for a peaceful solution to the conflict. Given the danger of internationalization, which could aggravate the situation, it would urge the parties concerned to cease fighting and implement the relevant Resolutions of the United Nations Security Council.

The European Union requests the opposing parties to resume current negotiations immediately under the aegis of the CSCE Minsk Group and fully backs those negotiations.
Brussels, 22 July 1999

Press release

22 July 1999
10388/99 (Presse 241) P. 76/99

The EU welcomes news of the latest meeting of Presidents Aliev and Kocharian, and encourages them to intensify their dialogue with a view to making early progress towards a peaceful resolution to the conflict. A global and lasting settlement is to be achieved through negotiations between all the parties involved in the framework of the OSCE Minsk process.

As it made clear at the 22 June meeting in Luxembourg, the EU views regional cooperation as an essential part of the political and economic development of the region and its integration into the world community; the absence of regional cooperation renders EU and other assistance less effective; the EU calls on the two countries to seek to overcome the obstacles to cooperation between them.

The EU stands ready to support and help sustain the peace which the peoples of Armenia and Azerbaijan need and deserve, and applauds every effort of the two Presidents and their Governments to achieve it.

http://www.azembassy.ir
EU and Azerbaijan agree that stability and prosperity of Azerbaijan and the whole Southern Caucasus depend primarily on the settlement of the frozen conflicts in the region.

The EU stresses the importance of a peaceful solution to the Nagorno Karabakh conflict in full respect of Azerbaijan's territorial integrity.

The EU believes that this conflict and the failure to resolve it has a strong negative impact on the political and economic development and security of Azerbaijan and the whole region.

Both parties agreed that fait accompli may not serve as a basis for a settlement, and stressed that neither the current situation within the occupied areas of the Republic of Azerbaijan, nor any action undertaken there to consolidate the status quo, may be recognised as legally valid.

The EU welcomed the proposal of Azerbaijan on withdrawal of Armenian armed forces from occupied territories of Fizuli, Jabrail, Zangelan and Gubatly, enabling rehabilitation of these regions, in combination with restoration of the Baku-Nakhchivan-Yerevan railway, which presents a unique package of measures for settlement of the conflict and reestablishment of cooperation, and called for this opportunity to be taken to remove the situation from the current stalemate.

Both parties recognise the importance of conflict resolution efforts of the OSCE Minsk group and commit themselves to continue to fully support these efforts.

The EU confirms the conclusions of the General Affairs Council of 26 February 2001 according to which it is willing to play a more active political role in the region. In close cooperation with the members of the OSCE Minsk group, competent international organisations and the countries of the region, the EU will look for further ways in which to support efforts at prevention and resolution of conflicts in the region, and will participate in post-conflict rehabilitation.

The EU will aim at facilitating progress towards peace and stability in Southern Caucasus in its relations with all players interested in the region and both Russia and the US in particular.

http://www.mfa.gov.az
Brussels, 2 August 2002 - The European Union confirms its support for the territorial integrity of Azerbaijan, and recalls that it does not recognise the independence of Nagorno Karabakh. The EU has always emphasised the need to establish a stable political agreement concerning Nagorno Karabakh, which should be acceptable to both Armenia and Azerbaijan. The EU cannot consider legitimate the "presidential elections" that are scheduled to take place on 11 August 2002 in Nagorno Karabakh. The EU does not believe that these elections should have an impact on the peace process.

The Central and Eastern European countries associated with the European Union, the associated countries Cyprus, Malta and Turkey, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area align themselves with this declaration.

11463/02 (Presse 233)
6. Welcomes the dynamic pace of the negotiations on the Nagorno-Karabakh conflict illustrated by the six meetings between the presidents of Armenia and Azerbaijan held over the course of 2009 in the spirit of the Moscow Declaration; calls on the parties to intensify their peace talk efforts for the purpose of a settlement in the coming months, to show a more constructive attitude and to abandon preferences to perpetuate the status quo created by force and with no international legitimacy, creating in this way instability and prolonging the suffering of the war-affected populations; condemns the idea of a military solution and the heavy consequences of military force already used, and calls on both parties to avoid any further breaches of the 1994 ceasefire;

7. Fully supports the mediation efforts of the OSCE Minsk Group, the Basic Principles contained in the Madrid Document and the statement by the OSCE Minsk Group Co-Chair countries on 10 July 2009 on the margins of the G8 Summit in L’Aquila; calls on the international community to show courage and political will to assist in overcoming the remaining sticking points which hinder an agreement;

8. Is seriously concerned that hundreds of thousands of refugees and IDPs who fled their homes during or in connection with the Nagorno-Karabakh war remain displaced and denied their rights, including the right to return, property rights and the right to personal security; calls on all parties to unambiguously and unconditionally recognise these rights, the need for their prompt realisation and for a prompt solution to this problem that respects the principles of international law; demands, in this regard, the withdrawal of Armenian forces from all occupied territories of Azerbaijan, accompanied by deployment of international forces to be organised with respect of the UN Charter in order to provide the necessary security guarantees in a period of transition, which will ensure the security of the population of Nagorno-Karabakh and allow the displaced persons to return to their homes and further conflicts caused by homelessness to be prevented; calls on the Armenian and Azerbaijani authorities and leaders of relevant communities to demonstrate their commitment to the creation of peaceful inter-ethnic relations through practical preparations for the return of displaced persons;

9. Stresses that real efforts are needed to pave the way for a lasting peace; asks all relevant authorities to avoid provocative policies and rhetoric, inflammatory statements and manipulation of history; calls on the leaders of Armenia and Azerbaijan to act responsibly, tone down speeches and prepare the ground, so that public opinion accepts and fully understands the benefits of a comprehensive settlement;

10. Believes the position according to which Nagorno-Karabakh includes all occupied Azerbaijani lands surrounding Nagorno-Karabakh should rapidly be abandoned; notes that an interim status for Nagorno-Karabakh could offer a solution until the final status is determined and that it could create a transitional framework for peaceful coexistence and cooperation of Armenian and Azerbaijani populations in the region;

11. Stresses that security for all is an indispensable element of any settlement; recognises the importance of adequate peacekeeping arrangements in line with international human rights standards that involve both military and civilian aspects; calls on the Council to explore the possibility of supporting the peace process with Common Security and Defence Policy (CSDP) missions, including sending a large monitoring mission on the ground that could facilitate the establishment of an international peacekeeping force, once a political solution is found;

26. Underscores the importance of building a favourable business climate and the development of the private sector; notes that the noteworthy economic growth of Azerbaijan is mainly based on oil and gas revenues; supports the reform process, which makes the economy more attractive to foreign investors; encourages the Azerbaijani authorities to accelerate the negotiations on accession to the World Trade Organization (WTO) and calls on the Commission to further support Azerbaijan in this process;

