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Persistence of Armenia's Territorial Claims against Azerbaijan in Constitutional Documents and Official Correspondence

[Vasif Huseynov](#)

[Matin Mammadli](#)

📍 Mirza İbrahimov 8, Baku, AZ1005, Azerbaijan

📞 (+994 12) 596-82-39, (+994 12) 596-82-41

🌐 E-mail: www.aircenter.az, info@aircenter.az

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Persistence of Armenia's Territorial Claims against Azerbaijan in Constitutional Documents and Official Correspondence

While the liberation of Azerbaijan's occupied territories in 2020 and 2023 presents globally recognized opportunities for peace and reconciliation between Armenia and Azerbaijan, Armenia's response to these possibilities has been far from unequivocal, adversely impacting regional peace and security. Armenia's stance on recognizing and respecting the sovereignty and territorial integrity of the Republic of Azerbaijan is characterized by ambiguity. Armenia's constitutional documents, including the government program, adopted in 2021 by the current administration, contain territorial claims against Azerbaijan. These claims involve either advocating for the unification of Azerbaijan's Karabakh region with Armenia or expressing support for efforts to secede this region through various means, such as remedial secession.

More than 40 days after submitting a revised draft to Armenia on March 7, 2023, Armenia responded by either rehashing its previous language suggestions or proposing new wording that moved even further away from a compromise. In addition to insisting on incorporating an "international mechanism" in the peace treaty, essential articles that highlight the recognition of territorial integrity, the absence of territorial claims, non-interference with internal affairs, and the condemnation and prevention of separatism were reintroduced and, in some instances, diluted with additional conditions.

This highlights Armenia's unwillingness to abandon its territorial claims against Azerbaijan and recognize Karabakh as an integral part of Azerbaijan. This hesitancy is apparent in Armenia's continual efforts to contest the sovereignty and territorial integrity of Azerbaijan using diverse methods. Below some examples from the foundational documents and official correspondence of the Armenian government are presented.

A) The Declaration of Independence of Armenia on August 23, 1990, references the illegal decision on the "Reunification of Armenia SSR and Nagorno Karabakh," mentioned in the preamble of the Constitution of Armenia. In a decision on July 8, 1992, the Armenian Parliament declares any international or domestic document indicating "the Nagorno-Karabakh Republic" as part of Azerbaijan unacceptable, a decision that remains in force.

B) Armenia maintains an ambiguous position concerning the Almaty Protocol and Declaration, especially regarding the recognition of Azerbaijan's sovereignty and territorial integrity, particularly over Karabakh. In an explanatory note, Armenia asserts that both parties expressly agreed to the *uti possidetis* juris principle by

signing the Almaty Declaration and Protocols and becoming parties to the Agreement on the Creation of the Commonwealth of Independent States. However, this contradicts Armenia's position expressed on numerous previous occasions, including in official and legal correspondence.

- i) The application lodged by Armenia against Azerbaijan at the European Court of Human Rights (Application No.42521/20) is a clear example:

Para 251- *“both of these instruments [Almaty Declaration and the Agreement on the Creation of the CIS] refer to the principles of territorial integrity and inviolability of frontiers and do not talk about uti possidetis or about transformation of Soviet administrative borders into the frontiers of newly created states.”*;

Para 225- *“Armenia has never accepted the applicability of the principle for the purpose of determination of its frontiers with the neighbouring states, formerly constituent units of the Soviet Union”*;

Para 223- *“The Republic of Armenia submits, however, that nothing supports the conclusion that uti possidetis juris must be adhered to by all states as a matter of general international law outside of the context of decolonization*

Undoubtedly, such a position clearly aims at questioning the sovereignty of the Republic of Azerbaijan over the Karabakh region, which Armenia clearly states in para 256 of its official application at the ECtHR:

“That said, the Republic of Armenia has never accepted the applicability of the principle of uti possidetis juris for the determination of title in its relations with the Republic of Azerbaijan. The mere involvement of the territory of Artsakh within the administrative boundaries of the Azerbaijani Soviet Socialist Republic is by no means a legal argument in favour of Azerbaijani title over Artsakh.”

