REPUBLIC OF AZERBAIJAN

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ABSTRACT

of the dissertation for the degree of Doctor of Science

RELATIONSHIP OF PRINCIPLES OF TERRITORIAL INTEGRITY OF STATES AND SELF-DETERMINATION OF THE PEOPLES IN THE REGULATION OF ARMENIA-AZERBAIZAN RELATIONS

Specialty: 5603.01 - International law; human rights
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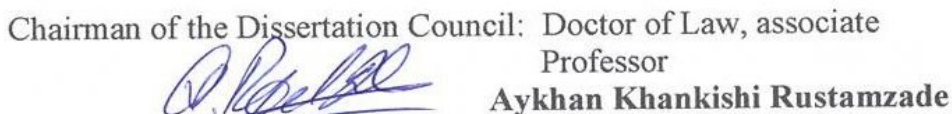

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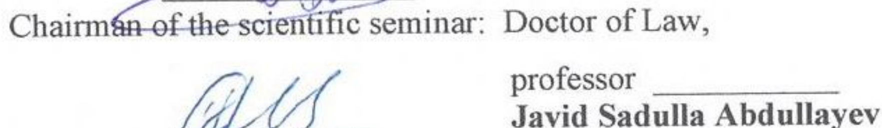

GENERAL DESCRIPTION OF THE WORK

The relevance of the research topic. In the modern world, the geopolitical situation and the balance of powers of states in the world arena are changing dramatically. The bipolar world, which existed before the division of the world according to ideological criteria into two camps of states, after the collapse of the socialist system and the head of this camp of the Soviet Union, and as a result of the actual elimination of the system of mutual containment, at some time became unipolar. This was coupled with the growing economic, military and political power of the only superpower in the world - the United States. Thus, the famous political scientist Z. Brzezinski, in his famous study "The Grand Chessboard" note: "*The United States has a political influence that no other state in the world has close it*".[1] Now, many politicians, international scientists and political scientists are already talking about the multipolarity of the world due to the observed tendency of a steady and constant decline in the role of the United States in the system of international relations and, at the same time, the growth of influence of other states or their alliance.[2] It should be borne in mind that in the modern world, no state in the world no longer occupies a dominant position in world politics, and the solution of many emerging problems depends on the specific balance of geopolitical forces of states both in the world as a whole and in individual regions. These circumstances cannot but affect the system of international law regulating interstate relations, the effectiveness of its institutions and principles, and, accordingly, the international legal doctrine. All these considerations in the modern world are also valid in relation to the settlement of various regional conflicts, including the Armenian-Azerbaijani conflict.

At the same time, it is undoubted that the foreign policy activity of any state based on international law acquires not only certain

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[1] Бжезинский, З. Великая шахматная доска / З. Бжезинский. - М.: «Международные отношения», - 1999, - с. 12

[2] Дугин, А.Г. Международные отношения. Парадигмы, теории, социология: Учебное пособие для вузов. М., Академический Проект, 2013, с. 220-232

legal, but also political and moral advantages, and therefore is more effective than the unlawful activity of a state that violates international legal norms and regulations. Due to the above circumstances, no state directly opposes international law. True, often these or those provisions of international law are only a pretext states to achieve their political and economic interests. Nevertheless, the absence of international legal grounds and "good reason" for certain actions by one country against the sovereignty of another, most likely, reduces the likelihood of such actions, making them often illegal. In the context of globalization, the interconnectedness of states, the full-fledged existence of any state is impossible without interaction with other subjects of international law and integration into international institutions. However, the aggression gives grounds not only for the exclusion of the aggressor country from various state forums, economic associations and programs, as well as negotiating platforms, but also provides legal grounds for the application of both international sanctions and other measures provided for by international law against it. Violation of the provisions of international law by separate states can cause a sharp negative response, both from other states and from world public opinion, condemnation of the foreign policy of such states. Thus, clearly expressed international law plays an essential, if not decisive, role in the regulative normative system of international relations. For this reason, there are frequent cases when, in order to achieve their goals, separate states refer to the alleged contradictions between different norms and principles of international law. This circumstance reflected in the international legal doctrine.

So, in the scientific literature, it was suggested that some international legal principles contradict each other, for example, the principle of self-determination of peoples (nations) to the principle of territorial integrity of states,[3] that, in particular, there is supposedly a

[3] *Müllerson, R.A., Ordering Anarchy*: International Law in International Society, *The Hague*, Nijhoff, *2000*, p. 156

conflict between the principle of inviolability of borders and law peoples freely dispose of their own destiny.[4]

Therefore, one of the urgent problems of international law is the problem of the correlation and interconnection of the principles of the territorial integrity of states and equal rights and self-determination of peoples.

In the international legal literature, it is noted that: "*A number of factual and legal problems related to the foundations of modern international law need to be resolved. The principle of territorial integrity and self-determination of peoples occupies the central place here*."[5] In addition, it is quite natural that this issue is the subject of both scientific research of lawyers and specialists in the field of international law, and close attention of the international community. The correlation between the principles of the territorial integrity of states and the self-determination of peoples is by no means only a theoretical problem of international law, this problem is also very relevant both for the practical activities of states and international organizations. This circumstance is associated with the emerging trend in the recent period of increasing the importance of territorial problems as a source of conflicts, which can create and often does create a threat to both universal peace and international security in general, and in certain regions of the world. Over the past decades, a number of events have taken place that have intensified discussions in modern international law about the relationship and interaction of these two principles. Thus, devastating consequences and numerous casualties among the population accompanied territorial conflicts in various regions of the world, including in the post-Soviet space. At the same time, these unresolved conflicts are of a long-term nature, sometimes they are "smoldering" in nature, and sometimes they are rapidly escalating. At the same time, in a number of cases, new circumstances and factors appear that affect the process of their

[4] Цыганков, П.А. Теория международных отношений. М.: Гардарики, 2006, с. 370-371

[5] Krüger, H. Der Berg-Karabach-Konflikt. Eine juristische Analyse. Springer Dordrecht Heidelberg, London, New York, 2009, s. 2

settlement. It should also be noted that this problem is of universal importance, as it is faced in different regions of the world. Since the 1990s, all large-scale armed conflicts in Europe (for example, in the territory of the former Yugoslavia), as well as in the post-Soviet space (in Moldova - Transnistria, in Ukraine - Crimea and South-Eastern Ukraine, in the recent past in Russia - Chechnya) and especially in the South Caucasus were, in one way or another, associated with territorial problems.
Thus, the events in Spain on the issue of Catalonia (holding an illegal referendum in Catalonia on independence), as well as in Great Britain on the issue of Scotland (holding a referendum approved by the central authorities in Scotland on independence) are the latest manifestations of this issue in Western Europe. The issues related to the unsettled status of Northern Cyprus and Kosovo to the end testify to the particular importance of this problem for Europe.