29. Recognises the significance of the region for the EU’s energy cooperation and energy security, especially in the context of the development of the Southern Corridor (Nabucco and White Stream); stresses the importance of deepening the EU-Azerbaijani energy partnership and notes the great value of Azerbaijan’s energy resources and the essential role they play in its economic development; underscores the importance of ensuring that the benefits deriving from the exploitation of natural resources are evenly distributed and invested in the development of the country as a whole, permitting it to brace itself against the negative repercussions of an eventual decline in oil production; notes the intensifying Azerbaijani - Russian partnership, particularly in the energy sector, and welcomes in this context the intention of Azerbaijan to diversify its economy; underlines the
importance of transparency in the energy sector in this region as a key requisite for investors’ confidence and commends Azerbaijan for its participation in the Extractive Industries Transparency Initiative;

54. Stresses that political stability is essential for the reliable and uninterrupted supply of energy resources so as to ensure the proper conditions for infrastructure development; in this respect, recalls that the double energy corridor formed by the Baku-Tbilisi-Ceyhan (BTC) and Baku-Tbilisi-Erzerum (BTE) pipelines fosters rapprochement between the EU and the Caspian region; calls for the rejuvenation of the existing bilateral agreements or Memorandums of Understanding concluded with the three South Caucasian countries in the field of energy, with the inclusion of an ‘energy security clause’ laying down a code of conduct and specific measures in the event of energy disruption; considers that energy supply and transit provisions should be a component in the negotiation of wide-ranging Association Agreements with those countries;

Baku-Brussels: Azerbaijan-European Union relations
8.8. Resolution adopted by the GUAM


The GUAM Council of Ministers of Foreign Affairs expresses its deep concern over the reported intention of the separatist regime, created in the occupied territories of the Republic of Azerbaijan, to conduct so-called “presidential elections” on 19 July 2007.

The Council stresses that the conduct of so-called “elections” represents a serious violation of the Constitution of the Republic of Azerbaijan as well as relevant norms and principles of the international law. These “elections” shall be considered as null and void, and their results can not have any legal consequences.

The GUAM Council stresses that such an act shall not mislead the international community, since it runs contrary to the universally recognized standards and values of democracy, rule of law and human rights. This illegal act is aimed at creating a fait accompli situation in the conflict settlement, thus affecting negatively the ongoing peace negotiation process.

Legal elections can be held in the Nagorno-Karabakh region only after its re-integration into political, legal, social and economic system of the Republic of Azerbaijan, its full rehabilitation, return of displaced persons to the places of their permanent residence, restoration of transport communications and ensuring the peaceful co-existence and cooperation between the Armenian and Azerbaijani communities in this region.

The GUAM Council of Ministers of Foreign Affairs calls on the international community to unequivocally condemn such an illegal act and to support the ongoing efforts aimed at finding a peaceful resolution of the conflict on the basis of the territorial integrity of Azerbaijan within its internationally recognized borders.

9 July 2007
IX. LEGAL ASPECTS OF THE NAGORNY KARABAKH CONFLICT

1. Arguments of Armenia

In order to justify the territorial claims of Armenia towards Azerbaijan, the officials of the former frequently raise a proposition, according to which Nagorny Karabakh has never been within the jurisdiction of independent Azerbaijan. The following arguments underlie this assertion:

• **Firstly**, in the period when independent Azerbaijan became part of the Soviet Union Karabakh had not been within its jurisdiction, the evidence of which was the decision of the League of Nations that refused to recognize Azerbaijan because of its territorial claims to the Armenian populated Eastern Caucasus, including in particular Nagorny Karabakh, as well as the lack of efficient state control over its supposed territory and inability to ground the legitimacy of the frontiers of this territory.

• **Secondly**, the legal cause for secession of Nagorny Karabakh from Azerbaijan in the process of disintegration of the USSR in 1991 and the establishment of the "Republic of Nagorny Karabakh". Thereby the special emphasis is placed on the provisions of the Law of the USSR "On the Procedures for Resolving Questions Related to the Secession of Union Republics from the USSR" of 3 April 1990, according to which in case of realization by the Union republic of the secession procedure provided for in this Law autonomous entities would acquire a right to decide independently the question of staying in the USSR or in the seceding republic, as well as to raise the question of their own state-legal status.

• **Thirdly**, refusal by Azerbaijan to regard itself as a successor state to the USSR, and thus the lack of any reason to have pretensions to the frontiers of that period.
2. Arguments of Azerbaijan

2.1. Nagorny Karabakh in the context of consideration of a question regarding the admission of Azerbaijan and Armenia to the League of Nations

- Following the entry of the British forces into Baku in 1918, general V. Thomson, who represented the Allied Powers, recognized Nagorny Karabakh together with the neighboring Zangezur uyezd under the administration of Azerbaijan. He confirmed the appointment by the Government of Azerbaijan of Khasrov Sultanov as a Governor of the Karabakh General-Governorship, of which these two regions were part. In 1919 the Armenian Assembly of Nagorny Karabakh recognized officially the authority of Azerbaijan.
- In 1918-1920 the Republic of Azerbaijan had diplomatic relations with a number of states. Agreements on the principles of mutual relations were signed with some of them; sixteen states established their missions in Baku.
- The head of the Azerbaijani Delegation at the Conference by a letter of 1 November 1920 requested the Secretary-General of the League of Nations to submit to the Assembly of the League an application for the admission of the Republic of Azerbaijan to the Organization.
- The Secretary-General pointed out in his Memorandum of 24 November 1920 that the mandate of the Azerbaijani Delegation attending at the Paris Peace Conference derived from the Government which had been in power at Baku until April 1920. Thus, the attention in the Memorandum is distinctly paid to the fact that at the time of submission by the Azerbaijani Delegation of the application (1 November 1920) and the publication date of the Memorandum (24 November 1920) the Government of the Republic of Azerbaijan, which issued the credentials to the Delegation, was not actually in power since April 1920. It was further noted in the Memorandum that this Government did not exercise the authority over the whole territory of the country.
- In this context, the most important part of the mentioned Memorandum of the Secretary-General of the League of Nations relates to "Juristic observations", which reminds of the conditions governing the admission of new Members to the Organization contained in Article 1 of the Covenant of the League of Nations, including the requirement to be a fully self-governing state.
- The relevant documents of the League of Nations completely disprove the statements of the Armenian side claiming that the League of Nations did not admit Azerbaijan because of its alleged territorial claims to the so-called Armenian-populated territories and the refusal to recognize the control of Azerbaijan over Nagorny Karabakh. It is obvious actually that the state, considerable part of the territory of which was occupied by the time of consideration of its application in the League of Nations, and yet the Government that submitted this application was overthrown, could not be regarded as fully self-governing in terms of Article 1 of the Covenant of the League of Nations. Thus, these were just those conditions that prevented Azerbaijan from being admitted to the League of Nations.
- At the same time, the League of Nations did not consider Armenia itself as a state and proceeded from the fact that this entity had no clear and recognized borders, neither status nor constitution, and its Government was unstable. As a result, the admission of Armenia to the League of Nations was voted down on 16 December 1920.
2.2. Nagorny Karabakh within the Azerbaijan SSR

• Along with the above-mentioned facts on the recognition by the Allied Powers of the authority of Azerbaijan over Nagorny Karabakh, a proposition that Karabakh was not under the jurisdiction of independent Azerbaijan when it became part of the Soviet Union refuted also by the decision of the Caucasian Bureau of the Central Committee of the Russian Communist Party (Bolsheviks), which owing to the territorial claims of Armenia did take up the problem several times and, at the meeting held on 5 July 1921, decided to retain Nagorny Karabakh within the Azerbaijan SSR. At the same time, the Azerbaijan SSR was recommended to confer Nagorny Karabakh a broader autonomy.