- ii) Following this line of questioning the sovereignty and territorial integrity of Azerbaijan, in its letter of 30 September 2022 addressed to

the ECtHR, the Representative of the Republic of Armenia on International Legal Matters, among others, writes:

“Finally, with regards to the Respondent Government’s [Azerbaijan’s] perceptions on the existence of a territory called “Eastern Zangezur” where, according to the Respondent Government, the Republic of Armenia is trying to disrupt the humanitarian missions and recovery works organized by the Respondent Government, the Government [Armenia] insists that there is no such territory or region as “Eastern Zangezur”. It is inexplicable which land the Respondent Government is making statements about. **The territories in question that the Respondent Government [Azerbaijan] is allegedly referring to are Qashatagh (Զաշատաղ) and Shahumyan (Շահումյան) regions of the Republic of Artsakh.**”
(emphasis added)

- i) iii) This identical standpoint is evident in Armenia's presentations to the International Court of Justice in its case against Azerbaijan regarding the implementation of the Convention on the Elimination of All Forms of Racism (CERD). In its application Armenia refers to “Republic of Artsakh” and “Nagorno Karabakh” and asserts that **“Armenia’s references to Nagorno-Karabakh are without prejudice to its position on the status of the Republic of Artsakh under International law.”** The Application contains a map demonstrating “Nagorno Karabakh Republic (excerpts from the Application is herewith attached).
- ii) On May 28, 2021, Armenia made the following reservation while signing CIS Agreement on Prevention the Use of Fake Trademarks and Geographic Indicators: “Armenia shall not apply this Agreement with respect to the Republic of Azerbaijan until the full elimination of military aggression of the Republic of Azerbaijan against the Republic of Artsakh...”. (original is attached).
- iii) Armenia continues to distribute papers on behalf of the so-called “Nagorno Karabakh Republic or Republic of Artsakh” in international organizations, such as the OSCE, UN and others (examples are attached).

- iv) In addition to that, in its official correspondence refers to the territories of Azerbaijan as “Azerbaijani controlled territories of Nagorno Karabakh”, “territories under control of Azerbaijan” etc., thus, questioning Azerbaijan’s sovereignty and territorial integrity.

Another significant document outlining Armenia's territorial assertions against Azerbaijan is the National Security Strategy. The national security strategy, approved by the government of Nikol Pashinyan in July 2020, identifies the international recognition of "Artsakh" as a primary focus of the country's foreign policy, and this policy remains in effect. It is noteworthy that the 2020 National Security Strategy expresses Armenia's territorial claims against Azerbaijan more assertively than a similar document adopted in 2007. For instance, unlike the earlier strategy, the region is referred to as "Artsakh" rather than "Nagorno-Karabakh." This shift is rooted in the declarations of Armenian officials and politicians asserting that "Artsakh" is an integral part of Armenia. The document titled "Medium-term public expenditure program of the government of the Republic of Armenia for 2023-2025" includes explicit provisions advocating for the separation of Karabakh from Azerbaijan. In this document, associated with the "Program of the Government of the Republic of Armenia for 2021-2026," the secession of Karabakh from Azerbaijan is characterized as a policy of “remedial secession”. Page 90 of the document specifically addresses the concept of the “remedial secession” of Karabakh from Azerbaijan. In addition, the document refers to the then occupied territories of Azerbaijan as “Artsakh” and vows to protect this entity against, what it refers to as, Azerbaijan’s “aggression”.

These documents reveal that the political leadership in Armenia holds ambiguous positions regarding proposals for mutual recognition of territorial integrity with Azerbaijan. Despite efforts to convince the international community of Armenia's commitment to peace, the Armenian government has laid legal groundwork supporting territorial claims against Azerbaijan. In 2021, Azerbaijani President Ilham Aliyev referred to this as one of the main challenges to peace efforts in the South Caucasus. In an interview with a Turkish media channel, Aliyev declared, “There is a territorial claim against Türkiye in the Constitution of Armenia. They should abandon that. They need to revise and re-adopt their constitution. ... They must give up their claims against Türkiye and Azerbaijan”. Pashinyan’s government seems to have accepted Baku’s worries and agrees with the necessity of unambiguously recognizing both countries’ territorial integrity. Pashinyan's government appears to acknowledge Baku's concerns and agrees on the importance of unambiguously recognizing both countries' territorial integrity. In a meeting with his political party members on January 20, Prime Minister Pashinyan underscored the need for a new constitution, stating that Armenia and Azerbaijan must ensure there is no basis for future territorial claims. He declared, “Diplomatic texts always have different twists,

subtexts, and footnotes. The footnotes of Azerbaijan's proposals, and perhaps Azerbaijan in ours, observe the dangers of territorial claims, if not today, then in the future". The realization of Pashinyan's declaration and the removal of territorial claims against Azerbaijan from Armenia's constitutional documents could significantly contribute to the peace process between the two countries.

