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The approach of international organizations to the Karabakh problem

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ABSTRACT

After the Armenian-Azerbaijani Karabakh conflict began, this problem did not attract the attention of the international community for a long time. The Karabakh conflict, which is a priority issue of Azerbaijan's foreign policy, has been kept in a "frozen conflict" status by international organizations for nearly 30 years. On September 27, 2020, Azerbaijan restored territorial sovereignty with a counter-offensive operation.

Keywords: Azerbaijan, Armenia, Nagorno-Karabakh, UN, OSCE, aggression

1. United Nations Organization

The implementation of the aggressive policy of Armenia against Azerbaijan was always accompanied by the indifference of the international community. Already in 1992, the Armenian armed forces had sufficiently expanded the scale of military operations aimed at occupying the territories of our republic. However, no international organization gave an objective assessment of these acts of aggression, which were taking place in front of everyone's eyes and grossly trample on the norms of international law. It is true that certain resolutions and statements of the UN, OSCE, and the European Union appeared on this issue at different times, however, those documents did not accurately assess the real causes of the conflict and did not make any distinction between the aggressor and the aggressee.

In March 1992, Azerbaijan became a member of the UN. In March of the same year, the Permanent Representations of Azerbaijan to the UN was opened in New York. After that, Azerbaijan appealed to the UN and asked to express its opinion on the aggressive policy of Armenia and to prevent this country's acts of aggression.

In 1993, another region of Azerbaijan - Kalbajar was occupied by Armenians. Azerbaijan appealed to the UN about this and asked to assess the actions of the aggressor. On April 6, the statement of the Chairman of the UN Security Council was accepted. The statement expressed concern over the increase in tension between Armenia and Azerbaijan and the intervention of "local Armenian forces" in the Kalbajar region.

The statement reaffirmed the principle of the inviolability of the territorial integrity of all states and again called on the parties to take appropriate steps to achieve progress in the peace process within the framework of the CSTO. However, this statement also did not give a correct assessment of the problem. The point is that the attitude towards the occupation policy of Armenia was not reflected in the document, and it was emphasized that the occupation of Kalbajar was allegedly carried out by "local Armenians". It should be noted that this statement was mainly based on the information provided by Armenia. By denying the facts revealed by Azerbaijan that Armenia took part in the occupation of Kalbajar, it tried to prove that "local Armenians" were guilty of usurping the region.

On April 30 of the same year, the first resolution of the UN Security Council on the Armenia-Azerbaijan, Nagorno-Karabakh conflict was adopted. This document, called "Resolution No. 822 of

the UN Security Council", was prepared with reference to the statements made by the Chairman of the Security Council on January 29 and April 6, 1993. In the resolution, it is noted that stability and peace in the region are in danger, concern is expressed about the increase in the number of internally displaced persons, and the need to eliminate the problems caused by the emergency situation in Kalbajar region was stated. The UN Security Council called for an end to acts of aggression and military operations for a permanent cessation of hostilities, and demanded the withdrawal of the aggressor forces from Kalbajar region and other occupied territories of Azerbaijan. The Security Council expressing its support for the peace process implemented within the framework of the CSTO on the Nagorno-Karabakh conflict and expressing deep concern that the intensification of armed military operations could have devastating consequences for this process:

1. Demands the immediate cessation of all military operations and hostilities, as well as the immediate withdrawal of all occupying forces from Kalbajar region and other recently occupied regions of Azerbaijan, for the purpose of a unilateral ceasefire;

2. In order to resolve the conflict within the framework of the peace process of the CSCE Minsk Group, it insistently invites the parties interested in this case to immediately resume negotiations and to refrain from any activities that may complicate the peaceful resolution of the problem," the resolution stated.