• On 13 October 1921 the Treaty of Friendship between the Armenia SSR, Azerbaijan SSR and Georgia SSR, on the one hand, and Turkey, on the other, was concluded in Kars with the participation of the RSFSR. In Article 5 of the Treaty the Governments of Turkey, Armenia and Azerbaijan expressed their consent that "the Nakhichevan oblast forms an autonomous territory under the protection of Azerbaijan".

• Transcaucasian Socialist Federal Soviet Republic (TSFSR) was established on 13 December 1922. The Constitution of the TSFSR confirmed that the Republic of Nakhichevan was an inseparable and constituent part of Azerbaijan in form of an autonomous unit. According to this Constitution, the status of autonomous republics and oblasts (Abkhazia, Ajaristan and South Ossetia) remained unchangeable.

• Insofar as the mountainous part of Karabakh was officially recognized as an inseparable part of Azerbaijan, including by the Armenia SSR, neither the Treaty of Kars nor the Constitution of the TSFSR contained any reference to it.

• The next day after the adoption on 7 July 1923 of the first Constitution of the USSR, the Central Executive Committee of the Azerbaijan SSR issued a Decree "On the Formation of the Autonomous Oblast of Nagorny Karabakh".

• The status of Nagorny Karabakh as an autonomous oblast within the Azerbaijan SSR was stipulated in the Constitutions of the USSR of 1936 and 1977.

• In accordance with the Constitutions of the USSR and the Azerbaijan SSR, the legal status of NKAO was governed by the Law "On the Nagorny Karabakh Autonomous Oblast", which had been adopted by the Supreme Soviet of Azerbaijan SSR on 16 June 1981.

• Under Article 78 of the USSR Constitution, the territory of a Union republic could not be altered without its consent. The borders between Union republics could be altered by mutual agreement of the Republics concerned, subject to approval by the USSR. This provision was also incorporated in the Constitutions of the Azerbaijan SSR and the Armenia SSR.

• In connection with the adoption in the late 1980-s of the illegal decisions aimed at the secession of NKAO from the Azerbaijan SSR and annexation of the region to the Armenia SSR, the Supreme Soviet of the USSR and its Presidium considered on several occasions the situation with respect to the crisis in Nagorny Karabakh. All decisions adopted by the superior state body of the former USSR unequivocally recognize the inadmissibility of changing borders and the constitutionally established national-territorial division of the Azerbaijan SSR and the Armenia SSR.

• Thus, the whole process of separation of Nagorny Karabakh from the Azerbaijan SSR in favor of the Armenia SSR, formally started on 20 February 1988, was accompanied by the apparent violation of the USSR Constitution, and, therefore, caused no legal consequences whatsoever.

• The correctness of this appraisal is circumstantially evidenced by the next attempt of the Armenian side to legalize the secession of Nagorny Karabakh, which was made on 2 September 1991. Unlike all previous decisions, the proclamation that day of the "Republic of Nagorny Karabakh" was grounded by the Law of the USSR "On the Procedures for Resolving Questions Related to the Secession of Union Republics from the USSR" of 3 April 1990.

• It is necessary first to note that the purpose of this Law was to regulate mutual relations within the framework of the USSR by establishing a specific procedure to be followed by Union republics in the event of their secession from the USSR. A decision by a Union republic to secede had to be based on the will of the people of the Republic freely
expressed through a referendum, subject to authorization by the Supreme Soviet of the Union republic.

• At the same time, according to this Law, in a Union republic containing autonomous republics, autonomous provinces and autonomous regions, the referendum had to be held separately in each autonomous unit, the people of which retained the right to decide independently the question of staying in the USSR or in the seceding Union republic, as well as to raise the question of their own state-legal status.

• It is important to emphasize that the secession of a Union republic from the USSR could be regarded valid only after the fulfillment of complicated and multi-staged procedure and, finally, the adoption of the relevant decision by the Congress of the USSR People's Deputies.

• However, until the Soviet Union ceased to exist as international person the mentioned Law was without legal effect, since no Union republic, including Azerbaijan and Armenia, had used the procedure for secession stipulated in it.

• Until the Republic of Azerbaijan attained full independence and was recognized by the international community, the territory, on which the NKAO of the Azerbaijan SSR existed before 26 November 1991, had remained part of Azerbaijan.
2.3. State succession in respect of territory and boundaries in the context of restoration of the state independence of the Republic of Azerbaijan

- After the collapse of the USSR, the international legal doctrine of *uti possidetis juris* underlay the international, regional and national legitimation of boundaries of the newly independent states.
- According to the doctrine of *uti possidetis juris*, from the time of attainment by the Republic of Azerbaijan of its independence, the former administrative borders of the Azerbaijan SSR, which included also the NKAO, are recognized as international and protected by international law. This understanding is also confirmed in the known resolutions of the UN Security Council on the Nagorny Karabakh conflict.
- Regarding the proposition of the Armenian side that by proclaiming the restoration of the state independence of 1918-1920 and thus becoming the successor of the then ADR Azerbaijan allegedly forfeited a right to pretend to the borders of the Soviet period, the attention should be drawn to Article 11 of the Vienna Convention on Succession of States in Respect of Treaties, according to which "[a] succession of States does not as such affect: (a) a boundary established by a treaty….". In other words, though this provision directly applies only to external boundaries of the former USSR established by international treaties, to which it was a party, it actually represents a conceptual international legal approach provided that an existing boundary continues to exist notwithstanding the succession, so that the change of sovereignty is powerless to undermine such boundaries which achieve permanence.

Conclusion

1. Despite the apparent distortions made by the official Yerevan while interpreting the issue of consideration of the application by Azerbaijan for the admission to the League of Nations and passing over in silence the response of the League to the similar application by Armenia itself, the findings of this Organization cannot, nevertheless, serve as a basis for revision of the established territorial framework of the states. Otherwise, if to agree with the arguments of the Armenian side, then the international legal personality of Armenia will be prejudiced.
2. In accordance with the Constitution of the USSR, Nagorny Karabakh was an autonomous oblast within the Azerbaijan SSR. Pursuant to the Constitutions of the USSR and the Azerbaijan SSR, the legal status of the NKAO was governed by the Law "On the Nagorny Karabakh Autonomous Oblast" passed by the Supreme Soviet of the Azerbaijan SSR on 16 June 1981.
3. The proclamation on 2 September 1991 of the "Republic of Nagorny Karabakh" contradicted the Constitution of the USSR, according to which the territory of a Union republic could not be altered without its consent, while the borders between Union republics could be altered by mutual agreement of the Republics concerned, subject to approval by the USSR. At the same time, reference to the Law of the USSR "On the Procedures for Resolving Questions Related to the Secession of Union Republics from the USSR" of 3 April 1990 is groundless since the obligatory mechanism envisaged therein for drawing up the secession from the USSR was used by Azerbaijan neither before nor after 2 September 1991.
5. In accordance with the doctrine of *uti possidetis juris*, from the time of attainment by the Republic of Azerbaijan of its independence the former administrative borders of the Azerbaijan SSR, which included also the NKAO, are recognized as international and protected by international law. At the same time, it is important to note that the change of sovereignty as a result of the break up of the USSR and the state succession declared by the former Union republics were powerless to undermine their boundaries which achieved permanence.