This problem is relevant for other regions of the world as well. Therefore, in Asia, in the Middle East, one can note an attempt to proclaim an independent Kurdish state on the territory of Iraq (after the referendum held on September 25, 2017), which was not recognized by any state. Moreover, the emergence of the so-called Islamic State of Iraq and the Levant (ISIS) on the territory of Iraq and Syria in general created a threat to global peace and security and required intervention from the international community. In addition, the problem associated with the emergence of the Azad Kashmir territorial entity, supported by Pakistan and not recognized by India, because both countries have nuclear weapons, is also very explosive in nature. This problem is very urgent on the African continent as well. One of its most recent manifestations is the situation in Mali, in the northeast of which, on April 6, 2012, the Tuaregs announced the creation of the so-called independent state of Azawad. In general, this issue causes great controversy in the science of international law.[6] In the doctrine of international law, there is no consensus on the relationship between the principles of the territorial integrity of

[6] Crawford, J.R. The Creation of States in International Law / J.R. Crawford. - New York: Oxford, - 2007, p. 376

states and the equality and self-determination of peoples. In recent years, the discussion on this problem has developed with renewed vigor. [7]This problem is one of the most complex and controversial in international law and world politics. Its relevance and political acuteness is inextricably linked with the destinies of both individual states and different regions and the world as a whole.

The problem of the Armenian-Azerbaijani conflict was one of the most acute and has many different aspects, including such as historical, political, legal, economic, cultural, ideological, etc. However, among them, the legal aspect of this issue is of particular importance, since how the settlement of relations between Armenia and Azerbaijan should be formalized by legal means. However, despite the long history of the Armenian-Azerbaijani conflict, serious scientific studies of the legal nature of this issue from the point of view of the relationship between the principles and norms of international law have not been carried out in Azerbaijani legal science.

The degree of scientific elaboration of the problem. It should be noted that in Azerbaijani domestic legal literature there are several works in which investigated some aspects of the problem of international legal regulation of territorial conflicts. Among them, the work of O.F. Efendyiev under the name: “Armed conflicts and war crimes in the Central Caucasus", from 2008 year. In this work, although one paragraph is devoted to the Azerbaijani-Armenian conflict (paragraph 4.2. Pp. 177-185), the main attention is directed to the study of the issues of war crimes committed in the Central Caucasus and responsibility caused by such crimes. In the work of V.A. Ibaev "The Armenian-Azerbaijani Nagorno-Karabakh conflict through the prism of the principles of the international principle of jus cogens" from 1999, the main attention is paid to defining the basic principles of international law, studying the content of each of

[7] Остроухов, Н.В. Территориальная целостность государств в современном международном праве и ее обеспечение: теоретико-правовые и международно-правовые измерения // Вестник РУДН, серия Юридические науки, 2013, № 3, - с. 245

the 10 principles reflected in the 1975 Helsinki Final Act. In the work of T.F. Musayev under the name "Legal aspects of the Nagorno-Karabakh conflict" from 2001, special attention is paid, along with consideration of various aspects of this conflict, also the study of legal acts adopted during the existence of the USSR regarding this conflict. In the work of I.M. Mammadov and T.F. Musayev under the name "The Armenian-Azerbaijani Conflict: History, Law, Mediation" from 2008, the main attention is paid to the coverage of the history of this conflict, the provision of mediation services aimed at its settlement, as well as some legal aspects of this conflict. In the work of K.N. Makili-Aliev under the name, "Application of International Law in the Nagorno-Karabakh Conflict" of 2008 mainly examines the issues of humanitarian law and international criminal law regarding this conflict. In the work of N.G. Aliyev under the name: "Issues of International Law in the Nagorno-Karabakh Conflict" of 2009 considers both general issues regarding the settlement of this conflict and various models of its settlement. F.Zeynalov's research “The Nagorno-Karabakh Conflict: Toward a Just Peace or Inevitable War. Historical, Geopolitical and Legal Approach” from 2012 focuses on the historical and geopolitical aspects of the Nagorno-Karabakh conflict. It is noteworthy that in recent years several foreign lawyers and specialists have also turned to the problems of international legal settlement of the Armenian-Azerbaijani conflict.

It is noteworthy that in recent years several foreign lawyers and specialists have also turned to the problems of international legal settlement of the Armenian-Azerbaijani conflict. So, it can be noted the work of the German lawyer and diplomat Heiko Kruger “The Nagorno-Karabakh conflict. Legal analysis "from 2013, as well as the research of the famous Ukrainian international lawyer A.A. Merezhko "The problem of Nagorno-Karabakh and international law" from 2014. The Nagorno-Karabakh problem, along with other conflicts, is also mentioned in the fundamental work of the British international lawyer Malcolm Shaw "International Law". At the same time, in the Azerbaijan legal literature there are no fundamental scientific works devoted to a system study of various theoretical

concepts of the correlation between the principles of territorial integrity of states and equality and self-determination of peoples. Also, in the Azerbaijan legal literature there are no fundamental scientific works devoted to such questions, as the recognition of Armenia as an aggressor from the point of view of international law; the international illegality of Armenia's violation of the territorial integrity of the Republic of Azerbaijan; absence of contradiction between the principles of territorial integrity of states and equality and self-determination of peoples; inapplicability of the principle of equality and self-determination of peoples to the Armenian-Azerbaijani conflict; the need to compensate for material and moral damage caused by the aggression of Armenia against Azerbaijan; the right to self-defense of the Republic of Azerbaijan against the aggression of Armenia. This thesis is devoted to research and the elimination of gaps in the above areas.

The purpose and objectives of the study. The main aim of this work is to study the theoretical and practical aspects of the problem of the relationship between the principles of territorial integrity of states and equality and self-determination of peoples in general, and in relation to the settlement of the Armenian-Azerbaijani conflict, in particular, with the analysis of the latest domestic and foreign scientific research and modern international practice on this problem.

To achieve this goal, the author set the following tasks:

1. to study the main theoretical aspects and the legal nature of the problem of correlation between the principles of the territorial integrity of states and the equality and self-determination of peoples;
2. to determine the main directions and tendencies of the development of this problematic in the period of globalization;
3. to give a legal definition of the concept of the principle of the territorial integrity of states;
4. to determine the legal content, main elements, stages and features of the formation of the principle of territorial integrity of states in international law;
5. to determine the legal content, main elements, stages and features of the formation of the principle of equality and self-determination of peoples in international law;

6. to consider the main doctrinal approaches to the principle of equality and self-determination of peoples in the science of international law;
7. to define the subjects of the principle of equality and self-determination of peoples;
8. to study the basic doctrinal concepts of the correlation between the principles of the territorial integrity of states and the equality and self-determination of peoples;
9. to consider the theoretical and practical aspects of the problem of the emergence of new states in modern international law;
10. to determine the legitimate ways of the emergence of new states in international law;
11. to analyze the features of the international legal settlement of the Kosovo problem and regional conflicts throughout the post-Soviet space;
12. to study the features of the institution of recognition of states in modern international law;
13. to investigate the aggression of Armenia against Azerbaijan as the main cause of the Armenian-Azerbaijani conflict;
14. to analyze the international legal aspects of compensation for damage caused by the aggression of Armenia against the Republic of Azerbaijan;
15. to consider the legal grounds for the realization of the right to self-defense of the Republic of Azerbaijan against the aggression of the Republic of Armenia;
16. to analyze the international legal aspects of decisions of international organizations regarding the settlement of the Armenian-Azerbaijani conflict.