However, this resolution was not able to stimulate the achievement of peace in the region. First of all, because the resolution of the UN Security Council was loaded with general words and did not serve the purpose of giving any specific assessment of the issue. On the other hand, the implementation mechanisms of the provisions reflected in the resolution were not specified. Although the fact of the occupation of Azerbaijani lands was confirmed in the document, it was not clearly stated by whom it was carried out and it was emphasized that the military operations were allegedly carried out by "local Armenians". This, of course, did not allow to identify the aggressor and to clarify the concrete solutions to the conflict (4, p.58-59).

On July 23, 1993, Armenian armed forces invaded the Aghdam region of Azerbaijan. It should be noted that this confirmed that Armenia neglected the resolution adopted by the UN Security Council. At the end of July, a meeting of the UN Security Council was held, where Resolution No. 853 on the Armenian-Azerbaijani Nagorno-Karabakh conflict was adopted. This resolution also demanded the withdrawal of the occupying forces from all other occupied territories of Azerbaijan, including Aghdam. The resolution expressed concern about the fact that a part of

Azerbaijani citizens were living as internally displaced persons and stated the need for the parties to reach a ceasefire to stop the conflict. The escalation of the situation between Armenia and Azerbaijan and the fact of the occupation of some territories of Azerbaijan are also particularly mentioned in this document, and it was stated that the acts of aggression are a serious obstacle to peace in the region. Although Resolution No. 853 of the UN Security Council seems to be more objective than Resolution No. 822 due to some of its characteristics, the issue has not received its exact assessment here either. Because the Security Council did not mention the name of the aggressor, preferring to be content only with the phrase "local Armenians". However, it was already known to everyone who the attacker was, and now only it remained to be officially confirmed. The UN Security Council did not take such a step.

This ambiguous attitude created favorable conditions for Armenia to expand its occupation operations. Taking advantage of the fact that the international community did not react objectively to the events, the Armenians carried out new acts of aggression and occupied the lands of Azerbaijan.

Thus, Fuzuli and Jabrayil regions were also occupied. Although an agreement was reached on a ceasefire in August 1993, the Armenians did not follow it and captured the Gubadli region. Azerbaijan once again had to appeal to the UN Security Council. In this appeal, it was reflected that Azerbaijan did not agree with the "updated schedule of urgent measures" prepared by the Minsk group. On October 14, 1993, the UN Security Council again discussed the Nagorno-Karabakh problem and adopted Resolution No. 874. In this resolution, the "updated schedule of urgent measures" developed by the Minsk group is appreciated and the possibility of settling the conflict based on this plan is stated (4, p. 61).

On November 11, 1993, the UN Security Council adopted Resolution No. 884, re-discussing the situation regarding the continuation of the conflict in accordance with Azerbaijan's request. That resolution expressed concern over the occupation of Horadiz settlement and Zangilan district of Azerbaijan, and the document demanded the withdrawal of the occupying forces from these areas. This resolution, of course, was not implemented. It should be noted that the document in question did not differ in principle from the previous resolutions of the UN Security Council. None of these resolutions could fully reflect the requirements of the relevant UN charter. The point is that in the documents adopted by the UN, very important principles of international law were somehow forgotten and no specific mechanism was defined for punishing the aggressor.

The point is that according to the UN Charter, the SC is given broad powers to resolve controversial issues, including conflicts. Although the Council's resolutions are not binding and have a recommendation nature, the SC has the right to make binding decisions if they are not implemented and the issue is a threat to international peace. However, we did not observe this in the example of the Armenian-Azerbaijani, Nagorno-Karabakh conflict.

2). Organization for Security and Cooperation in Europe

Azerbaijan became a member of this prestigious international organization in 1992. Azerbaijan, which became a member of the Council on Security and Cooperation in Europe on January 30 of the same year, signed the organization's documents on July 8 at the CSCE summit held in Helsinki. In February 1992, the first CSCE mission came to our republic to prepare a report on the Armenian-

Azerbaijani Nagorno-Karabakh conflict. In February, the report of the mission was heard at the meeting of the organization's Senior Officials Committee (SEC) held in Prague. The report confirmed the fact that Nagorno-Karabakh is the territory of Azerbaijan. The committee also declared the necessity of achieving the conflict resolution through peaceful means (4, p. 71).