http://www.mfa.gov.az
X. CHRONOLOGY OF THE ARMENIAN-AZERBAIJANI ARMED CONFLICT

The history of the second in the XX century Armenian-Azerbaijani armed conflict started in February 1988 when the session of the regional Soviet of the Nagorno-Karabakh Autonomous Region (NKAR) of the Azerbaijan SSR took an illegal decision about the withdrawal from Azerbaijan and joining Armenia. The tragedy that overstepped the line of the local confrontation and transformed into one of the most prolonged and murderous conflicts in post-war Europe is not based on confessionalism or ethnic factor. Its roots lie in the expansionism and the policy of territorial aggression the aim of which is to extend the territory of one state by means of armed annexation and forcible seizure of a part of the territory of another sovereign state, member of the United Nations, OSCE and other international organizations.

Anticonstitutional actions of the separatist groups in the region of Nagorny Karabakh which were supported and monitored from outside and which contradicted the international law and the current soviet legislation were a prologue to the wide-spread armed aggression against Azerbaijan.

Starting with the unapproved meetings, strikes and actions of disobedience, the Republic of Armenia passed to the formation of unconstitutional power structures in the region of Nagorny Karabakh in Azerbaijan. Militarized units and a large amount of weapons and ammunition were sent to Azerbaijan and bridgehead for committing armed aggression against Azerbaijan was formed.

1991

At the end of 1991 - the beginning of 1992 full scale military operations started in the zone of Armenian - Azerbaijani conflict. During the military operations in the region of Nagorny Karabakh Armenian military units used sophisticated weapons and in February 1992 they managed to capture the city of Khojali where they brutally killed about 800 civilians including old people, women and children and in May 1992 they occupied the region of Shusha. After that the military operations overstepped the limits of the region and spread inland of Azerbaijan and to the Armenian – Azerbaijani border, including the zone of Nakhchevan. During the period of war 7 more regions of Azerbaijan beside Nagorny Karabakh were occupied.

Thus, as a result of aggression against the Republic of Azerbaijan more than 17,000 sq. km of land have been occupied, that makes 20% of the whole territory of the country, more than 18,000 people have been killed, more than 50,000 have been wounded and have become invalids, more than 900 settlements, 100 thousand buildings, more than 1 thousand enterprises, more than 600 schools and educational establishments, 250 medical institutions have been robbed and ruined. For the country with the population of 7,5 mln people the number of displaced persons became disastrous – more than 800.000 people and almost 200.000 refugees from Armenia.

1. Humanitarian situation

Following the ethnic purges Azerbaijan faced a grave humanitarian situation.

A great number of refugees and displaced persons were placed in tent camps, schools and hostels.

In spite of great relief efforts they are menaced by colds and epidemics because of the low level of living conditions. The presence of children and old-aged people exacerbate the problem.
1. Chronology of negotiations

The present stage of the Armenia-Azerbaijan Nagorno-Karabakh conflict began in the late 1980s, with Armenia’s territorial claims against Nagorno-Karabakh region of Azerbaijan leading to a military escalation and massive expulsion of the Azerbaijani population from Armenia and Nagorno-Karabakh region of Azerbaijan.

On 22 February 1988 Armenians opened fire on local Azerbaijanis of Nagorno-Karabakh region and as a result, two Azerbaijani youths became the first victims of the conflict.

More than 200 Azerbaijani civilians were killed and over 1000 were wounded during the mass deportations of Azerbaijanis forced to leave Armenia.

Taking advantage of the political instability and internal struggles that Azerbaijan was facing after the dissolution of the Soviet Union, Armenia, with external military assistance, initiated large-scale combat operations in Nagorno-Karabakh in late 1991 and early 1992.

By May of 1992, the city of Shusha and the region of Lachyn, situated between Armenia and Nagorno-Karabakh, had been occupied. In 1993, Armenian armed forces captured six more regions of Azerbaijan around Nagorno-Karabakh: Kalbajar, Aghdam, Fuzuli, Jabrayil, Gubadly and Zangilan.

As a result of the Armenia-Azerbaijan Nagorno-Karabakh conflict, one fifth of Azerbaijani territory is under occupation, about one million Azerbaijanis became refugees and IDP’s, more than 20,000 were killed, 50,000 were wounded or disabled and more than 4000 Azerbaijani citizens went missing.

1992

On February 28, 1992, during the 7th meeting of the CSCE Committee of Senior Officials in Prague, the parties were called on to establish a cease-fire in the Nagorno-Karabakh region of Azerbaijan without delay, respect inviolability of internal, as well as external borders, which can only be changed by peaceful means and with common consent, and refuse from all territorial claims, including abstension from all the hostile propaganda.

On March 24, 1992, during the first additional meeting of the CSCE Council of Foreign Ministers in Helsinki, a decision was adopted to convene a conference on the Armenia-Azerbaijan Nagorno-Karabakh conflict to provide an ongoing forum for negotiations on the basis of the principles, commitments and provisions of the CSCE.

1993

On April 30, July 29, October 14 and November 12 of 1993, the UN Security Council adopted resolutions 822, 853, 874 and 884, respectively. These resolutions reaffirmed respect for the sovereignty, territorial integrity and inviolability of the international borders of the Republic of Azerbaijan and demanded the immediate cessation of all hostile acts and the immediate, complete and unconditional withdrawal of occupying forces from all occupied regions of the Republic of Azerbaijan, and called for ensuring the return of refugees and displaced persons to their homes.

1994

On May 12 1994, the ceasefire was established. According to the decision taken at the CSCE Budapest Summit (5-6 December 1994), Heads of States and Governments of the CSCE participating States set up the institution of the Co-Chairmanship of the Minsk Conference for the coordination of all mediation efforts within the CSCE framework. The Budapest Summit tasked the CSCE Chairman-in-Office to conduct negotiations aimed at the conclusion of political agreement on the cessation of the armed conflict, the implementation
of which will remove the consequences of the conflict and will allow for the convening of the Minsk Conference.

The Summit also adopted a decision on the deployment of CSCE multinational peacekeeping forces after the achievement of the agreement between the Parties on the cessation of the armed conflict, and the establishment of the High Level Planning Group (HLPG) located in Vienna and aimed at the preparation of the peacekeeping operation. It superseded an earlier Initial Operation Planning Group (IOPG), which was established in May 1993.