Research methodology. The methodological basis of the work was formed by the dialectical method of scientific knowledge, as a method of objective and comprehensive knowledge of the phenomena of reality in the process of the formation of the phenomena under study, as well as such particular scientific methods based on it as historical-legal, comparative-legal, logical, formal-legal, systemic and others to study the essence of the investigated

processes and phenomena at all stages and levels of scientific knowledge.

Scientific novelty of the dissertation research. In this dissertation work, for the first time in the doctrine of international law, current aspects and new approaches in modern international law to the problem of interconnection of such basic principles of international law as the principles of territorial integrity of states and equality and self-determination of peoples are the subject of independent scientific research of monographic character. In the light of the studied problematic, the dissertation work in detail analyzes the international legal aspects of the settlement of the Armenian-Azerbaijani conflict. Unlike studies, which mainly highlight certain aspects of the problem under consideration, this dissertation for the first time carried out a systematic study of the problem of the relationship between the principles of the territorial integrity of states and the self-determination of peoples. This approach allows the author to put forward the concept that the normative content of the principles of territorial integrity and equality and self-determination of peoples does not contradict each other.

The scientific novelty of the work also includes the study of the relationship between the principles of territorial integrity and equality and self-determination of states when considering the Armenian-Azerbaijani conflict. At the same time, special attention is paid to conducting a comparative study of the problem of resolving territorial conflicts in the post-Soviet space.

The scientific novelty of the work also lies in the fact that the author legally substantiates the concept of the legitimacy of the emergence of new independent states as subjects of international law, defines the criteria and classifies such legitimacy.

The novelty of the dissertation is also determined by the fact that for the first time a number of documents carrying new scientific information are introduced into the scientific circulation of Azerbaijan. Based on their analysis, the author confirms the position that the main reason for the Armenian-Azerbaijani conflict is the aggression of Armenia against Azerbaijan.

The scientific novelty of the work also includes the definition of the international legal basis for compensation for damage caused by the aggression of Armenia against Azerbaijan. In addition, the scientific novelty of this research includes the author's substantiation of the concept of the right to self-defense of the Republic of Azerbaijan against the aggression of Armenia, as well as the systematization and systematic study of the international legal aspects of decisions of international organizations regarding the Armenian-Azerbaijani conflict.

The main provisions put forward for the defense follow from the goals and objectives of the dissertation research and are as follows:

1. In international law, the principle of the territorial integrity of States is one of the basic principles, having both the character of jus cogens norms and the character of erga omnes norms. Attempts made in the legal literature in order to question not only the legal content, but also the very existence of this principle are legally unsound and contradict both international legislation and international practice of states.

2. Despite the well-established nature of the principle of territorial integrity, international legal acts do not contain its definition. Meanwhile, the development of such a definition is of great theoretical importance both in conducting scientific research and putting forward specific proposals, and in determining the essence and content of this principle. The author offers a definition of the principle of territorial integrity. In accordance with it, the principle of the territorial integrity of a state means the guiding principles and rules of conduct of states in international relations, contained in generally recognized norms of international law that are of a peremptory nature and providing for refraining from taking any action against the territorial integrity, political independence or unity of another state, including seizure, occupation, dismemberment or change of ownership of its territory, damage, as well as illegal use of the territory or exploitation of natural resources and economic potential.

3. Armenia violated all the basic elements of the content of the principle of the territorial integrity of Azerbaijan. It is the prohibition of the threat or use of force against the territorial integrity and inviolability of state; prohibition to turn the territory of a state into an object of military occupation or into an object of acquisition by another state as a result of the use of force or the threat of its use; the duty to refrain from any actions inconsistent with the purposes and principles of the UN Charter, against the territorial integrity of any state, and not only from the threat or use of force against the territorial integrity and inviolability of the state; prohibition of the use of the state territory of another state without the explicit consent of the latter.

4. In modern international law, the principle of equality and self-determination of peoples has certain limits of action. In international legal acts and documents and in international practice, and primarily in the practice of the UN, the implementation of the principle of equality and self-determination of peoples in the form of secession and the creation of an independent state was aimed at achieving independence by colonial peoples, or peoples under the yoke of racist regimes, or other forms of foreign domination. International law does not provide outside of this context the right to secede from independent states.

5. It is illegal and impossible to consider the problem of resolving the conflict around Nagorno-Karabakh in the context of the decolonization process. Azerbaijan has never been a colonial country; on the contrary, the Turkmenchay and Gulistan treaties legally secured the occupation and colonization of Azerbaijan with all its lands, including the Karabakh region, by the Russian Empire. The mountainous, as well as the low-lying part of the single Karabakh region, has always been an integral part of our country. Azerbaijan during the adoption of the UN Charter as a member of the federation, together with all its regions, including the region of former Nagorno-Karabakh, was part of the Soviet Union, one of the world's leading states. Armenia's attempt to present the armed conflict over Nagorno-Karabakh as a "national liberation war of the Nagorno-Karabakh people" has no legal basis, since neither the

international community nor the UN have ever considered Nagorno-Karabakh as a territory under "colonial rule" or "foreign occupation ". The principle of equality and self-determination of peoples in the context of the decolonization process has nothing to do with the Armenian-Azerbaijani conflict and is not applicable to it.

6. The subject of the implementation of the principle of equality and self-determination is exclusively the entire people. Various minorities (national, ethnic, linguistic, religious, etc.) are not subject to the implementation of the principle of equality and self-determination of peoples in the form of secession. The Armenian population living in Nagorno-Karabakh (the Armenian community of Nagorno-Karabakh) is a national minority in Azerbaijan and it is not a subject of the implementation of the principle of equality and self-determination of peoples in the form of secession.

7. The concept of the priority of the principle of equality and self-determination of peoples has no legal basis either in international legislation or in the constitutional legislation of various states. The emergence of this concept is mainly associated with attempts to justify the rejection of Abkhazia, South Ossetia and Transnistria, respectively, from Georgia and Moldova, Crimea and Southeast of Ukraine from Ukraine, as well as the occupation of the Azerbaijani lands of Nagorno-Karabakh and other territories of Azerbaijan from Armenia.

8. The concept of a contradiction between the principles of the territorial integrity of states and the equality and self-determination of peoples is inappropriate and does not stand up to criticism. These principles have different areas of application and define different guidelines and standards based on their content. In the content of the principle of equality and self-determination of peoples, there is a clause stipulating that this principle cannot be applied if it authorizes or encourages any actions that lead to dismemberment or to partial or complete violation of the territorial integrity or political unity of sovereign and independent states. This clause is one of the main elements of the content of the principle of equality and self-determination of peoples, establishes specific conditions for its

practical application, and determines the main parameter of its relationship with the principle of territorial integrity of states.

9. The concept of the absence of contradiction between the principles of the territorial integrity of states and the equality and self-determination of peoples due to the fact that the principle of territorial integrity of states is applicable in relations between states, and the principle of self-determination affects the processes taking place within one country, where the state is only one of the parties. Indeed, in this case, it can also be argued that the principle of equality and self-determination of peoples does not apply to the principles of international law governing interstate relations, but is a principle of domestic law, which, of course, is not true. The principles of territorial integrity and self-determination of peoples are the principles of modern international law, and the scope of their application covers the area of interstate relations.