On March 24, the Council of Ministers of Foreign Affairs of the CSCE discussed the situation and decided to convene a peace conference on Nagorno-Karabakh based on the guarantee of the JSC to ensure a peaceful settlement of the conflict. With this, the foundation of the Minsk process was laid.

One of the main results of the Budapest summit was the creation of the institution of co-chairmanship in the Minsk group. The decision to create a peacekeeping force from the military forces of various states prevented Russia from trying to solve the issue on its own. It should be noted that at that time official Moscow tried very hard to make the peacekeepers consist of the Russian army.

At the summit meeting of heads of state and government of the OSCE member states held in Lisbon in December 1996, three important documents (the declaration of the Lisbon summit of the OSCE member states, the declaration on the general and comprehensive security model for Europe of XXI century and the parameters of the process of limiting conventional armed forces in Europe and scope document) had to be accepted. However, one of the provisions reflected in the declaration of the summit - Article 20, which contains the principles of the resolution of the Armenian-Azerbaijani Nagorno-Karabakh conflict, caused objections from the Armenian side. Armenia vetoed that article. The President of Azerbaijan, Heydar Aliyev, expressed his strong objection to the removal of that article from the text of the statement and said that he would veto all documents of the summit. The negotiations failed to make the President of Azerbaijan change his position, and our country vetoed all documents of the summit using the right not to give consensus. This meant that the Lisbon summit could end without results (6, p. 85)

Article 20 indicated the possibility of resolving the Nagorno-Karabakh conflict on the basis of three principles: the inviolability of the territorial integrity of Azerbaijan and Armenia, the granting of autonomy and self-government status to Nagorno-Karabakh based on the right to self-determination within the Republic of Azerbaijan, and ensuring the security of all the people of Nagorno-Karabakh. It was accepted as a conflict resolution formula at the meeting of the Minsk Group held in Helsinki in November 1996, and almost the same project was put forward by Flavia Kolti, the acting chairman of the OSCE, in February of the same year.

Despite all the obstacles and difficulties, the President of Azerbaijan remained faithful to his principles until the end and justified his position with quite serious arguments in his meetings with many heads of state. After long and intense discussions, a consensus was reached that all the principles reflected in Article 20 should be established in a special statement of the OSCE Chairman-in-Office. The statement said: "The co-chairs of the Minsk Group have recommended 3 principles that will be part of the settlement of the Nagorno-Karabakh conflict. These principles are defended by all countries that are members of the Minsk Group. They are as follows:

- Territorial integrity of the Republic of Armenia and the Republic of Azerbaijan;

- The legal status of Nagorno-Karabakh, which ensures the highest self-governance defined in an agreement based on self-determination within Azerbaijan;

- the security of Nagorno-Karabakh and its entire population, including the mutual obligations of all parties to ensure compliance with the provisions of the settlement of the issue". This was a very important success achieved by our country at the diplomatic level.

First of all, Azerbaijan managed to focus the attention of the whole world on the Karabakh conflict, which was a very important issue. Because the world's attitude to the problem was not formed on the basis of objective information, and Azerbaijan managed to change the results of the propaganda campaign carried out by Armenia and the Armenian lobby for a long time at the Lisbon summit within a day.

On the other hand, Armenia once again revealed that it is pursuing an occupation policy and is against the principles of international law accepted by the whole world. At the same time, all the OSCE members, with the exception of Armenia, confirmed the possibility of resolving the conflict only under the conditions of the territorial integrity of Azerbaijan, Nagorno-Karabakh remaining as part of Azerbaijan, and ensuring the safety of the entire population of Nagorno-Karabakh (including Azerbaijanis living in the area). Armenia, for the first time, encountered a serious threat from the international community during this summit and found itself in an isolated situation. And finally, during the Lisbon summit, the legal framework accepted by the international community, which ensures Azerbaijan's national interests, was determined for the next stage of the negotiation process related to conflict resolution.