1995

On March 23 1995, the OSCE Chairman-in-Office issued a mandate for the Co-Chairmen of the Minsk Process (DOC. 525/95).

1996

On December 2-3 1996, at the OSCE Lisbon Summit, the Co-Chairmen of the OSCE Minsk Group and the OSCE Chairman-in-Office recommended principles which should be the basis for the settlement of the Nagorno-Karabakh conflict. Out of 54 OSCE participating States, Armenia was the only one that did not support these principles.

The principles laid out by the OSCE Chairman-in-Office in his statement are as follows:

• Territorial integrity of the Republic of Armenia and the Azerbaijan Republic;
• Legal status of Nagorno-Karabakh defined in an agreement based on self-determination which confers on Nagorno-Karabakh the highest degree of self-rule within Azerbaijan;
• guaranteed security for Nagorno-Karabakh and its whole population, including mutual obligations to ensure compliance by all the Parties with the provisions of the settlement.

On January 1, 1997, the institution of the triple Co-Chairmanship of Russia, France and the USA, was established (the Chairmen countries of the Minsk Conference were Italy in 1992-1993, Sweden in 1994-1995 and Russia and Finland in 1995-1996).

1997

On June 1 1997, the Co-Chairmen presented a draft of a comprehensive agreement on the settlement of the Armenia-Azerbaijan Nagorno-Karabakh conflict. Despite the readiness of Azerbaijan to start constructive consultations on the basis of these documents, the Armenian side rejected this approach.

In September 1997, the Co-Chairmen presented new proposals based on a “stage-by-stage” approach to the settlement. At the first stage, this approach constituted the liberation of the occupied districts surrounding Nagorno-Karabakh, the deployment of OSCE peacekeeping operations, the return of displaced persons to the liberated territories and the restoration of essential forms of communication in the conflict zone. The second stage would focus on the Lachyn corridor, the city of Shusha and on the status of Nagorno-Karabakh. Subsequently, the OSCE Minsk Conference would then be convened.

On October 10 1997, in a joint statement in Strasbourg, the Presidents of Azerbaijan and Armenia stated that “the recent proposals of the Co-Chairmen were a hopeful basis for the resumption of negotiations within the framework of the Minsk Group”. However, after the resignation of the then Armenian president Levon Ter-Petrossian in February 1998 and the start of Robert Kocharian’s presidency in March 1998, the following visit of the Co-Chairmen to the region was met with Armenia officially withdrawing its support for the “stage-by-stage” approach to settling the conflict.

1998
On November 9 1998, the Co-Chairmen put forward proposals based on the concept of a “common State”. According to this concept, Nagorno-Karabakh would have the status of a State and a territorial unit in the form of a republic, which, together with Azerbaijan would constitute the common State within the internationally recognized borders of Azerbaijan. Azerbaijan rejected those proposals since they violated its sovereignty and contradicted the Lisbon principles.

1999-2001

During 1999-2001, the Presidents of Azerbaijan and Armenia met more than 20 times but these meetings did not yield any results.

2002

In March 2002, during their visit to the region, the OSCE Minsk Group Co-Chairmen proposed to conduct negotiations at the level of special representatives of the Presidents of Azerbaijan and Armenia. The proposal was accepted by the heads of both states.

On March 13-15 and July 29-30 2002, the special representatives of the Presidents of Armenia and Azerbaijan held two meetings near the city of Prague.

2004

In 2004, direct talks between the Foreign Ministers of Armenia and Azerbaijan started within the so-called “Prague Process”.

2005

On January 25 2005 the Parliamentary Assembly of the Council of Europe adopted resolution 1416 titled “The conflict over the Nagorno-Karabakh region dealt with by the OSCE Minsk Conference”. The Parliamentary Assembly affirmed the occupation of a considerable part of the territory of Azerbaijan and expressed its concern for the fact that military action, and ethnic hostilities which preceded it, led to large-scale ethnic expulsion and the creation of mono-ethnic areas which resemble ethnic cleansing. The Assembly made it clear that the occupation of foreign territory by a member State constitutes a grave violation of that State’s obligations as a member of the Council of Europe and reaffirmed the right of displaced persons from the area of conflict to return to their homes safely and in dignity. The Assembly also recalled the relevant resolutions of the UN Security Council and urged the parties concerned to comply with them, in particular by withdrawing military forces from all occupied territories.

2006

In May 2006, a joint mission of Representatives, consisting of Deputy Foreign Ministers of the Co-Chair countries travelled to the region.

On June 22 2006, the Co-Chairmen in submitted a report to the OSCE permanent council, recommending that negotiations be continued not on the basis of solving all aspects of the conflict at once but on instead achieving progress on matters that were easier to agree on and on leaving difficult issues for further negotiations.

In response to the statement of the Minsk Group Co-Chairmen, the Ministry of Foreign Affairs of the Republic of Azerbaijan noted that defining the legal status of the Nagorno-Karabakh region of the Republic of Azerbaijan would be impossible under continued occupation and ethnic cleansing. The legal status, Azerbaijan stated, can only be discussed after liberation of the occupied territories of Azerbaijan, demilitarization of the whole conflict zone, provision of appropriate international security guarantees therein and the return of the forcibly displaced Azerbaijani population. The Azerbaijani side once again reaffirmed readiness to grant its Nagorno-Karabakh region the highest status of self-rule within the internationally recognized borders, and pursuant to the Constitution of Azerbaijan.
2007

On July 13, 2007, the Co-Chairmen of the OSCE Minsk Group issued a statement in which they provided an assessment of the then current stage of the settlement process for the conflict in light of the meeting that took place between the presidents Ilham Aliyev and Robert Kocharian in St. Petersburg on June 9, 2007. The Co-Chairmen stated that during the meeting, the Presidents concentrated on a few obstacles in reaching agreement on the set of “basic principles” and in turn were not able to come to an agreement. In their statement, the Co-Chairmen welcomed and commended an initiative to organize a joint visit of a group of intellectuals from Azerbaijan and Armenia to Yerevan, Baku and the Nagorno-Karabakh region of Azerbaijan as the first concrete confidence-building measure.

2008

On November 2, 2008, the Presidents of Armenia, Azerbaijan and the Russian Federation signed the Moscow Declaration. The Declaration states that the settlement of the conflict should be based on the norms and principles of international law and the decisions and documents approved within this framework, which includes among others the UN Security Council Resolutions of 1993 as well as the UN General Assembly Resolutions of 2006 and 2008. It also declares that the settlement of the conflict based on the norms and principles of international law will create favorable conditions for economic growth and all-round cooperation in the region.

2009

In 2009, negotiations on the settlement of Armenia-Azerbaijan Nagorno-Karabakh conflict intensified. Six meetings between the Presidents of Armenia and Azerbaijan and three meetings at the level of the Ministers of Foreign Affairs were held with the participation of the Co-Chairmen of the OSCE Minsk Group.