List of attachments

- Declaration of Independence of Armenia;
- Constitution of Armenia, Preamble;
- Decision of the Parliament of Armenia of 8 July 1992;
- Excerpts from Armenia's application at the European Court of Human Rights;
- Letter of the Representative of the Republic of Armenia on international legal matters of 30 September 2022;
- Excerpts from Armenia's Memorial under CERD case;
- Reservation by Armenia on CIS Agreement of 28 May 2021;
- Letters of Armenia at the UN distributing papers on behalf of illegal entity.

Document from CIS Legislation database © 2003-2023 SojuzPravoInform LLC

Declaration on independence of Armenia

of August 23, 1990

The Supreme Council of the Armenian Soviet Socialist Republic, expressing single will of the people of Armenia, understanding the responsibility for destiny of the Armenian people in implementation of expectations of all Armenians and recovery of historical justice, proceeding from the principles of the Universal Declaration of Human Rights and the universally recognized norms of international law, realizing the right of the nations to free self-determination, based on the joint Resolution of the Supreme Council of the Armenian Soviet Socialist Republic and National Council of Nagorno-Karabakh of December 1, 1989 "About reunion of the Armenian Soviet Socialist Republic and Nagorno-Karabakh", developing democratic traditions of the independent Republic of Armenia formed on May 28, 1918, aiming at creation of democratic, legal society, PROVOZGLASHAYET

beginning of approval process of independent statehood.

1. The Armenian Soviet Socialist Republic is renamed into the Republic of Armenia, in abbreviated form - Armenia. The Republic of Armenia has the flag, the coat of arms and the anthem.

2. The Republic of Armenia - the sovereign state allocated with supremacy of the government, independence, full rights. Only the Constitution and the laws of the Republic of Armenia act on all territory of the Republic of Armenia.

3. The carrier of the Armenian statehood, the people of the Republic of Armenia which perform the power directly and through representative bodies - on the basis of the Constitution and the laws of the Republic of Armenia are.

The right to act on behalf of the people of the republic belongs to exclusively Supreme Council of the Republic of Armenia.

4. For all citizens living in the territory of the Republic of Armenia citizenship of the Republic of Armenia is established.

The Armenians living outside the Republic of Armenia have the right to citizenship of the Republic of Armenia.

Citizens of the Republic of Armenia are under its protection and protection. The Republic of Armenia provides free and equal development of the citizens irrespective of nationality, race and religion.

5. For the purpose of ensuring the safety and immunity of borders the Republic of Armenia creates own Armed Forces submitting to the Supreme Council, internal troops, bodies of the state and public security.

The Republic of Armenia has the right to the share in arms of the USSR. The Republic of Armenia independently determines procedure for passing of military service of the citizens. Army connections of other countries, their military bases and constructions can be placed in the territory of the Republic of Armenia only according to the decision of its Supreme Council. Armed forces of the Republic of Armenia can be used only according to the decision of its Supreme Council.

6. The Republic of Armenia as the subject of international law, pursues independent foreign policy, establishes the direct relations with other states, national-state formations of the USSR, participates in activities of the international organizations.

7. National wealth of the Republic of Armenia - the earth, subsoil, airspace, water and other natural resources, economic, intellectual, cultural potential - property of its people. The procedure for ownership, use and order is determined by them the laws of the Republic of Armenia.

The Republic of Armenia has the right to the share of national wealth of the USSR, including - gold stock, diamond and currency funds.

8. The Republic of Armenia on the basis of variety of types of property determines the principles and procedure for the economic activity, establishes own bank notes, national bank, financial credit system, tax and customs services.

9. In the territory the Republic of Armenia provides: freedom of expression, seals, conscience; differentiation of the legislative, executive and judicial authorities; multi-party system, equality of batches, depoliticization of law enforcement agencies and Armed Forces.

10. The Republic of Armenia provides functioning of Armenian as state language in all spheres of life of the republic, creates own education system, sciences and cultures.

11. The Republic of Armenia supports the international recognition of genocide of Armenians of 1915 in Ottoman Turkey and the Western Armenia.

12. This Declaration forms basis for development of the Constitution of the Republic of Armenia, modification and amendments in the existing Constitution, activities of state bodies, development of the new legislation of the Republic.

