

## TERRITORIAL INTEGRITY IN THE MODERN EUROPEAN SPACE – THE POSITION OF EUROPE ON NAGORNO-KARABAKH CONFLICT

**Key words:** Azerbaijan, Nagorno-Karabakh, Territorial integrity, Organisation for Security and Co-operation in Europe (OSCE), European Union, United Nation

**Açar sözlər:** Azərbaycan, Dağlıq Qarabağ, Ərazi Bütövlüyü, Avropada Təhlükəsizlik və Əməkdaşlıq Təşkilatı (ATƏT), Avropa İttifaqı, Birləşmiş Millətlər Təşkilatı

**Ключевые слова:** Азербайджан, Нагорный Карабах, Территориальная целостность, Организация по безопасности и сотрудничеству в Европе (ОБСЕ), Европейский Союз, Организация Объединенных Наций

### Introduction

The EU and its members do not necessarily consider that peace and security are always best served through the formation of new states or a change of territorial borders. As recent cases evince, a commitment to pragmatic reasoning does not imply that this regional organization, or a majority of its members, has become more prone to support the aspirations of secessionist movements instead of reaffirming territorial integrity and state sovereignty in conflicts over these matters. Recognizing the extremely complex context of the high postmodernity of the current global situation, this study is devoted to genealogy, a critical analysis and the importance of the concepts of space / spatiality, territory / territoriality and sovereignty for the theory of international relations. The biggest problem for Azerbaijan is the Nagorno-Karabakh conflict. The conflict with Armenia over Nagorno-Karabakh has led to a precarious ceasefire and dead-locked Organisation for Security and Co-operation in Europe (OSCE) peace negotiations. The EU prioritizes the official mediation executed by the OSCE Minsk Group.

**Relevant United Nations.** As for introduction to this topic, we know that the region of Caucasus is based on different cultures which formed the diversification of the traditions in the region. We may say as the complexity of the values those affected moreover to the political system of the region which the member states themselves try to protect and get their own goals and wants. With the fall of the Soviet Union, Azerbaijan found itself in a very complex situation. The occupation of nearly one-fifth of its territory, including the former Nagorno-Karabakh autonomous oblast and seven other adjacent Azerbaijani districts (Lachin, Kelbajar, Fizuli, Jebrail, Zangelan, Aghdam and Gubadli) by Armenia has left Azerbaijan with one million naturalised refugees and internally displaced persons today, the vast majority of whom were displaced during the early 1990s. (1). We may witness the thoughts stressed above by the situation over the different political problems amongst the member states of the Caucasus region. If we will try to explain the political tension on the Nagorno-Karabakh, where is the historical territories of Azerbaijan Republic that occupied by Armenia, there is an essential question why Armenia has not obeyed, fulfilled the four resolutions of the United Nations Security Council according to this conflict which are those: 1) 822 – Withdrawal of the Armenian troops from Kelbajar and also recently occupied territories of Azerbaijan Republic, accepted 30 April 1993; 2) 854 - Immediate cessation of all hostilities and withdrawal of Armenian troops from Aghdam moreover recently occupied territories of Azerbaijan Republic, 29 July 1993; 3) 874 - Providing of ceasefire, immediate cessation of all hostilities and withdrawal of Armenian troops from Fuzuli, Gubadli and Jabrayil, 14 October 1993; 4) 884 - Providing of the articles, principles of UN Security Council resolutions, emphasized above by Armenian government and also calls for withdrawal of Armenian troops from the Azerbaijan district of Zengilan, 12 November 1993. (9).

Collapsing of the Soviet Union gave the possibilities to the member states of the South Caucasus to start the state building activities, process those were destroyed before 73 years ago. In this process the main stage was the definition of the identity issues for getting the construction of the peaceful situation in the region because of the complexity on the thought and the culture might yield the new prospects for the struggles, tension. First one we should stress the way going to the United Nation, here we must pay the attention to the facts which were hindering the member states of the South Caucasus to get the representation right on the United Nation as the independent state. Primarily the new member states had to fulfil the requirements of the United Nation, those criteria are determined in the article 4 of the Charter of the United Nations and the process of the application is emphasized in the rule of the UN from article 134 to 138 means its fundamental

requests like: 1. International peace and security must be maintained; 2. The new member states will must refrain the threat, attack and the use of the aggression versus the territorial integrity and also politically independence of other member states.