10. In the modern period, the emergence of new states should take place exclusively by legal means provided for by international law. Only a territorial entity that was created in accordance with international legal norms and principles can claim international legal recognition. The world community of states as independent states illegal means, i.e. in violation of the norms and principles of international law does not recognize territorial separatist formations created by.

11. Whatever the final solution to the Kosovo problem, from a legal point of view, it cannot be a precedent and be the basis for the settlement of the Armenian-Azerbaijani and other conflicts in the post-Soviet space.

12. It is entirely legitimate and consistent with international law that a state whose territorial integrity has been violated because of the emergence of a self-proclaimed separatist territorial entity on its territory, takes any measures, including those aimed at its elimination. In this case, the provision of comprehensive assistance to such a state on the part of the world community of states is also legitimate.

13. In modern international law there is a solid basis and legal criteria for determining the aggression of one state against another,

which provides for both the possibility of establishing an aggressor country in order to bring such a country to international responsibility, and criminal punishment of persons guilty of committing acts of aggression . The attack by the Armenian armed forces on the armed forces of Azerbaijan, the invasion of the Armenian armed forces into the territory of Azerbaijan, the military occupation of a part of the territory of Azerbaijan, which is the result of such an invasion, all-round military-political, economic and financial assistance by Armenia to the puppet separatist regime established by Armenia on the occupied lands of Azerbaijan, and also the material and technical supply by Armenia of illegal armed Armenian formations in the occupied territories of Azerbaijan, are irrefutable evidence of the fact that Armenia committed aggression against Azerbaijan and fully fall under the definition of aggression contained both in the UN General Assembly Resolution "On the Definition of Aggression" and in the articles added to the Charter ICC adopted May 31 - June 11, 2010 at the First Review Conference of the Rome Statute of the International Criminal Court.

14. In connection with the Armenian-Azerbaijani conflict, Armenia's international legal responsibility can be subdivided into two types of responsibility: Armenia’s responsibility to the world community of states and Armenia’s responsibility to Azerbaijan for concrete material and moral damage inflicted as a result of aggression. Committing acts such as aggression, genocide, ethnic cleansing, apartheid, racial discrimination, etc. is aimed at violating the UN Charter and by the world community of states are qualified as international crimes. Obligations not to commit such acts are in the nature of a special category of obligations to the international community as a whole, obligations erga omnes. Since all states have a legal interest, they have the right to invoke the responsibility of the state that has violated the erga omnes obligation. The responsibility of Armenia to the world community of states gives rise, first of all, to the need to stop the aggression by Armenia against Azerbaijan and the withdrawal of all occupying forces from the occupied territories, eliminate the consequences of the population.

15. An armed attack by Armenia on Azerbaijan initiates the emergence of the right to self-defense of the Republic of Azerbaijan. The Republic of Azerbaijan, as a party that was attacked by the Armenian Republic, has the right to initially establish the fact of an armed attack. At the same time, the Republic of Azerbaijan has the right to determine the moment of the beginning of the exercise of the right to self-defense itself.

16. The significant factors influencing the process of the Armenian-Azerbaijani settlement are the decisions of influential international organizations regarding this conflict. This applies to the decisions of such organizations as the UN, Non-Aligned Movement, OSCE, Council of Europe, EU, OIC, NATO. The decisions of these international organizations support the territorial integrity of the Republic of Azerbaijan and provide for the settlement of the Armenian-Azerbaijani conflict within the framework of the territorial integrity of the Republic of Azerbaijan.

The theoretical basis of the research. The dissertation makes extensive use of the research of both Azerbaijani and foreign scientists, devoted to the study of various aspects of the problem under consideration. The work used the works of such Azerbaijani legal scholars as A.I. Aliev, R.F. Mamedov, L.G. Guseinov, O.F. Efendiev, E.A. Aliev, A.I. Sadygov, V.A. Ibaev, N.G. Aliev, S.V. Yusifova, T.F. Musaev. The author also used the works of such leading Soviet legal scholars, as well as legal scholars of post-Soviet countries, such as Yu. Baskin, A.S. Bakhov, K.A. Bekyashev, P.N. Biryukov, I.P. Blishchenko, G.I. Bogush, A.S. Bukhanova, S.V. Bukhmin, G.M. Velyaminov, L.I. Volova, F.R. Gasimov, E.V. Gorokhovskaya, Ya. A. Grigelyonis, D.V. Grushkin, G.V. Ignatenko, A. Ya. Kapustin, V.A. Kartashkin, B.N. Klimenko, D.N. Kolesnik, A.V. Kuzmin, I.I. Lukashuk, A.B. Mezyaev, G.M. Melkov, A.A. Merezhko, R.A. Mullerson, L.F.L. Oppenheim, A.I. Poltorak, Yu.A. Reshetov, V.A. Romanov, E.I. Skakunov, L.V. Speranskaya, A.N. Talalaev, S.G. Timoshkov, L.D. Timchenko, O. I. Tiunov, G.I. Tunkin, N.A. Ushakov, D.I. Feldman, V.A. Khabrieva, S.V. Chernichenko, Yu. Chekharin, G.V. Sharmazanashvili, M.V. Yanovsky and others.

The dissertation work also widely used the works of such well-known foreign legal scholars as: R. Andzheichik, R. Bledso, B. Bozek, M. Bote, J. Brownli, H. Weberg, J. G. V. Verzizhl, V.G. Vitzum, C. Visher, A. Wrozumska, T.D. Gil, G. Grotius, G. Schwarzenberger, K.A. Cassese, A. Cobban, A.R. Korachini, M. Koskenniemi, J.R. Crawford, F. Kunig, P. Malanchuk, A. Ost, Heilbronner, M.N. Shaw, T.J. Farer, K. Tomushat, L.F. Damrosh, R. Cristescu, G. Lanzieri, K. Hilgruber, H. Kruger, H.G. Espiel, T.D. Musgrave, T.M. Frank, G. Fitzmaurice, V. Chaplinsky, J.J. Summers, W. Slomanson, I. Jennings, W. Vengler, G. Wright, J. G. Stark, G. Ssel, N. K. Dinh, P. Daye, A. Pellet, T. Potier, M. Sibert, B. Rivlin, A. Ferdross, B. Simma, L. Henkin, A. Eide and others, as well as such political scientists and sociologists as D. Lynch, ETC. Vaal, K. Migdalovits, S.E. Cornell, A. Ya. Yongman, A.P. Schmid, P.T. Lenard, A. Etzioni, I. Khaindrava.

The regulatory framework of the work includes international treaties and agreements, constitutions of various states, resolutions and decisions of the Security Council and the UN General Assembly, OIC, OSCE, Council of Europe, EU, Non-Aligned Movement, NATO, CIS, decisions and advisory opinions of the International Court of Justice, European Court of Human Rights.

The theoretical significance of the work lies in the fact that, from the point of view of the theory of international law, the following concepts are substantiated: recognition of Armenia as an aggressor; international unlawfulness of violation of the principle of territorial integrity of the Republic of Azerbaijan by Armenia; absence of contradiction between the principles of territorial integrity of states and self-determination of peoples; wrongfulness in international secession law unilaterally; the inadmissibility of the principle of self-determination of peoples in relation to the Armenian-Azerbaijani conflict; recognition by the world community of only those states that have arisen in lawful ways; the legitimacy of the position of the Republic of Azerbaijan regarding the Armenian-Azerbaijani conflict; the need to compensate for material and moral damage caused by the aggression of Armenia against Azerbaijan; the

right to self-defense of the Republic of Azerbaijan against the aggression of Armenia.