Chairman of the Supreme Council of the Republic of Armenia L. Ter Petrosyan

Secretary of the Supreme Council of the Republic of Armenia A. Saakian



constituteproject.org

Armenia's Constitution of 1995 with Amendments through 2015

Subsequently amended

- Reference to fraternity/solidarity
- Preamble
- Motives for writing constitution
- Source of constitutional authority

Preamble

The Armenian People, accepting as a basis the fundamental principles of Armenian statehood and pan-national aspirations enshrined in the Declaration on the Independence of Armenia, having fulfilled the sacred behest of its freedom-loving ancestors to restore the sovereign state, dedicated to the strengthening and prosperity of the fatherland, with the aim of ensuring the freedom, general well-being, and civic solidarity of the generations, and affirming its commitment to universal values, adopts the Constitution of the Republic of Armenia.

CHAPTER 1. THE FOUNDATIONS OF CONSTITUTIONAL ORDER

- Type of government envisioned

Article 1

The Republic of Armenia is a sovereign, democratic, social, and rule-of-law state.

Article 2

In the Republic of Armenia, the power belongs to the people.

- Referenda

The people shall exercise its power through free elections, referenda, as well as through state and local self-government bodies and officials prescribed by the Constitution.

Usurpation of the power by any organization or individual shall be a crime.

Article 3. The Human Being, His Dignity, Fundamental Rights, and Freedoms

- Human dignity

1. The human being shall be the supreme value in the Republic of Armenia. The inalienable dignity of the human being shall be the integral basis of his rights and freedoms.
2. The respect for and protection of the fundamental rights and freedoms of the human being and the citizen shall be the duties of the public power.
3. The public power shall be bound by the fundamental rights and freedoms of the human being and the citizen as the directly applicable law.

Article 4. The Principle of Separation and Balance of the Powers

State power shall be exercised in accordance with the Constitution and the laws, based on the separation and balance of the legislative, executive, and judicial powers.

Article 5. The Hierarchy of Legal Norms

- International law
- Customary international law
- Legal status of treaties

1. The Constitution shall have supreme legal force.
2. Laws shall conform to the constitutional laws, and sub-legislative normative legal acts shall conform to the constitutional laws and laws.
3. In case there are contradictions between the norms of international treaties ratified by the Republic of Armenia and the norms of laws, the norms of the international treaties shall be applied.

SUPREME SOVIET OF THE REPUBLIC OF ARMENIA

DECISION

ON THE SITUATION IN THE REPUBLIC OF NAGORNO-KARABAKH

Based on the principles of international law, the right of peoples to self-determination, as well as the results of the referendum on the independence of the Nagorno-Karabakh Republic on December 10, 1991,

Expressing determination to protect the rights of the Nagorno-Karabakh Republic and its people,

Reaffirming its commitment to a political solution to the issue of the Nagorno-Karabakh Republic,

Noting that it will support the solution of the Artsakh problem adopted by the Nagorno-Karabakh Republic, considering unacceptable attempts to identify the Nagorno-Karabakh Republic as a part of Azerbaijan in a number of international documents,

The Supreme Soviet of the Republic of Armenia decides:

1. Consistently support the Nagorno-Karabakh Republic and the protection of the rights of its population.
2. Consider as unacceptable for the Republic of Armenia any international or domestic document, in which the Nagorno-Karabakh Republic will be indicated as part of Azerbaijan.
3. The Government of the Republic of Armenia should take the necessary measures to effectively carry out the conscription, establish the proper order in accordance with the current situation, launch the fight against organized crime, and ensure the safety of military secrets.

CHAIRMAN OF THE SUPREME SOVIET OF THE REPUBLIC OF ARMENIA

July 8, 1992

Iravan

H. N-0663-1



THE GOVERNMENT OF THE REPUBLIC OF ARMENIA

Inter-State Application No. 42521/20

ARMENIA

v.

AZERBAIJAN

**INTER-STATE APPLICATION ON VIOLATIONS OF ARTICLES 2, 3, 5, 8,
10, 13, 34 AND ARTICLES 1 AND 2 OF PROTOCOL 1 OF THE EUROPEAN
CONVENTION ON HUMAN RIGHTS BY AZERBAIJAN**

decolonization in Latin America and in Africa. Thus, the Respondent has argued that the *uti possidetis juris* rule has a universal binding nature and must be applied in all circumstances of creation or restoration of statehood. Azerbaijan has further argued that Armenia has accepted the applicability of the said principle through various international instruments adopted within the auspices of the Commonwealth of Independent States (“CIS”)²⁸.