While these requirements were being demanded for the membership to the UN it was complex to perform them for some post-soviet member because as for example, Azerbaijan's territories were occupied by Armenia but Azerbaijan was not alone moreover Georgia was involved in the territorial dispute on the South Ossetia and Abkhazia. From the other points, the governments of the previous members had to obey the rule of law, human right and democratization principles which were requested to get the membership in the UN. (3).

The United Nations adopted four resolutions (9), demanding immediate and unconditional withdrawal of the Armenian troops from these territories, but they are not implemented. As a result of Armenian occupation, one million Azerbaijanis became victims, refugees, and suffered ethnic cleansing. (2). Azerbaijani officials always note that a speedy resolution of the conflict based on relevant law norms and the UN Security Council resolutions will be to the benefit of all the people in the South Caucasus. If international community will put more pressure on the aggressor, to start the de-occupation of Azerbaijani lands, it will make to start the process of normalization of relations between Azerbaijan and Armenia. Territorial integrity of Azerbaijan has the same value as territorial integrity of any other country and the EU supports the territorial integrity, independence, and sovereignty of Azerbaijan. The status quo in the Nagorno-Karabakh conflict is unsustainable and a peaceful resolution under negotiations and compromises is increasingly needed. There's no alternative, Azerbaijan and EU are agree with this. Both sides need to avoid not only military actions but also radical language and aggressive rhetoric.

Politicians in West seems have no particular interest in the Nagorno-Karabakh conflict, which has been going on for years. But the conflict could spread beyond the line and take the region into a larger war, something the West doesn't want and must avoid at all costs. Economy of Armenia has been devastated by its continued occupation of Nagorno-Karabakh and they remain dependent on Russia for most of things. Armenia can't make any independent political calls without clearing it with Moscow first. It has become totally dependent on Moscow for its security and its existence practically. We should remind that in second largest city of Armenia, in Gyumri is still Russian army base. This conflict, if left unresolved, could very easily became a major regional conflict, dragging other countries direct influence in to it. Azerbaijan is an important supplier of oil and natural gas to Europe, so any conflict in region would certainly affect its energy industry and weak it. The network of pipelines that carry Azerbaijan's gas and oil through Azerbaijan and Turkey could become easy targets in a conflict as it was during Georgian-Russian war. If this conflict will start in winter, parts of Europe and Israel would be without a natural gas and oil. Europe should not let this to happen, Azerbaijan wants to be European. So, Europe needs to help Azerbaijan to achieve this aim. So, strategy of Azerbaijan is to have balanced politics to the all of sides. But for sure Azerbaijan remains in Europe, where it wants to be and where it would be advantageous to the NATO to have a friend such as Azerbaijan. The current composition of the Minsk Group which is made up of the US, France and Russia are influenced by Armenian lobby. Azerbaijan wants help to prevent this conflict which will spread through the Caucasus – the gateway between Europe and Central Asia. Azerbaijan tries to bring people and countries, civilizations together. Country is situated on the crossroads of civilizations, cultures, religions, just between Europe and Asia. Of course, this geographical location played its role in cultural diversity of Azerbaijan. For centuries, representatives of all the cultures, religions, ethnicities have lived in Azerbaijan in peace, in dignity as one family. Azerbaijan is a country which is part of the Muslim world, and at the same time, a country with strong connections with Europe. The first Democratic Republic in the Muslim world was created in Azerbaijan in 1918. And immediately after that women were granted the right to vote much earlier than in some of the European countries. Therefore, cultural and ethnic identity together with influence from Europe created an absolutely special atmosphere in society. Azerbaijan is relatively young as an independent country. Only 26 years. But these were years of reforms, transformation and development.

**The position of Europe.** *The OSCE in the conflict resolution:* For getting the solution of the territorial dispute peacefully the document, principles of the OSCE were respected by the member states of the South Caucasus. Whereas approximately near to 25 years the problem of Nagorno-Karabakh has not settled while the various international actors made the decision regarding to support Azerbaijan against Armenian's occupation. Could we say the reason is non-function of the OSCE or lack of its authority? The main ingredients of the solution ways by proposition of OSCE Minsk group (USA, Russia and France) could be divided four categories like:

1. The status of Nagorno-Karabakh, and more in particular the status of the city of Shusha with its historical significance for the Azerbaijan's.