On December 1-2, 2009, in the framework of the 17th OSCE Ministerial Council held in Athens, representatives from the OSCE Minsk Group Co-Chair Countries – Foreign Ministers of Russia and France and the US Deputy Secretary of State made a joint statement and the OSCE Ministerial Council adopted a Statement on the Armenia-Azerbaijan Nagorno-Karabakh conflict. These statements referred to the basic principles outlined in the Moscow Declaration and the Helsinki Final Act as important elements of the conflict settlement process.

2010

In 2010, the negotiations on the settlement of the Armenia-Azerbaijan Nagorno-Karabakh conflict based on international norms and principles within the territorial integrity of the Republic of Azerbaijan continued. These negotiations were based on the updated Madrid principles presented by the Minsk Group co-chairmen in December 2009.

In 2010 three meetings were held between the President of the Republic of Azerbaijan and the President of the Republic of Armenia - on 25 June in Sochi and 17 June in Saint Petersburg and on 27 October in Astrakhan, with mediation of Russian President Dmitri Medvedev. As a result of final talks the two sides adopted a joint statement with the mediation of OSCE Minsk Group and the International Red Cross Society on returning deceased hostages and prisoners of war, as well as civilians killed as a result of ceasefire violations. The talks resulted in the returning the corpses of Mubariz Ibrahimov, National Hero of Azerbaijan and the martyr Farid Ahmadov and burying them in their home country.

In 2010, five meetings were held between the Foreign Ministers of Armenia and Azerbaijan: on July 17 in Almaty, on November 6 in Moscow, on November 19 in Lisbon, on November 22 and December 22 in Moscow).
On June 26, 2010, a joint statement by the heads of OSCE Minsk group Co-chair states in Muskoka, Canada became one of the most significant steps taken in the way to agreeing on regulating the principles on which to resolve the Armenia-Azerbaijan Nagorno-Karabakh conflict. The Heads of State mentioned the importance of a step-by-step resolution model which consists among others, of liberating the occupied territories, returning refugees and IDPs to their home lands.

On October 7-12 2010, the OSCE Minsk Group Co-Chairs conducted a Field Assessment Mission (FAM) to the occupied territories of Azerbaijan surrounding its Nagorno-Karabakh regions to assess the overall situation there. This was done at the request of the Republic of Azerbaijan, which was concerned about continued illegal activities, including illegal settlement practices, exploitation of resources that are being carried out in its occupied territories. The FAM revealed once again the continued policy of illegal settlement of ethnic Armenians in the occupied territories of Azerbaijan as well as infrastructure changes and economic activities conducted in these territories. The report of the FAM states that the status quo in the occupied territories is unacceptable and that all illegal practices in the occupied territories of Azerbaijan must be put to an end.

On December 1-2, 2010 the Astana Commemorative Declaration adopted at the 7-th Summit of the OSCE in Astana, Kazakhstan called for the resolution of protracted within agreed formats, fully respecting the norms and principles enshrined in the United Nations Charter, as well as the Helsinki Final Act. Moreover, a joint statement by the Heads of Delegation of the OSCE Minsk Group Co-Chair countries and the presidents of Azerbaijan and Armenia reaffirmed the importance of resolving the Armenia-Azerbaijan Nagorno-Karabakh conflict on the basis of principles as adopted by the Heads of State of Minsk Group Co-Chair countries in L’Aquila in 2009 and in Muskoka in 2010.

2011

In 2011, the Presidents of Armenia and Azerbaijan held two meetings at the invitation of the President of the Russian Federation, D.Medvedev, namely on March 5 in Sochi and on June 24 in Kazan. The meetings yielded no results as the non-constructive position of Armenia compelled it to maintain the current status quo and to impose a fait accompli situation. Furthermore, on September 29, President Ilham Aliyev had a meeting in Warsaw with OSCE Minsk group Co-chairs and the Personal Representative of the OSCE Secretary-General.

2012

On January 23, 2012, the Presidents of Armenia and Azerbaijan held a meeting in Sochi at the invitation of the President of the Russian Federation, D.Medvedev. A joint statement supported OSCE Minsk group co-chairs’ activity till the peaceful resolution of the conflict and stability is achieved in the region. The joint statement stressed the importance of starting the work over the Final Peace Agreement and to this end, highlighted the readiness of the Presidents of Azerbaijan and Armenia to speed up the agreement over the basic principles.

On July 14, 2012, the Minister of Foreign Affairs of the Republic of Azerbaijan held a meeting with the OSCE Chairman-in-Office. At the meeting, they discussed Armenia-Azerbaijan Nagorno Karabakh conflict, the Minister stressed that the peace process can only progress after the withdrawal of the armed forces of Armenia from the occupied territories of Azerbaijan.

On September 27, 2012, the Minister of Foreign Affairs of Azerbaijan met with the Co-Chairmen of the OSCE Minsk Group during his participation in the 67th session of the UN General Assembly. At the meeting, it was discussed that armed forces of the Republic of Armenia had not been withdrawn from the occupied territories of the Republic of Azerbaijan and there was standstill in the negotiation process as a result of the attempts of Armenia to extend the status quo. The Minister, E.Mammadyarov stated that Armenia resort to all
excuses to preserve the status quo. The Co-Chairs of the OSCE Minsk Group reaffirming the statements made by the Presidents of their respective countries stressed that the current status quo is unacceptable. The Minister of Foreign Affairs of Azerbaijan once again brought to the Co-Chairs’ notice the fact that the peace, security and stability in the region will be in peril as long as the armed forces of Armenia stay in the occupied territories of Azerbaijan.

On October 27, 2012, a meeting was held in Paris between the Ministers of Foreign Affairs of Azerbaijan and Armenia. The meeting was attended by the Co-Chairs of the OSCE Minsk Group and Personal Representative of the OSCE Chairperson-in-Office. At the meeting, they expressed their concern over the situation with regard to the Armenia-Azerbaijan Nagorno-Karabakh conflict. Besides, discussions were held regarding the necessity to change the current status quo and ways out of the deadlock in the conflict settlement process.

2013

On March 4, 2013, Foreign Minister of Azerbaijan held a meeting with the Co-Chairs of the OSCE Minsk Group and the Personal Representative of the OSCE Chairperson-in-Office. During the meeting, the Co-Chairs once again emphasized the unacceptability of the status quo in the region. Foreign Minister, Elmar Mammadyarov assessing a non-constructive stance of Armenia as an impediment for the settlement of the conflict highlighted once again the necessity of the withdrawal of the armed forces of Armenia from the occupied territories of Azerbaijan to advance the peace process and establish peace and stability in all over the region.

On May 17, 2013, the Co-Chairs of the OSCE Minsk Group held a meeting with the Foreign Ministers of Azerbaijan and Armenia in Krakow, Poland. The Personal Representative of the OSCE Chairperson-in-Office also attended the meeting. Possible ways, to move the negotiation process forward, were discussed at the meeting. The Co-Chairs reiterated the indispensability to refrain from calls and steps that could spoil the peace process and aggravate the tension, as well as discussed with the Foreign Ministers possible measures to establish a favourable condition for peace.