223. The Republic of Armenia submits, however, that nothing supports the conclusion that *uti possidetis juris* must be adhered to by all states as a matter of general international law outside of the context of decolonization. Such an assertion would require showing the existence of the uniform and consistent practice of states and that of *opinio juris*²⁹ not only in the context of the process of decolonization but also in the context of the process of dissolution of states and restoration of sovereignty. As it will be shown below, there is no uniform or consistent practice even to support the former assertion.
224. It is further asserted that application of the principle by way of a far-fetched analogy is simply contradicting the essence of public international law, which does not operate by way of presumptions.
225. Finally, Armenia has never accepted the applicability of the principle for the purpose of determination of its frontiers with the neighbouring states, formerly constituent units of the Soviet Union. These arguments are elaborated further in more detail below.

a) *Uti possidetis juris does not apply outside of the context of decolonization*

226. The *uti possidetis juris* principle was developed in South America in the XIX century.³⁰ It requires the establishment and recognition of the newly independent States within the administrative borders of the former colonies. The principle was subsequently adopted in Africa, primarily on the basis of the decision taken by the African Union in 1964.³¹ Notably, even in Africa, as it will be shown below, it was not adhered to uniformly in all circumstances.

²⁸ *Ibid.*, ¶92.

²⁹ *Asylum (Colombia/Peru)*, 1950 ICJ Reports 266, at 276; *North Sea Continental Shelf (Federal Republic of Germany v. Denmark and Netherlands)*, 1969 ICJ Reports 9, p. 43, ¶74.

³⁰ SUZANNE LALONDE, *DETERMINING BOUNDARIES IN A CONFLICTED WORLD: THE ROLE OF UTI POSSIDETIS* (McGill-Queen’s University Press 2002), pp. 24-60; Steven R. Ratner, *Drawing a Better Line: Uti Possidetis and the Borders of New States*, 90 AMERICAN JOURNAL OF INTERNATIONAL LAW 590 (1996).

³¹ *Border Disputes among African States*, OAU Doc. AHG/Res. 16(I) (1964), stating that “all Member States pledge themselves to respect the borders existing on their achievement of national independence”.

by the administering Power of part of a non-self-governing territory, for the purpose of maintaining it under its colonial rule. States have consistently emphasized that respect for the territorial integrity of a non-self-governing territory is a key element of the exercise of the right to self-determination under international law. The Court considers that the peoples of non-self-governing territories are entitled to exercise their right to self-determination in relation to their territory as a whole, the integrity of which **must be respected by the administering Power. It follows that any detachment by the administering Power of part of a non-self-governing territory, unless based on the freely expressed and genuine will of the people of the territory concerned, is contrary to the right to self-determination**”⁸⁰ (*emphasis added*).

255. The right to territorial integrity of non-self-governing territories applicable *vis-à-vis* their administrative powers (principle of *uti possidetis juris*), thus, should not be confused with the principle of territorial integrity of states, applicable in their relations with other states and defending territories under their title when such title has already been established (as opposed to determining the question of existence of such title).
256. That said, the Republic of Armenia has never accepted the applicability of the principle of *uti possidetis juris* for the determination of title in its relations with the Republic of Azerbaijan. The mere involvement of the territory of Artsakh within the administrative boundaries of the Azerbaijani Soviet Socialist Republic is by no means a legal argument in favour of Azerbaijani title over Artsakh.

d) Security Council Resolutions are no proof of Azerbaijani title over the territory of Artsakh

257. An argument has also been made that the Security Council Resolutions – namely Resolutions 853⁸¹, 874⁸² and 884⁸³ – which refer to Nagorno-Karabakh as a “region of the Azerbaijani Republic” are attestations to the fact that Artsakh is part of Azerbaijan under public international law. Based on this assertion the pro-Azerbaijani propaganda and media has propagated for years that Artsakh is within Azerbaijan’s “international recognized” borders or part of its “internationally recognized” territory.
258. In reality, however, the Security Council is not vested with an authority to make binding determinations on issues of title to territory. Its authority lies in maintenance of international peace and security⁸⁴. Such issues are to be determined by States through entering into bilateral treaties, creation of settlement commissions or by means of vesting arbitral or judicial institutions with the power to make final determinations on

⁸⁰ *Ibid.*

⁸¹ SC Res. 853, UN Doc. S/RES/853 (July 29, 1993), ¶9.

⁸² SC Res. 874, UN Doc. S/RES/874 (October 14, 1993), preamble.

⁸³ SC Res. 884, UN Doc. S/RES/874 (November 12, 1993), preamble.