2. The status and size of the Lachin corridor.
3. The buffer zone around Nagorno-Karabakh and related issues.
4. The status and size of a corridor to Nakhchivan.

These all offered by the OSCE Minsk group as deal to the problem and the assistance for talking between the presidents of both sides but OSCE mandate is restricted over forcing the states to agree with these suggestions above. Maybe the problem is because here the situation is clear as seen from the articles emphasized that who is occupier and whose territories are under the occupation. From this point of view may be the mandate of the OSCE Minsk group should be transformed to arbitration from mediation for solving problem as soon as possible.

In other case we should define that what is the method of OSCE for dealing the NK problem by the way of step by step or package? From the first point of view both of them are possible for getting the solution but are them enough to solve problem because in the situation of mediatory function of the OSCE Minsk group. In both of proposition means step by step and package methods the mediatory function of OSCE will not be able to be accepted the four articles stressed above to Armenian government therefore as officially Armenian government hinders the solving of the problem over the NK by not agreed with suggestions and status quo continues since near to 25 years. If there had existence of arbitrary function Armenia obligatory would adopt the requirements of OSCE and also UN's four resolutions about the NK problem and peace and security would have been provided in the region.

*The EU in the conflict resolution:* In a resolution of 20 May 2010 on the need for an EU strategy for the South Caucasus, the European Parliament expressed, *inter alia*, the following: “[The European Parliament 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 recognize these rights, the need for their prompt realization 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 organized 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; considers that the situation of the IDPs and refugees should be dealt with according to international standards, including with regard to the recent PACE Recommendation 1877 (2009), ‘Europe’s forgotten people: protecting the human rights of long-term displaced persons’. (4).

In April 2012 the European Parliament passed a further resolution which, *inter alia*, noted that “deeply concerning reports exist of illegal activities exercised by Armenian troops on the occupied Azerbaijani territories, namely regular military manoeuvres, renewal of military hardware and personnel and the deepening of defensive echelons”. European Parliament resolution of 18 April 2012 containing the European Parliament’s recommendations to the Council, the Commission and the European External Action Service on the negotiations of the EU-Armenia Association Agreement). (5).

**The position of Azerbaijan state.** The legal position of Azerbaijan state gets the roots from the principle of possidetis juris means its secession from Soviet Union and legally claim about integrity over the historical frontiers. Armenia has occupied the territory of Azerbaijan Republic in violation of its obligation regarding to respect of territorial integrity of the UN member states due to articles 2 and 33 of the UN Charter.

We may witness the legal right position of Azerbaijan state from the political action stressed above moreover as a result we may reconfirm it from the reports of the OSCE Minsk group Co-Chairs concluded on following observations. The principles (for resolution) are based on the redeployment of Armenian troops from Azerbaijani territories around Nagorno-Karabakh, with special modalities for Kelbajar and Lachin districts (including a corridor between Armenia and Nagorno-Karabakh), demilitarization of those territories, and a referendum to determine the final legal status of Nagorno-Karabakh. (7).

Mainly problem is about redeployment of Armenian troops in the occupied territories and demilitarization of those territories also to solve the self-determination problems over the region to yield the faster solution ways. The Ukrainian crisis and the West's response has also revealed double standards and a lack of a consistent policy; Baku has expressed its disappointment with 20 years of occupation of internationally recognised territories of Azerbaijan being ignored, in contrast to the stance of the West toward the territorial integrity of Ukraine. As Azerbaijan Republic's President Ilham Aliyev said "international law norms should not

be interpreted by different countries with respect to their interests. They must be regarded as they were written. (6). Developments in Ukraine impacted Azerbaijan in a number of ways, one of them being the feeling of disappointment that it did not lead the West (EU) to adopt a clearer position concerning the Nagorno-Karabakh conflict, especially because Azerbaijan, unlike its neighbour Armenia, supported UN Security Resolution 68/262 on Ukraine's territorial integrity. (8, p. 32, 36).