On 19 November, 2013, the President of Azerbaijan met his Armenian counterpart, in Vienna. The Personal Representatives of the OSCE Chairperson-in-Office also attended the meeting along with the Ministers of Foreign Affairs of both countries. The Presidents discussed a wide range of issues related to the settlement of the Armenia-Azerbaijan Nagorno-Karabakh conflict in a one-on-one meeting and later on during the consultations attended by the co-chairs and ministers. The Presidents consented to boost future talks aimed at achieving a peaceful settlement of the conflict, as well as instructed the foreign ministers to proceed the process on the basis of what was previously carried out together with the Co-Chairs to intensify the peace process and agreed to continue the negotiations.

On December 4, 2013, Minister Elmar Mammadyarov met with the OSCE Minsk Group Co-Chairs and Personal Representative of the OSCE Chairman-in-Office on the sidelines of the 21st meeting of the OSCE Ministerial Council. During the meeting, the discussions were held over the negotiation process on the settlement of the Armenia-Azerbaijan Nagorno-Karabakh conflict, as well as over the plans and proposals of the OSCE Minsk Group Co-Chairs in this direction in the years to come. Minister Elmar Mammadyarov once again pointed out Azerbaijan's position on the settlement of the conflict stressing that the Armenian armed forces must be withdrawn from the occupied Azerbaijani territories for the peaceful settlement of the conflict.

2014

In 2014, the Presidents of Armenia and Azerbaijan held three meetings. The first meeting took place with the mediation of President of the Russian Federation in Sochi on August 10, the second one via the mediation of the US State Secretary in Newport, Wales on
Instead of discussing the concrete issues tabled after the Paris meeting of the Presidents Armenia carried out a large-scale military training in the occupied territories of Azerbaijan with the participation of more than 40,000 personnel. The brinkmanship carried out by Armenian air forces against positions of armed forces of Azerbaijan on the line of contact resulted in the shoot-down of one of the helicopters of Armenia.

On July 22, 2014, Minister Elmar Mammadyarov met with the Co-Chairs of the OSCE Minsk Group in Brussels while participating in the 5th meeting of the Foreign Ministers of the countries included in the Eastern Partnership Program of the European Union. At the meeting, they discussed ways to speed up the settlement process.

2015

On January 23, 2015, Minister Elmar Mammadyarov met with the French Co-Chair of the OSCE Minsk Group. The sides discussed the negotiation process on the settlement of the Armenia-Azerbaijan Nagorno-Karabakh conflict, as well as the OSCE Minsk Group’s action plan and regional security.

On January 27, 2015, Minister Elmar Mammadyarov met with OSCE Minsk Group Co-Chairs and the Personal Representative of the OSCE Chairman-in-Office in Krakow.

Elmar Mammadyarov pointed out that the extension of the settlement of the Armenia-Azerbaijan Nagorno-Karabakh conflict is the main obstacle to the establishment of lasting peace and stability in the region, and highlighted the importance of the withdrawal of the Armenian armed forces from the occupied territories of Azerbaijan which is the main issue for the settlement of the conflict. The Foreign Minister asserted that the OSCE Minsk Group should accelerate its activity in the conflict settlement process taking into account the non-constructive position of the Armenian political leadership in the negotiation process.

On February 16, 2015, Minister Elmar Mammadyarov met with the OSCE Minsk Group Co-Chairs in Azerbaijan. They exchanged their views over the negotiations on the settlement of the Armenia-Azerbaijan Nagorno-Karabakh conflict. Speaking of the ceasefire violations, the Minister emphasized the importance of the co-chairs’ demand vis-à-vis the withdrawal of Armenian armed forces from the occupied Azerbaijani territories in compliance with the international law and the four UN Security Council resolutions.

On June 1, 2015, Minister Elmar Mammadyarov met with OSCE Chairperson-in-Office, First Deputy Prime Minister and Foreign Minister of Serbia Ivica Dačić. During the meeting, the minister said that the Armenia-Azerbaijan Nagorno-Karabakh conflict can only be resolved on the basis of the norms and principles of international law, especially respecting the territorial integrity and sovereignty of Azerbaijan within its internationally recognized borders, and the four UN Security Council resolutions.

On September 25, 2015, the Azerbaijani Foreign Minister met with the Armenian Foreign Minister in the presence of the OSCE Minsk Group co-chairs and the Personal Representative of the OSCE Chairman-in-Office on the sidelines of the 70th session of the UN General Assembly. Minister Mammadyarov once again emphasized Azerbaijan’s aforementioned position on the settlement of the Armenia-Azerbaijan Nagorno-Karabakh conflict.

2016

On March 17, 2016, Foreign Minister Elmar Mammadyarov received a delegation headed by Special Representative of the OSCE Chairperson-in-Office for the Southern Caucasus. Speaking about the ongoing negotiations over the settlement of the Armenian-Azerbaijani conflict, Elmar Mammadyarov stressed that Armenia’s main objective is to undermine the negotiation process with various provocative actions and maintain the existing status quo which is based on occupation and aggression to eventually annex Azerbaijani
He also noted that by moving technical issues such as the investigation of incidents into the agenda, Armenia attempts to divert attention from the resolution of the conflict.

The Minister noted that, first of all, based on the UN Security Council resolutions Armenian troops should be withdrawn from all the occupied territories of Azerbaijan for the resolution of the conflict, as well as occupation and aggression must be abandoned, territorial integrity and sovereignty of Azerbaijan within its internationally recognized borders should be restored.

On September 22, 2016, Foreign Minister Elmar Mammadyarov met with the OSCE Minsk Group Co-chairs on the sidelines of the 71st session of the UN General Assembly. Discussions were held over the acceleration of the peace process and the achievement of substantial results in the negotiations. Minister Elmar Mammadyarov said that Armenia aims to torpedo the negotiation process with its recent provocative actions and by carrying out military exercises in the occupied Aghdam region of Azerbaijan.

2017

On June 19, 2017, Foreign Minister Elmar Mammadyarov met with the OSCE Minsk Group Co-chairs and Personal Representative of the OSCE Chairperson-in-Office. At the meeting, it was emphasized that substantive negotiations are necessary to change the currently unacceptable and unsustainable status-quo. The Minister drew attention to provocations conducted by Armenia on the contact line, and noted that through these provocations and deliberate escalation, Armenia undermined the conflict resolution process. Elmar Mammadyarov touched upon the illegal actions such as plundering and destruction of material and cultural monuments, as well as organization of illegal flights and other economic activities carried out by Armenia in the occupied territories of Azerbaijan. He added that such illegal activities of Armenia in the occupied territories severely thwart the negotiation process over the conflict settlement.

On September 23, 2017, Foreign Minister Elmar Mammadyarov met with OSCE Secretary General on the sidelines of the 72nd session of the UN General Assembly.

Minister Elmar Mammadyarov briefed him on the latest status of the negotiation process and the Armenia-Azerbaijan Nagorno-Karabakh conflict. Stating that the OSCE Minsk Group Co-chairs and all international community have accepted the fact that the existing status quo is unacceptable and unsustainable, the Minister stressed that Armenian armed forces must be withdrawn from all occupied Azerbaijani territories to achieve progress in resolving the conflict. The Minister underlined that attempts to alter the internationally recognized borders of states by use of force is unacceptable. Furthermore, the Minister reiterated that the conflict must be resolved based on the sovereignty, territorial integrity and inviolability of the internationally recognized borders of the states in accordance with the norms and principles of international law, as well as four UN Security Council resolutions.