The practical significance of the study. The Azerbaijani side to argue its position from the point of view of international law when negotiating the resolution of the Armenian-Azerbaijani conflict can use the conclusions and main conclusions put forward in the main areas of the dissertation. It should be noted that this problem is of great practical importance in the activities of such international organizations as the UN, CSCE, EU, NATO, OIC, Council of Europe, AU, OAS, in maintaining peace and international security, preventing aggression, condemning and eliminating it. consequences, taking preventive measures and preventing the emergence or settlement of territorial problems and regional conflicts, including in the post-Soviet space.

This dissertation work can also be used: when conducting subsequent scientific research on this issue; preparation of analytical materials by domestic and international organizations and structures; when writing monographs, textbooks, teaching aids, scientific articles, in the preparation and conduct of lectures, seminars, practical classes and, in addition, in the preparation of teaching materials on this topic; in the process of teaching and learning activities under the programs "International Law", "International Security Law", "Human Rights".

Approbation of research results. The main theoretical provisions, conclusions and recommendations, which were developed and formulated in the dissertation, were reported at the I-VI republican scientific conferences "Modern problems of legal science", held in Baku in 2011-2016, at international conferences: "Modern problems of legal science and education and ways to resolve them”held in Baku in 2011, and“ Actual problems of building a rule-of-law state in Azerbaijan ”, held on October 23-24, 2014 in Baku. The main provisions and conclusions of the dissertation are also reflected in two monographs - "Correlation of the principles of territorial integrity and self-determination of peoples in the theory and practice of international law." Baku, 2009, 304 p., "The importance of decisions of international organizations in the

regulation of the Armenian-Azerbaijani Nagorno-Karabakh conflict and international law", 2012, 344 p. (in Azerbaijani) and "International legal aspects and principles of the settlement of the Armenian-Azerbaijani Nagorno-Karabakh conflict." Baku, 2020, 428 p., As well as in 44 scientific articles published in leading scientific journals of Azerbaijan, Russia, Ukraine and Georgia.

The volume of the thesis in signs, indicating separately the volume in signs of its structural parts. The structure of the thesis reflects both the specifics and features of the subject of scientific work and is due to the applicant's desire to comprehensively disclose the problems under consideration, the goal and specific tasks of the research and consists of an introduction (34928), 6 chapters, which combine 23 paragraphs (470601 characters), conclusions (16413 characters), bibliography and abbreviations. The total volume of the thesis is 521942 characters. The volume of the abstract is 97183 characters.

MAIN CONTENT OF WORK

The introduction substantiates the relevance of the topic of the dissertation research, defines the goal and main tasks of the work, its methodological basis, theoretical and practical significance, shows the degree of elaboration of the problem, outlines the scientific novelty of the work, formulates the provisions for defense, and also shows the results of approbation of the research.

Chapter I - "The principle of territorial integrity of states" consists of three paragraphs. ***The first paragraph - "The concept of the principle of territorial integrity of states",*** is devoted to the consideration of the definition of the definition of this principle in international law.

Each state exercises its sovereign power within its own territory, has international legal personality, and represents its country in the system of international relations. Therefore, the territory is one of the main components and conditions for the existence of the state. Therefore, each state makes every necessary effort to protect its territory, which is the essence of the concept of territorial integrity,

the legal form of expression of which is the principle of territorial integrity and inviolability of states.

It should be noted that this principle has a different name. Thus, in the Russian text of the UN Charter it is called the principle of territorial inviolability (clause 4 of article 2), in the English text of the Charter (as well as in French and Spanish), as well as in the Final Act of the CSCE - the principle of territorial integrity. In the Constitution of Azerbaijan, this principle is referred to as "territorial integrity". The Constitution of the Russian Federation and the Constitution of Ukraine speak of territorial integrity and inviolability. Similar differences in the name of this principle are reflected in the international legal literature.

The concepts of "territorial integrity" and "territorial inviolability" are different manifestations of the state sovereignty of the state. Violation of the territorial integrity of the state can be both intentional and unintentional. Only such unlawful acts that are aimed at forcibly dismembering the territory of another state are qualified as internationally illegal acts aimed at violating the territorial integrity of a state. Such actions are deliberate. The concept of territorial inviolability is an integral part of the concept of the territorial integrity of a state and these concepts are related as a philosophical category of part and whole.

The concept of the principle of the territorial integrity of a state is understood as the governing rules and standards of behavior of states that determine such a model of their behavior, which is contained in the basic and generally recognized norms of international law, having nature of jus cogens and erga omnes, and provides for states to refrain from taking any action against territorial integrity, political independence or unity of another state, including the seizure, occupation, dismemberment or change of ownership of its territory, causing damage to it, as well as illegal use of its territory or exploitation of its natural resources and economic potential.

The features of the formation of the principle of the territorial integrity of states are considered in the ***second paragraph of the first chapter.***

During the period when international law recognized *jus ad bellum*, conquest was considered a legitimate means of acquiring territory. For the first time in the history of mankind, the idea of refusing to conquer the territories of other states was proclaimed by the Great French Revolution. Numerous acts of the French Revolution ("Proposal" by Deputy Volnay, the draft Declaration of International Law, Abbot Henri Jean-Baptiste Gregoire, etc.) contain the most important ideas in the field of international law, which became the basis for the gradual formation of many principles of international law, including the principle territorial integrity of states. The term "territorial integrity" is found in a number of international documents of the 19th and early 20th centuries. So, during the Congress of Vienna in 1814 - 1815. the permanent neutrality and territorial integrity of Switzerland were recognized. In Art. VII of the Paris Treaty of 1856, recognizes the "independence and integrity of the Ottoman Empire", etc.

The first multilateral international treaty, in which the elements of the principle of the territorial integrity of states were enshrined, is the Charter of the League of Nations. Of great importance in the process of forming this principle was the conclusion of the Paris Treaty of August 27, 1928, (the Briand-Kellogg Pact), which prohibited recourse to war in interstate relations.

The decisive stage in the process of forming the principle of the territorial integrity of states is the adoption of the UN Charter. The UN Charter prohibited the threat or use of force against either the territorial integrity or political independence of any state, or in any other way incompatible with the goals of the UN (Art. 2, paragraph 4). In essence, the UN Charter laid the foundation for the formation of a modern system of international law, which finally prohibits the use of force or the threat of force in international relations. It should be noted that, being enshrined in the UN Charter, this principle has become a generally recognized principle of international law.

The elements that make up the content of the principle of the territorial integrity of states were further developed in the Declaration on the Principles of International Law of October 24, 1970, adopted by the UN General Assembly. It should also be noted

that the principle of territorial integrity gradually began to receive its subsequent legal agreement. (State treaty on the restoration of an independent and democratic Austria of May 15, 1955, treaties between the USSR and the FRG of August 12, 1970, Poland and the FRG of December 7, 1970, etc.).