As a result for getting the resolution of the NK problem as soon as possible and provision of the peace and security in South Caucasus region the requirements of the international organization must be implemented especially UN four resolutions about NK problem. Secondly to get more attention by international allies especially included the USA, Turkey, France, Russia etc. Moreover this feature includes the various parts like Nagorno-Karabakh, Azerbaijan, Armenia, Turkey, Russia and the oil and gas industry. Each of them has different, various ties and no any equal sides even they have differing working parts in specific direction like a web relationship in the international community which could undertake direct and indirect efforts to the resolution of the conflict. And the term of missed opportunities means exactly course of the international effort to the conflict. It is about the set of the circumstance and potentially use of the initiatives to supply constructively progress on the conflict resolution. As a result we could categorize this term like:

1. Non-seizing of early period fluidity.
2. Not seeking of high-level cooperation.
3. Non-pursuing peacekeeping forces at high level.
4. Lack of the potentially initiative, proposal for a political solution.
5. Non-existence of the potential pressure by high level to implement of the requirements of the international actors.

A significant thorn in relations has been the EU's failure to explicitly recognise Azerbaijan's territorial integrity in the same way it does with the other countries in the EaP that have territorial disputes (Moldova, Georgia and, more recently, Ukraine), which Azerbaijan considers to be a double-standard approach and which has been particularly problematic when formulating new political agreements, including the now abandoned Association Agreement (AA). (8, p. 33-34). There are some issues that cannot be a subject to compromise. From land can't be a present.

### Conclusion

South Caucasus is essential part of the political world mainly Azerbaijan as a state and any kind of tension or the war in the region over this issue could bring as a primitive reason the clash in the borders of Europe and absolutely it will undesirable affect to the social, political situation of Europe and moreover to the energy security in the European Union. That is why in all way the problem must be settled by respecting the territorial integrity of Azerbaijan Republic and if there is occupation factor it means Armenia does not respect also the Charter of the UN because the territorial integrity of member states is stressed as a fundamental requirement in the UN Charter. Also in the Nagorno-Karabakh conflict Russia's role is important. Russia has a big economic interest in the region because of Azerbaijani arms purchases and its big share in key economic sectors in Armenia as well as privileged market access. Furthermore, non-resolution gives Russia a bigger influence in the region. Also Azerbaijan is one of the biggest buyers of Russian arms. Armenia is fully dependent on Russian gas and oil, and many key economic sectors are in Russian hands, like the transportation, telecommunications, banking and energy sector. So Russia is not only a mediator but also a party to the conflict, nevertheless excluding Russia as mediator will not solve the conflict but only provoke rivalry.

### Literature

1. Azerbaijan: Analysis of Gaps in the protection of internally displaced persons (IDPs), UNCHR, European Commission, October (2009), available at: <http://www.unhcr.org/4bd7edbd9.pdf>
2. Case of Chiragov and others v. Armenia, (Application no. 13216/05). Available at: [http://hudoc.echr.coe.int/eng#{"fulltext": "\[""CASE OF CHIRAGOV AND OTHERS v. ARMENIA""}, "document collectionid2": \["GRANDCHAMBER", "CHAMBER"\], "itemid": \["001-155353"\]}}}](http://hudoc.echr.coe.int/eng#{) (Accessed: 02 February, 2020)
3. Emma Klever. The Nagorno-Karabakh conflict between Armenia and Azerbaijan: An overview of the current situation European Movement. Brussels, (24-09-2013) <http://europeanmovement.eu/wp-content/uploads/2015/05/2013.09-Current-situation-Nagorno-Karabakh.pdf>
4. European Parliament resolution of 20 May 2010 on the need for an EU strategy for the South Caucasus (2009/2216(INI)) Available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0193+0+DOC+XML+V0//EN> (Accessed: 02 February, 2020)