⁸⁴ UN Charter, Arts. 24-26, June 26, 1945.

Excerpts from the Memorial of Armenia

P. 6

Nevertheless, the ceasefire left the newly independent Nagorno-Karabakh Republic—also known as the Republic of Artsakh—in control of its historic territory and its people free from the rule of their historic oppressors.

As the Soviet Union collapsed, and Armenia and Azerbaijan became independent States, the people of Nagorno-Karabakh also sought to exercise their inherent right to self-determination and declared independence.

P.32

Just as it would be a century later, Turkish support was also instrumental in Azerbaijan’s attempts to conquer Nagorno-Karabakh when war broke out over control of it in 1920. By March of that year, Azerbaijani forces had occupied Shushi, killing or expelling much of its ethnic Armenian population.

P. 34-35

The status of Nagorno-Karabakh during this period remained contentious. Initially, in December 1920, the Azerbaijani communist government renounced its claim over Nagorno-Karabakh and declared it to be an integral part of Soviet Armenia. Accordingly, in June 1921, the Caucasian Bureau of the Communist Party adopted a declaration confirming that Nagorno-Karabakh should be attached to Armenia. Although this decision was affirmed by the Caucasian Bureau on 4 July 1921, the very next day, the decision was overturned, apparently at the behest of Stalin. Nagorno-Karabakh was thus placed once again under Azerbaijani control, but was allowed some regional autonomy. On 7 July 1923, the Nagorno-Karabakh Autonomous Oblast (“**NKAO**”), an autonomous oblast within the Azerbaijan SSR, was formed. The new entity was overwhelmingly ethnic Armenian—94 percent of the total population.

P.36

It was in this context that, upon the dissolution of the Soviet Union, the Armenians of Nagorno-Karabakh sought to live with full rights and dignity and to shape a future free from persecution by exercising their right to self-determination

P.53

As the Soviet Union crumbled, the Azerbaijan SSR declared its independence on 30 August 1991. Within days, on 2 September 1991, a joint session of the NKAO and the Shahumyan Regional Councils of People’s Deputies passed a declaration proclaiming the “Nagorno-Karabakh Republic” (“**NKR**” or “**Republic of Artsakh**” or “**Artsakh**”), and calling for a referendum on its sovereignty,¹⁶³ in accordance with Soviet law.¹

¹ *Law of the USSR on the Procedure for Resolving Questions Related to the Secession of the Union Republic from the USSR* (3 April 1990), available at <https://base.garant.ru/6335629/>, Article 3 (“[i]n a union republic which includes autonomous republics, autonomous regions and autonomous areas, a referendum shall be held separately for each autonomy”) (certified translation from Russian).

Application of Armenia Instituting Proceedings under CERD

P.8

These practices once again came to the fore in September 2020, after Azerbaijan's aggression against the Republic of Artsakh and Armenia². Armed hostilities ended on 10 November 2020 with the signing of the Trilateral Statement.

P.20

The modern Republic of Azerbaijan proclaimed its independence on 30 August 1991. When the Armenian majority of Nagorno-Karabakh declared its own independence on 2 September 1991, the Azerbaijani army once again carried out massacres of Armenians. The next few years also saw heavy fighting between Armenia, the Republic of Artsakh and Azerbaijan that resulted in substantial casualties on all sides and the displacement of a significant number of people from their homes in Nagorno-Karabakh and the surrounding region.

The Conference for Security and Co-operation in Europe ("CSCE") (now Organization for Security and Co-operation in Europe ("OSCE")) attempted to bring an end to the fighting, but it was ultimately a Russia-brokered ceasefire concluded among the Republic of Artsakh, Azerbaijan and Armenia in May 1994 that ended armed hostilities. In 1994, the OSCE Budapest Summit established the so-called "Minsk Group", comprised of representatives of Russia, the French Republic and the United States of America, which has since provided a forum for negotiations towards peaceful settlement.

P.54

As a result of Azerbaijan's actions, tens of thousands of Armenians fled from areas of the Republic of Artsakh that came under Azerbaijan's control. Genocide Watch, a non-profit organization and the Coordinator of the Alliance Against Genocide issued a Genocide Emergency Alert finding Azerbaijan to be at the penultimate stage of Genocide Watch's Ten Stages of the genocidal process, "Stage 9: Extermination"

² Armenia will be referring to the Republic of Artsakh and Nagorno-Karabakh interchangeably in this Application and Request for provisional measures. Armenia's references to Nagorno- Karabakh are without prejudice to its position on the status of the Republic of Artsakh under International law.