A new stage in the formation of the principle of the territorial integrity of states is associated with the adoption in 1975 in Helsinki of the Final Act of the CSCE. For the first time, this document contains a complete formulation of the principle of the territorial integrity of states. This principle is enshrined in a number of subsequent OSCE documents (Charter of Paris for a New Europe, Budapest, Lisbon, Istanbul, Astana OSCE summits), in the Declaration and Program of Action of the World Conference on Human Rights in Vienna, etc.

It should also be emphasized that the International Court of Justice, among the principles of international law, especially notes the principle of the territorial integrity of states (see Nicaragua v. United States of America).[8] In the legal literature, the principle of territorial integrity is considered by the absolute majority of authors as one of the basic and generally recognized principles of modern international law (I.I. Lukashuk [9], M. Shaw [10], E. Ost [11], L.D. Timchenko [12] etc.)

Thus, the principle of the territorial integrity of states, having begun its formation with the ideas put forward by the Great French Revolution, has become one of the generally accepted and generally

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[8] Case Concerning Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), 1986-06-27 // Jurisdiction and Admissibility, Judgment, I.C.J. Reports 1984, p. 392.

[9] Лукашук, И.И. Международное право. Общая часть. М., Волтерс Клувер, 2005, с. 296, 313-314

[10] Shaw, M.N. International law. Sixth edition, Cambridge University Press, 2008, p. 290, 488

[11] Aust, A. Handbook of International Law Cambridge University Press, New York, 2005, p. 41

[12] Тимченко, Л.Д. Международное право: учеб. для юрид. спец. вузов МВД / Л. Д. Тимченко; МВД Украины; Университет внутренних дел. - Харьков: Консум, 1999, с. 73-74

recognized principles of modern international law, which have received wide recognition both in the theory and doctrine of international law and in the international legal practice of states.

In the third paragraph of the 1st chapter - "Legal content and basic elements of the principle of territorial integrity of states", the normative content is analyzed and the main elements of this principle are examined. One of them is the prohibition of the threat or use of force against the territorial integrity and inviolability of another state. The Republic of Armenia not only unleashed an aggressive war, which is a crime against peace, but also occupied 20% of the entire territory of Azerbaijan.

An important element of this principle is the prohibition on turning the territory of a state into an object of military occupation or into an object of acquisition by another state as a result of the use of force or the threat of its use. This provision was reflected both in the 1970 Declaration of Principles of International Law and in the 1975 CSCE Final Act.

An essential element of this principle is the provision on the refusal of the international community to recognize the occupation of the territory of one state by another, or on the transformation of the territory of a foreign state into the object of such acquisitions. It is thanks to the existence of such an international legal norm that not a single state of the world or international organization has recognized the occupation of the territorial lands of Azerbaijan as legal.

An element of this principle is also the provision that states are obliged to refrain from any actions incompatible with the purposes and principles of the UN Charter, against the territorial integrity of any state. In our opinion, this also includes the obligation of states not to support or encourage separatist movements on the territory of other states. The content of this element includes the prohibition of claims by one State that are not based on international law on the entire territory or part of it of another State, as well as for this purpose the prohibition of such propaganda. The Republic of Armenia is pursuing a policy aimed at substantiating territorial claims against its neighbors (Turkey, Georgia, Iran) in general, and against Azerbaijan in particular.

Also an important element of this principle is the provision prohibiting the use of the state territory of another state without the consent of the latter. This is, firstly, the use by one state of the territory of another state for the purpose of transit, movement of certain cargoes, goods, equipment, etc. without the consent of the sovereign of the territory. Meanwhile, Armenia, in violation of international legal norms, widely uses the occupied territory of the Zangelan region of Azerbaijan, bordering Iran, for the transit of goods and cargo. Secondly, it is the development and exploitation of the natural resources of a foreign state. Armenia is predatory exploiting the natural resources of Azerbaijan in the occupied lands.

An element of the principle of territorial integrity is the need to refrain from actions that create the danger of causing damage to the environment, as well as the danger of deteriorating the natural state of the environment by influencing it from abroad. In this case, Armenia also violates international legal norms. Thus, the irrigation and water supply system of the entire region and the occupied territories adjacent to the zone has been disrupted, which negatively affects the state of soils and vegetation cover. The Armenian side itself deliberately sets fires in the occupied Azerbaijani territories.

Thus, it can be concluded that Armenia violated all the main elements, the content of the principle of the territorial integrity of Azerbaijan.

Chapter II - "The principle of equality and self-determination of peoples" consists of four paragraphs. ***The first paragraph - "The concept and content of the principle of equality and self-determination of peoples in international law"*** is devoted to the study of the definition of this principle, as well as the analysis of its content. In the legal literature and practice of states, there is no unambiguous and generally accepted name in relation to the process of self-determination of peoples. So, G.I. Tunkin and L.G. Huseynov use the term “the principle of self-determination of peoples”. I.I. Lukashuk uses the term “the principle of equality and self-determination of peoples”. D.R. Crawford uses the concept of the principle of self-determination. V.G. Witzum uses the term "the right of peoples to self-determination." J. Brownley identifies the

"principle of self-determination" with the "right to self-determination." V.A. Romanov. French international lawyer Nguyen Quoc Dinh believes that the principle of self-determination is based on the right of peoples to self-determination. Ukrainian international lawyer L.D. Timchenko uses both terms. A.A. Merezhko notes that some authors consider these concepts to be synonymous, while others believe that the right to self-determination is based on a broader concept - the principle of self-determination.

Obviously, these categories, if not even synonymous in terms of terminology, are very close to each other. The principle of self-determination determines the general guiding principles of its implementation, and the right to self-determination is a set of legal norms governing the process of realizing self-determination. The UN Charter speaks of the need to develop friendly relations between states based on respect for the principle of equality and self-determination of peoples. This principle is also stated in Art. 55 of the UN Charter. As can be seen in this fundamental international legal act, we are talking about the principle of equality and self-determination of peoples. Therefore, in our opinion, it is preferable to talk about this legal phenomenon as a principle.

Various interpretations of the concept of this principle are given in the Azerbaijani and foreign legal literature and doctrine.[13,14,15,16,17] However, a careful study of the content of all these definitions allows us to conclude that they, in general, are based on such international acts as the Declaration on the Granting of Independence to Colonial Countries and Peoples of December 14, 1960, the Covenants on

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[13] İbayev, V.Ə. Ermənistan-Azərbaycan, Dağlıq Qarabağ münaqişəsi beynəlxalq hüquq müstəvisində. Bakı: Elm, 2006, s.321-322

[14] Hüseynov, L.H. Bynəlxalq hüquq. Dərslik. Bakı: Qanun Nəşriyyatı nəşrıyyatı, 2012, s.40

[15] Курс международного права. В 7 т. Т. 2. Основные принципы международного права / Г.В. Игнатенко, В.А. Карташкин, Б.М. Клименко и др. – М., Наука, 1989, с. 169

[16] Международное публичное право: учеб./ Л.П. Ануфриева, К.А. Бекяшев, Е.Г. Моисеев, В.В. Устинов [и др.], ,М., Проспект, 2009, с. 136

[17] Bledsoe, R., Boczek, B. The International Law Dictionary. Santa Barbara, California, Oxford, England: ABC-CLIO, 1987, p. 54

Human Rights of December 16, 1966, Declaration on the principles of international law of October 24, 1970, the Helsinki Final Act of 1975, etc. In our opinion, this definition as a whole most accurately expresses the main content of the concept of this principle.