5. European Parliament resolution of 18 April 2012 containing the European Parliament's recommendations to the Council, the Commission and the European External Action Service on the negotiations of the EU-Armenia Association Agreement (2011/2315(INI)) Available at:  
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2012-0128+0+DOC+XML+V0//EN> (Accessed: 02 February, 2020)
6. Ilham Aliyev attended the "Regions in transformation: Eurasia" session of the World Economic Forum in Davos, (22 January, 2015), available at: <http://en.president.az/articles/14099>
7. OSCE Minsk Group Co-Chairs "Statement by the Minsk Group Co-Chairs". Press Release, (3 July 2006). Ilham Aliyev attended the "Regions in transformation: Eurasia" session of the World Economic Forum in Davos, (22 January, 2015), available at: <http://en.president.az/articles/14099>
8. The South Caucasus Between integration and fragmentation, (May, 2015). P. 32-36, available at: [http://aei.pitt.edu/64200/1/pub\\_5598\\_the\\_south\\_caucasus\\_-\\_between\\_integration\\_and\\_fragmentation.pdf](http://aei.pitt.edu/64200/1/pub_5598_the_south_caucasus_-_between_integration_and_fragmentation.pdf)
9. The UN Security Council adopted four resolutions in 1993 (822, 853, 874, 884) and the UN General Assembly adopted resolution 62/243 on March 14th 2008, based on a UN fact finding mission in 2005 Available at: <http://www.un.org/Docs/scres/1993/scres93.htm>
10. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N93/247/71/IMG/N9324771.pdf?OpenElement> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N93/631/20/PDF/N9363120.pdf?OpenElement> (Accessed: 05 April, 2017)
11. Александр Мережко. Проблема Нагорного Карабаха и международное право. Киев Издательский дом Дмитрия Бураго, (2013).

**Müasir Avropa məkanında ərazi bütövlüyü –  
Dağlıq Qarabağ münaqişəsi ilə bağlı Avropanın mövqeyi  
Xülasə**

AI və ona üzv-dövlətlər yeni dövlətlər yaratmaq və ya ərazi sərhədlərini dəyişdirməklə sülh və təhlükəsizliyə hər zaman ən yaxşı şəkildə xidmət etdiyinə inanımlar. Son hadisələrdə olduğu kimi, pragmatik düşüncələrə riyət etmək bu regional təşkilatın və ya çox sayıda üzvün bu məsələlərdə ərazi bütövlüğünü və dövlət suverenliyini təsdiqləmək əvəzinə separatçı cərəyanların istəklərini dəstəkləməyə meylli olduqlarını ifadə etmir. Mövcud qlobal vəziyyətin yüksək postmodernitetinin son dərəcə mürəkkəb kontekstini tanıdan bu araşdırma şəcərə, tənqidi təhlil və beynəlxalq münasibətlər nəzəriyyəsi üçün məkan /məkan, ərazi/ ərazi və suverenlik anlayışlarının əhəmiyyətinə həsr edilmişdir. Azərbaycan üçün ən böyük problem Dağlıq Qarabağ münaqişəsidir. Dağlıq Qarabağla bağlı Ermənistanla münaqişə atəşkəs rejiminin pozulmasına və Avropana Təhlükəsizlik və Əməkdaşlıq Təşkilatının (ATƏT) sülh danışqlarına səbəb oldu. AI isə bu proseslərdə ATƏT-in Minsk Qrupunun rəsmi vəsítəciliyinə üstünlük verir.

**Территориальная целостность в современном европейском пространстве –  
позиция Европы в нагорно-карабахском конфликте  
Резюме**

ЕС и его члены не обязательно считают, что миру и безопасности всегда лучше всего служить путем создания новых государств или изменения территориальных границ. Как и в недавних случаях, приверженность pragmaticheskim рассуждениям не означает, что эта региональная организация или большое число ее членов стали более склонны поддерживать устремления сепаратистских движений, а не подтверждать территориальную целостность и государственный суверенитет в этих вопросах. Признавая чрезвычайно сложный контекст высокой постмодернности современной глобальной ситуации, это исследование посвящено генеалогии, критическому анализу и важности концепций пространства / пространственности, территории / территориальности и суверенитета для теории международных отношений. Самая большая проблема для Азербайджана - это нагорно-карабахский конфликт. Конфликт с Арменией из-за Нагорного Карабаха привел к шаткому прекращению огня и тупиковым мирным переговорам Организации по безопасности и сотрудничеству в Европе (ОБСЕ). ЕС отдает приоритет официальному посредничеству, осуществляющему Минской группой ОБСЕ.

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