ОСОБОЕ МНЕНИЕ РЕСПУБЛИКИ АРМЕНИЯ

В связи с предоставлением Азербайджанской Республикой Оговорки к Решению Совета глав правительств СНГ от 28 мая 2021 года о Соглашении о сотрудничестве государств — участников СНГ по предупреждению и пресечению использования ложных товарных знаков и географических указаний Армянская сторона считает необходимым отметить следующее.

Положения Соглашения не будут применяться Республикой Армения в отношении Азербайджанской Республики до полного устранения последствий военной агрессии Азербайджанской Республики против Республики Арцах и политико-дипломатического разрешения нагорнокарабахского конфликта в соответствии с нормами и принципами международного права в интересах достижения закрепленных Уставом ООН целей.

Исполняющий обязанности
Вице-премьер-министра
Республики Армения

М.Григорян



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Seventy-seventh session**

Agenda items 30, 66, 67, 68 and 132

Prevention of armed conflict

**Elimination of racism, racial discrimination, xenophobia
and related intolerance**

Right of peoples to self-determination

Promotion and protection of human rights

**The responsibility to protect and the prevention of
genocide, war crimes, ethnic cleansing and crimes
against humanity**

**Security Council
Seventy-eighth year**

**Letter dated 27 January 2023 from the Permanent Representative of
Armenia to the United Nations addressed to the Secretary-General**

I have the honour to transmit herewith the statement of the Ministry of Foreign Affairs of the Republic of Artsakh (Nagorno-Karabakh Republic) in relation to the blockade of Nagorno-Karabakh caused by the closure of the Lachin corridor by Azerbaijan since 12 December 2022, which refutes Azerbaijan's manipulations to conceal the realities on the ground and distract the attention of the international community from its violations of the trilateral statement of 9 November 2020 and international humanitarian and international human rights law (see annex).

I kindly ask that the present letter and its annex be circulated as a document of the General Assembly, under agenda items 30, 66, 67, 68 and 132, and of the Security Council.

(Signed) Mher **Margaryan**
Ambassador
Permanent Representative



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Annex to the letter dated 27 January 2023 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Statement on Azerbaijan's interpretation of paragraph 6 of the trilateral statement of 9 November 2020

The Azerbaijani authorities have recently increasingly resorted to an arbitrary interpretation of paragraph 6 of the Trilateral Statement of 9 November 2020, regarding the operation of the Lachin Corridor. To advance their political agenda, Azerbaijan has been holding the entire population of Artsakh hostage for more than 40 days, blocking the only road linking Artsakh with Armenia and the outside world, and creating a serious humanitarian crisis.

At the same time, Azerbaijan resorts to various speculations, trying to disguise their inhuman policy towards the people of Artsakh. In particular, the Azerbaijani authorities present the data on the passage of ICRC and Russian peacekeepers' vehicles as evidence of the absence of a humanitarian crisis and blockade. However, facts on the ground refute the Azerbaijani ploy designed to mislead the international community.

Firstly, during the 43 days of the blockade, fewer vehicles have passed through the Lachin Corridor than the daily traffic flow in the pre-blockade period. All of these vehicles belonged either to the ICRC or the Russian peacekeepers. Not a single vehicle belonging to Artsakh residents passed through the corridor.

Secondly, due to the blockade, passenger flow through the Lachin Corridor in both directions has been stopped. Even the vehicle of the Russian peacekeepers, transporting children from Armenia back to Artsakh, was stopped, and the passengers inside were subjected to deliberate psychological terror from the Azerbaijani side.

Thirdly, the import of consumer goods, amounting to more than 400 tons per day, has been completely stopped. The blockade of Artsakh has not only led to a shortage of essential supplies, including life-saving medicines, but also deprived thousands of people of their jobs and livelihoods.

At the same time, in addition to the land blockade of Artsakh, Azerbaijan imposed an energy blockade to further aggravate the humanitarian situation. Azerbaijan continues to deliberately obstruct the natural gas supply to Artsakh, as well as the repair of the only Goris-Stepanakert high-voltage power line coming from Armenia, which was damaged on 9 January, in an area under Azerbaijani control.

Azerbaijan's claim that they have the right to stop vehicles passing through the Lachin Corridor and conduct cargo inspections is absolutely unfounded. The Trilateral Statement does not provide for any restrictions on the transport of cargo with regard to their nature, purpose or use. With respect to the Lachin Corridor, Azerbaijan's only obligation is to not impede the movement in any way.