The second paragraph of the second chapter examines the main stages of the formation of the principle of equality and self-determination of peoples.

T.M. Frank postulates the existence of self-determination in pre-modern times.[18] The ideas that served to form the concept of self-determination appeared in the political thought of Western Europe, in particular, in the works of Locke and J.J. Rousseau, who believed that the legitimacy of a government would depend on the extent to which it was commensurate with the consent of those ruled by that government. Directly the formation of the principle of equality and self-determination of peoples is associated with the period of formation and formation of nations under the influence of the revolutionary movement in Europe in the 18th century during the era of the American and French revolutions[19]. Historically, the principle of equality and self-determination of peoples was preceded by the so-called "principle of nationality". M. Shaw writes that this principle, which originates from the concept of nationality and democracy, developed mainly in Europe and first appeared in its main form after the First World War. Despite the efforts of US President W. Wilson, it was not included in the Charter of the League of Nations and it was clearly not considered as a legal principle.[20] J. Crawford notes that there was very little development of this principle until 1945. [21] The principle of self-determination during this period did not receive its

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[18] Franck, T.M. Fairness in International law and Institutions. Oxford: Clarendon Press, 1995, p. 92

[19] Динь, Н.К, Дайе, П., Пелле, А. Международное публичное право: в 2-х т. Т. 1: Кн. 1: Формирование международного права. Кн. 2: Международное сообщество / Пер. с фр. К.: Сфера, 2000, с. 27

[20] Shaw, M.N. International law. Sixth edition, Cambridge University Press, 2008, p. 251

[21] Crawford, J.R. The Creation of States in International Law, 2nd edn, Oxford, New York, 2007, pp. 11-112

contractual and legal consolidation. This principle did not take shape as an international legal custom either.

In the process of affirming the principle of equality and self-determination of peoples, the UN Charter is the fundamental legal document. The main content of the principle is reflected in paragraph 2, Art. 1, Art. 55, art. 76 of the UN Charter. In international practice, the principle of self-determination of peoples has been interpreted mainly in the context of the decolonization process. This understanding was enshrined in the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by UN General Assembly Resolution 1514 on December 14, 1960. In the Declaration of Principles of International Law of October 24, 1970, the anti-colonial content of the principle of self-determination of peoples was confirmed. The legal basis for this principle was the presence of the status of a colonial territory, different from the status of the metropolis.

Subsequently, the principle of self-determination was also recognized in relation to peoples under the yoke of racist regimes (UN General Assembly resolution on the definition of aggression of December 14, 1974, Additional Protocol I to the Geneva Conventions of August 12, 1949, etc.)

In general, the anti-colonial understanding of this principle is enshrined both in the UN Charter and in subsequent normative acts adopted by the UN bodies.

The International Court of Justice has also reaffirmed the principle of self-determination of peoples as the fundamental principle governing the decolonization process, including in the advisory opinions on the case of Namibia,[22] on the status of Western Sahara dated October 16, 1975 [23] etc.

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[22] Legal consequences for states of the continued presence of South Africa in Namibia (South West Africa) Notwithstanding Security Council resolution 276 (1970), Advisory Opinion of 21 June 1971 // Reports of the International Court of Justice, 1971, p. 16.

[23] Western Sahara. Advisory Opinion of 16 October 1975 // Reports of the International Court of Justice, 1975, p. 12.

Therefore, we can conclude that the principle of equality and self-determination of peoples in the form in which it was enshrined in international documents was aimed at achieving independence by colonial nations and peoples, as well as peoples under the yoke of racist regimes or other forms of foreign domination.

The third paragraph of the II-nd chapter - "The principle of equality and self-determination of peoples in the doctrine of international law" is devoted to the consideration of various concepts regarding this principle and its legal nature in the theory of international law.

It should be noted that in the Western doctrine of international law, the attitude to the principle of self-determination of peoples as a legal principle has been quite critical for a long time, and many lawyers generally disputed the existence of the legal nature of this principle. J. Brownlee, noting that before 1945, references to the principle of self-determination in legal sources were rare, emphasizes that: "*Until recently, most Western jurists proceeded from a presumption or from a firm conviction that this principle has no legal content, being simply an unsuccessfully formulated moral and political idea*." [24] Such well-known American scholars in the field of international law as J. Fitzmaurice, B. Rivlin, K. Eagleton, English lawyer A. Cobban, French scientists S. Visher, M. Sieber and others denied either its existence or the presence of its legal content.

During the Cold War, in the conditions of East-West confrontation, the interpretation of the principle of self-determination of peoples was strongly politicized. Therefore, in the Soviet legal literature, the principle of self-determination of peoples as a whole was considered as a legal principle. On the other hand, many scholars recognize the legal nature of this principle. Thus, J. Brownlee notes that the general nature of this principle, as well as its political aspect, does not deprive it of its legal content. Among the authors who recognize this principle as legal, he points to such jurists as J. Ssel, J. G. Stark, K. Wright, W. Vengler. M. Koskeniemi notes that by the

[24] Броунли, Я. Международное право. В 2-х кн. Кн. 2. М., Прогресс, 1977, с. 295

end of the 1970s, most textbooks considered self-determination from the point of view of a legal principle or law contained in positive international law. [25] At the same time, even supporters of the recognition of this principle as a legal one emphasize exclusively its anti-colonial orientation. M. Shaw, E. Ost, rapporteurs of the subcommittee on the prevention of discrimination and protection of minorities of the UN Commission on Human Rights Hector Gross Espiel, A. Eide and others note that the peoples living in colonial territories or under conditions of illegal foreign occupation introduced after the adoption of the UN Charter have a clear right to self-determination. The same approach is contained in the international legal literature of post-Soviet countries (G.V. Ignatenko, O.I. Tiunov, S.V. Chernichenko, I.I. Lukashuk, T.Y. Khabrieva, etc.). With such a conceptual approach, it is illegal and impossible to consider the problem of resolving the conflict over Nagorno-Karabakh in the context of the decolonization process. Azerbaijan has never been a colonial country; on the contrary, the Türkmenchay and Gulistan treaties legally consolidated the occupation of Azerbaijan with all its lands, including the Karabakh region, by the Russian Empire. A.A. Merezhko notes that an attempt to present the armed conflict in Nagorno-Karabakh as a "*national liberation war of the Nagorno-Karabakh people*" would be very dubious, since neither the international community nor the UN have ever considered Nagorno-Karabakh as a territory under "colonial rule" or "foreign occupation" by Azerbaijan.[26] It is no coincidence that Secretary General of the Council of Europe T. Davis, during his visit to Armenia, to the question of the lecturer of the Department of Political Science of Yerevan University, who asked: "*Do you think that someday Azerbaijan will come to terms with the loss of Karabakh, just as Great Britain had come to terms with the loss of its colonies. ?* " replied that: "*I think there is a big difference. Karabakh*

[25] Koskenniemi, M. National Self-determination Today: Problems of Legal Theory and Practice // International and Comparative Law Quarterly, Volume 43, Issue 02, April 1994, pp. 242
[26] Мережко, А.А. Проблема Нагорного Карабаха и международное право К., Издательский дом Дмитрия Бураго, 2013, с. 60

is not a colony, but a part of Azerbaijan". [27] Thus, in the modern international legal doctrine, the right to self-determination in the form of secession is considered in relation to peoples who are under colonial yoke, the yoke of racist regimes or other forms of foreign domination. The principle of self-determination of peoples in the form of secession has nothing to do with the Armenian-Azerbaijani conflict and is not applicable to it.