In 1999, at the OSCE Istanbul Summit, Azerbaijan took important steps to declare its fair position to the world. Effective negotiations conducted by President Heydar Aliyev at the Istanbul summit once again demonstrated the non-constructive position of Armenia. Official Yerevan was actually trying to slow down the process of signing the peace agreement. However, before the summit, many international observers, including the participants of the summit, had high hopes that a peace agreement would be signed, articles 20 and 21 of the declaration adopted at the Istanbul summit were entirely devoted to the Armenia-Azerbaijan, Nagorno-Karabakh conflict, and the necessity of continuing the peace process here is definitely was reported (6, p. 90).

The OSCE Summit in Lisbon (Portugal) on December 2-3, 1996 was marked by a historic event.

It was at this summit that the final statement on the settlement of the Nagorno-Karabakh conflict included a paragraph reflecting the three principles of the conflict settlement: the territorial integrity of Azerbaijan is restored, Nagorno-Karabakh is given a high status of autonomy within Azerbaijan, the security of both communities of the region is ensured, including the terms of the settlement mutual obligations are assumed to ensure compliance by all parties.

However, Armenia abused the principle of consensus and did not agree to that article. The late President Heydar Aliyev said that he would veto the final document of the summit as a response. As a result, as a way out of the critical situation, those provisions were adopted in the form of a special statement of the acting chairman of the OSCE.

The statement made by the OSCE chairman was supported by all member states except Armenia. This meant that all OSCE member states, except for the aggressor, support the territorial

integrity of Azerbaijan and recognize Nagorno-Karabakh as a part of it.

The summit of the OSCE heads of state and government was held in Lisbon with the participation of 52 European states, the USA, Canada and 10 Asian-African heads of state in observer status. Therefore, the Lisbon summit, where the Caucasus region, especially the Armenia-Azerbaijan, Nagorno-Karabakh conflict, was widely discussed at a high level for the first time, was therefore more important for Azerbaijan than the Budapest Summit.

It should be recalled that the Budapest summit was held on December 5-6, 1994, and according to the results of that summit, the CSCE (Council on Security and Cooperation in Europe) established the rules of civilized coexistence of the new Europe, ensuring the protection of peace, democracy and human rights, the security of its member countries and it was transformed into a pan-European organization with self-management mechanisms that implements the principles of mutually beneficial cooperation - OSCE (Organization for Security and Cooperation in Europe).

At the Budapest summit, the co-chairmanship institute was established within the framework of the Minsk process.

After the Budapest summit, the negotiations between Azerbaijan and Armenia regarding the settlement of the Nagorno-Karabakh conflict were strengthened again by the initiatives of individual member states of the OSCE rather than the Minsk Group, but it was not possible to achieve any results. Until the end of 1995-1996, mediation by the West, Russia and the OSCE in negotiations did not give concrete results in solving the Nagorno-Karabakh issue.

Thus, on the eve of the fourth summit meeting of the heads of state of the OSCE, which will be held in Lisbon, the only achievement was the ceasefire between Azerbaijan and Armenia.

As a result, the Karabakh conflict ended as a result of Azerbaijan's 44-day historical victory as a result of the Iron Fist operation, and now the countries of the world know the truth of Azerbaijan and support the territorial integrity of our country. Also, now, Armenia sees a strong, comprehensively developed Azerbaijan in front of the whole world. In the documents of the European Union and other international organizations, Karabakh is confirmed as the territory of Azerbaijan. The holding of direct meetings between Azerbaijan and Armenia, the beginning of border demarcation and delimitation processes, the return of 4 non-enclave villages of Gazakh are considered important steps in the normalization of relations between the countries.

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