Baku's attempts to unilaterally revise the provisions of the Trilateral Statement and turn the Lachin Corridor, which has an internationally recognized status, into an Azerbaijani-controlled road exclusively for humanitarian cargo transportation are illegitimate and must be rejected.

The Azerbaijani President's signature under the Trilateral Statement represents Azerbaijan's explicit consent to the recognition of the exclusive control of the Russian peacekeeping contingent over the Lachin Corridor.

**Stepanakert,
24 January 2023**



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**General Assembly
Seventy-seventh session**

Agenda items 30, 66, 67, 68 and 132

Prevention of armed conflict

**Elimination of racism, racial discrimination, xenophobia
and related intolerance**

Right of peoples to self-determination

Promotion and protection of human rights

**The responsibility to protect and the prevention of
genocide, war crimes, ethnic cleansing and crimes
against humanity**

**Security Council
Seventy-eighth year**

Letter dated 5 April 2023 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

I am enclosing herewith the statement of the Ministry of Foreign Affairs of the Republic of Artsakh (Nagorno-Karabakh) on the seventh anniversary of the four-day war unleashed by Azerbaijan (see annex).

The impunity for the atrocity crimes and violations of international humanitarian law and human rights law committed during the aggression in 2016, the unabated bellicose rhetoric and propaganda of hatred against Armenians led to further Azerbaijani aggression at a massive scale against Nagorno-Karabakh in September–November 2020.

I kindly ask that the present letter and its annex be circulated as a document of the General Assembly, under agenda items 30, 66, 67, 68 and 132, and of the Security Council.

(Signed) Mher **Margaryan**
Ambassador
Permanent Representative



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Annex to the letter dated 5 April 2023 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Statement of the Ministry of Foreign Affairs of the Republic of Artsakh on the seventh anniversary of the April four-day war unleashed by Azerbaijan

2 April 2023

On the night of 1–2 April 2016, in flagrant violation of the 1994 agreement on complete cessation of fire and military hostilities, the Azerbaijani armed forces launched a full-scale offensive against the Republic of Artsakh, using their entire offensive arsenal, including tanks and armoured vehicles, heavy artillery and military aviation. The Azerbaijani military not only attacked the forward positions of the Artsakh Defence Army, but also targeted the border settlements, causing destruction, killing and seriously injuring innocent civilians, including women and children. During the April war, the Azerbaijani armed forces also committed atrocities and war crimes such as brutal murder of Armenian prisoners of war and civilians, beheadings and desecration of the bodies of the killed. The perpetrators of these brutal crimes later received state awards from the senior leadership of Azerbaijan, and their crimes were glorified in the Azerbaijani society and presented as exemplary behaviour.

The April aggression once again revealed Azerbaijan's far-reaching goals of disrupting the peace process and resolving the conflict by force. Moreover, the impunity of Azerbaijan's criminal actions and the international community's tolerance for non-implementation of its obligations, in fact, prepared a fertile ground and created an opportunity for new provocations and aggression of Azerbaijan against Artsakh.

As a result, just four years later, on 27 September 2020, with the active support of Turkey and the involvement of international terrorist groups, Azerbaijan unleashed a new large-scale war against Artsakh, occupying and ethnically cleansing a significant part of the territory of the Republic of Artsakh. Even today, in an environment of complete impunity and indifference, Azerbaijan continues its aggressive and terrorist policy towards the people of Artsakh, keeping the 120,000 people of Artsakh under illegal blockade for about 4 months, regularly violating the cease-fire regime established on 9 November 2020 with the mediation of the Russian Federation, targeting both the personnel of the Artsakh Defence Army and the civilian population, occupying new territories and strategic heights, disrupting the work of the infrastructures that provide the basic living conditions of the people of Artsakh.

The ongoing illegal actions of Azerbaijan against the people of Artsakh demonstrate that the authorities of this country do not intend to comply with their international obligations and are pursuing a consistent policy of ethnic cleansing and occupation of Artsakh.

Once again, we call on the international community, and first of all, the United Nations Security Council, to take immediate and effective measures to prevent the policy of ethnic cleansing and genocide carried out by Azerbaijan against the people of Artsakh and, before reaching a comprehensive settlement of the conflict, introduce mechanisms and guarantees to ensure normal life activity in Artsakh. In this context, we emphasise the importance of the international recognition of the right to self-determination realised by the people of Artsakh, which is a necessary prerequisite for ensuring their rights, security and peaceful development.