The Foreign Minister also held a meeting with the OSCE Minsk Group Co-Chairs on the sidelines of the aforementioned session. Discussions were held over the issues on the agenda and the negotiation process on the settlement of the Armenian-Azerbaijani Nagorno-Karabakh conflict.

On September 25, 2017, Foreign Minister Elmar Mammadyarov met with his Armenian counterpart Edward Nalbandian within the framework of the 72nd session of the UN General Assembly together with the OSCE Minsk Group co-chairs and Personal Representative of the OSCE Chairman-in-Office. They had a broad exchange of views over the settlement of the Armenian-Azerbaijani Nagorno-Karabakh conflict, as well as reviewed the steps to be taken by Armenia, Azerbaijan and the co-chairs.

2018

On July 11, 2018, Ministers of Foreign Affairs of Azerbaijan and Armenia met in Brussels through the mediation of the OSCE Minsk Group Co-chairs. During the meeting, the
negotiation process on the settlement of the Armenia-Azerbaijan Nagorno-Karabakh conflict was extensively discussed and the continuation of the existing negotiation format noted. They also exchanged views on the next steps to advance the negotiation process and the action plans of the co-chairs.

On September 28, 2018, President of the Republic of Azerbaijan Ilham Aliyev and Armenian Prime Minister Nikol Pashinyan had a conversation on the sidelines of the CIS Summit in Dushanbe. They affirmed their commitment to the negotiation process regarding the settlement of the Armenia-Azerbaijan Nagorno-Karabakh conflict and the strengthening of the ceasefire regime by preventing incidents on the line of contact and Armenia-Azerbaijan border.

On December 5, 2018, Minister of Foreign Affairs of the Republic of Azerbaijan Elmar Mammadyarov met with the OSCE Minsk Group Co-chairs and the acting Foreign Minister of Armenia Zohrab Mnatsakanyan in Milan. Very important and useful talks were held enabling the parties to better understand each other’s position and agree to continue the work to settle the Armenia-Azerbaijan Nagorno-Karabakh conflict through fair and sustainable peace.

2019

On January 16, 2019 Minister of Foreign Affairs of the Republic of Azerbaijan Elmar Mammadyarov met with the OSCE Minsk Group Co-chairs and the acting Foreign Minister of Armenia Zohrab Mnatsakanyan in Paris. The meeting resulted in a joint statement agreeing to prepare the populations of both sides for peace, security and sustainable development.

On January 22, 2019, President of the Republic of Azerbaijan Ilham Aliyev and Armenian Prime Minister Nikol Pashinyan held an informal meeting on the sidelines of the World Economic Forum in Davos. The parties discussed the current state of negotiations on the settlement of the Armenia-Azerbaijan Nagorno-Karabakh conflict.

On March 29, 2019, President of the Republic of Azerbaijan Ilham Aliyev and Armenian Prime Minister Nikol Pashinyan held a meeting in Vienna to discuss the settlement of the Armenia-Azerbaijan Nagorno-Karabakh conflict. The meeting was first held one-on-one, then later with the participation of the OSCE Minsk Group Co-chairs.

On April 15, 2019, at the initiative of the Russian side, a working meeting was held in Moscow between the Minister of Foreign Affairs of Azerbaijan and Armenia, with the participation of the Russian Foreign Minister Sergey Lavrov. The meeting was also attended by OSCE Minsk Group Co-chairs. The Ministers discussed the settlement of the Armenia-Azerbaijan Nagorno-Karabakh conflict, specifically in regards to continuing the negotiation process, reducing tensions in the conflict zone, as well as possible cooperation in the humanitarian field and taking steps to establish people-to-people contacts and reciprocal visits by media representatives.

On June 20, 2019, a meeting was held in Washington between the Minister of Foreign Affairs of Azerbaijan and Armenia. The meeting was also attended by OSCE Minsk Group Co-chairs. The Ministers discussed the implementation of agreements reached during their previous meetings in Paris and Moscow.

On September 23, 2019, the Minister of Foreign Affairs of Azerbaijan and Armenia met with the participation of Minsk Group Co-chairs in New York to exchange views on the need for OSCE Minsk Group co-chairs to expand their efforts in bringing peace to the region and to supporting respect for international norms and principles.

On December 5, 2019, the Minister of Foreign Affairs of Azerbaijan and Armenia held a meeting on the sidelines of the OSCE Ministerial meeting in Bratislava with the mediation of Minsk Group Co-chairs. In the meeting which lasted for over 3.5 hours, the sides discussed the current situation of the conflict as well as possible ways for a future peaceful settlement. The Ministers agreed to continue negotiations and to hold a subsequent meeting in early 2020.
On February 15, 2020, the panel discussions on the Armenia-Azerbaijan Nagorno-Karabakh conflict with the participation of President of the Republic of Azerbaijan Ilham Aliyev and Prime Minister of the Republic of Armenia Nikol Pashinyan was held as part of the Munich Security Conference. During the discussions, the President of Azerbaijan once again brought to the attention of the international community Azerbaijan’s just position on the conflict and Ilham Aliyev referred to historical facts and international documents in his remarks on Armenia’s policy of aggression and false allegations.

The armed attack carried out by the Armenian armed forces in the direction of Tovuz region of Azerbaijan in July of this year was resolutely prevented by the Azerbaijani Army. Since then, Armenia concentrated its troops along the occupied territories of Azerbaijan and committed acts of sabotage. On September 27, 2020, the Azerbaijani army started to conduct defensive warfare along the entire front in order to prevent the enemy’s attack and restore its territorial integrity within its internationally recognized borders.

In this regard, President of the Republic of Azerbaijan Ilham Aliyev stated: “We are fighting in our own lands. Our territorial integrity must be restored and we are on the right way. Our soldier is a saviour. Because he is liberating his native land from invaders”.

2020
2. Arms supplies to Armenia

Illegal supplies of Russian arms to Armenia from 1993 till 1994 including 84 tanks T-72, 50 CIV, 32 operational-tactical missiles P-17 capable of a range of 300 km and capable of carrying nuclear warheads as well as other arms amounted to 1 billion US dollars cause Azerbaijan a lot of trouble. These supplies violate the rules of international law and the principles of peaceful settlement of Armenian-Azerbaijani conflict. Such illegal actions contradict UN Security Council resolution 853, the Statement of the President of the Security Council of August 18, 1993 and the decisions of the OSCE High-ranking Officials Committee of February 28 and March 14, 1992 which demand that the military supplies to the states involved in the conflict should be stopped, since they facilitate the escalation of the conflict and the maintenance of the occupation of Azerbaijani territories.

Illegal supplies also contradict the provisions of the Agreement on Conventional Forces in Europe.

http://www.azembassy.ro