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Extended Abstract

Introduction: The problem of Nagorno-Karabakh between Azerbaijan and Armenia can be traced back to early nineteenth century. The problem of Nagorno-Karabakh had evolved into a war following Armenia's occupation of Nagorno-Karabakh and its surrounding areas. Twenty per cent of Azerbaijan territory including: Nagorno-Karabakh, Lachin, Kelbajar, Aghdam, Fuzuli, Jabrayil, Gubadli and Zangilan was, and still is, occupied by Armenia. In 1994, a ceasefire was declared between Azerbaijan and Armenia. Nevertheless, occasional conflicts on and around the ceasefire line indicate that the problem continues to threaten international, as well as regional, peace and security. Purpose of this paper is to examine the international responsibility of Armenia arising from occupation of Nagorno-Karabakh and its surrounding areas.

Methodology: In this paper, conditions and consequences of Armenia's international responsibility arising from the occupation of Nagorno-Karabakh and its surrounding areas have been examined in terms of Draft Articles on the Responsibility of States for Internationally Wrongful Acts. International responsibility of a state owing to its internationally wrongful acts is regulated in Draft Articles. According to the Draft Articles, requirements for international responsibility consist of: i) an internationally wrongful act, and ii) attribution of this act to the state. According to Article 2, there is a breach of an international obligation by a State 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. Occupation of Nagorno-Karabakh and its surrounding areas constitutes violation of prohibition of use of force in international law. Occupation of Nagorno-Karabakh and its surrounding areas is an internationally wrongful act. According to Article 4, conduct of any State organ shall be considered an act of that State under international law, whether the organ exercises legislative, executive, judicial or any other functions, whatever position it holds in the organization of the State, and whatever its character as an organ of the central Government or of a territorial unit of the State. According to Article 8 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. Occupation of Nagorno-Karabakh, as an internationally wrongful act, can be attributed to the state of Armenia within the framework set out in Articles 4 and 8. This leads us to the conclusion that international responsibility of Armenia did arise.

Results: According to Article 30, the State responsible for the 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. According to Article 31, the responsible State is under an obligation to make full reparation for the injury caused by the internationally wrongful act. Full reparation for the injury caused by the internationally wrongful act shall take the form of restitution, compensation and satisfaction, either singly or in combination, in accordance with the provisions of this chapter. According to the conclusion reached by this study, Armenia should immediately cease the occupation of Nagorno-Karabakh and its surrounding areas, and offer appropriate assurances of non-repetition of occupation. Armenia is under an obligation to make restitution, that is to re-establish the situation, which had existed before the wrongful act was committed, and return the occupied territories to Azerbaijan. Six hundred thousand residents that were internally displaced owing to the occupation should be able to return. Compensation shall cover any financially quantifiable damage including loss of profits insofar as it is proven. Armenia is under an obligation to provide satisfaction for the injury caused by occupation insofar as it cannot be made good by restitution or compensation. Satisfaction may consist in an acknowledgement of the breach, an expression of regret, a formal apology or another appropriate modality.

Conclusion and Discussion: Occupation of Nagorno-Karabakh is an international problem. This problem threatens international, as well as regional, peace and security. International responsibility should be used within the framework of Articles as effectively as possible both in resolving the Nagorno-Karabakh conflict in peaceful ways in re-establishing international peace and security and in ensuring Armenia’s compliance with international law.