In the ***fourth paragraph of the II-nd chapter - "Subjects of the principle of equality and self-determination of peoples"*** the problem is investigated, who is the bearer of the right to self-determination. Should the concept of people cover only the citizens of the state, or should the content of this concept be understood as different ethnic or national groups living in the territory of the state?

A number of authors (G.I. Tunkin[28], I.I. Lukashuk[29], J. Summers[30]) note that both the people and the nation are the subject of the principle of self-determination. On the other hand, it is obvious that the concepts of "people" and "nation" are different in their content. On the other hand, it is obvious that the concepts of "people" and "nation" are different in their content. Theoretically, they can coincide if in a particular state the population as a whole is monoethnic. But in the modern world, with its development of migration processes, there are practically no such states, with rare exceptions. For example, such mono-ethnic countries include Armenia, which carried out ethnic cleansing of the Azerbaijani population on its territory. In international law, the circle of its subjects is clearly defined. Peoples do not have their own international legal capacity, which as a legal category is inherent

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[27] Тэрри Дэвис сравнил «выборы» в Карабахе с парадом сексуальных меньшинств // http://www.Day.az. 8 ноября 2007.

[28] Тункин, Г.И. Теория международного права. М., Издательство " Зерцало ", 2000, с. 51-58

[29]Лукашук, И.И. Международное право. Общая часть. М., Волтерс Клувер, 2005, с. 317-318

[30] Summers, J.J. Peoples and International Law. How Nationalism and Self-Determination Shape a Contemporary Law of Nations. Brill - Nijhoff; 2nd ed. edition, 2014, p. 1-2

exclusively to states and other subjects of international law. Therefore, in the legal literature, the right to self-determination of the people is considered as a legal position without subjective rights.[31]

Under the conditions of the colonial system, the population of the absolute majority of territories under colonial rule consisted of various ethnic groups, nationalities and nationalities that did not form as a single nation. Therefore, the wording contained in the UN Charter that the subjects of the right to self-determination are "peoples" can be considered successful. A. Eide emphasizes that the word "people" quite definitely means the whole people, "demos", and not separate ethnic groups or religious groups. [32] The legal literature notes that the concepts of "people" and "nation" are not legal, but sociological and political concepts, which makes it problematic to clarify the legal content of this category. The category "people" can cover the totality of different nations, national minorities, nationalities, indigenous peoples, ethnic groups and groups of the population, differing in religion, etc., living in the same territory of a state or a self-determining territory under international status. What is the ratio of the categories "people" and "minority"? It should be noted that in the such acts as International Covenant on Civil and Political Rights, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by UNGA Resolution 47/135 of December 18, 1992, the Council of Europe framework convention on protection of national minorities, the OSCE Final Act, the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE and others used the terms “ethnic, religious, linguistic minorities, national minorities”. However, there is no definition of the category of “minorities” in these international instruments. International law draws a legal boundary between the concepts of "people" and

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[31] Международное право / Вольфганг Граф Витцум и др., пер. с нем. М.: Инфотропик Медиа, 2011, с. 223

[32] What about the right of peoples to self-determination? // Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities: final report prepared by Mr. Asbjorn Eide, p.18 // E/CN.4/Sub.2/1993/34 (10 August 1993)

"minority", since minorities, unlike peoples, do not have the right to self-determination in the form of secession. Thus, it can be summarized that the subject of the implementation of the principle of equality and self-determination is exclusively the entire people. Various minorities (national, ethnic, linguistic, religious, etc.) are not subject to the implementation of this principle in the form of secession. The Armenian population living in former Nagorno-Karabakh is a national minority in Azerbaijan. Consequently, it is not the subject of the implementation of the principle of equality and self-determination of peoples in the form of secession.

Chapter III - "Basic doctrinal concepts of the problem of correlation between the principles of the territorial integrity of states and the self-determination of peoples" also consists of four paragraphs. ***The first paragraph - "The problem of the existence of a hierarchy in the system of basic principles of international law"*** examines the problem of the possibility and validity of the priority of some basic principles of international law over others. The presence of some signs of hierarchy in the system of basic principles of international law does not raise any questions. Therefore, in the legal literature, the right to self-determination of the people is considered as a legal position without subjective rights.

Thus, I.I. Lukashuk assigns a central place in the system of basic principles to the principle of non-use of force. L. Ferdross and B. Simma note: "*The prohibition of the use of force is a fundamental change in international law*".[33] In the international legal doctrine, a number of authors consider it quite reasonable to talk about the possibility of priority of some principles in relation to others. Including the possibility of priority regarding the principles of territorial integrity of states and equality and self-determination of peoples. In the doctrine of international law, the basic concepts of the relationship between the principles of the territorial integrity of states and the equality and self-determination of peoples are reduced either

[33] Verdross, A., Simma, B. Universelles Volkerrecht. Theorie und Praxis. Berlin: Duncker & Humblot, 1999, s. 467

to the priority of one of them over the other or to the provision that both principles have equal legal force.

The second paragraph - "The concept of the priority of the principle of territorial integrity of states in international law" is devoted to the study of the content of this concept, as well as the analysis of its main postulates. It seems that this concept is based mainly on the existence of a number of international documents. The Declaration on the Granting of Independence to Colonial Countries and Peoples of December 14, 1960 directly stipulates that any attempt aimed at partially or completely destroying the national unity and territorial integrity of the country is incompatible with the purposes and principles of the UN Charter. L.V. Speranskaya and J. Crawford call this provision a "safety clause", and V.A. Romanov anti-separatist. L.V. Speranskaya [34] and J. Crawford [35] call this provision a "safety clause", and V.A. Romanov anti-separatist. [36] A similar, in fact, position is reflected in the Declaration of Principles of International Law of 1970 and in the UN Declaration on the Rights of Indigenous Peoples of 2007 by I.I. Lukashuk concludes, that: "*The possibility of abuse of the principle of self-determination was limited by the principle of territorial integrity*." M. Shaw emphasizes that from the clause contained in the Declaration on International Principles of 1970 and repeated in the Vienna Declaration on Human Rights in 1993, one can see the establishment of the primacy of the principle of territorial integrity.

Summarizing the above, we can conclude that in the international legal doctrine, the absolute majority of authors, when considering this issue, adhere to the concept of the primacy of the principle of the territorial integrity of states.

The third paragraph - "The concept of the priority of the principle of equality and self-determination of peoples in

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[34] Сперанская, Л.В. Принцип самоопределения в международном праве. М.: Госюриздат, 1961, с. 108

[35] Crawford, J.R. The Creation of States in International Law, 2nd edn, Oxford, New York, 2007, p. 118

[36] Романов, В.А. Принцип самоопределения и территориальная целостность государств // Дипломатический вестник, № 9, 2000, с. 68

international law" examines the main elements of this concept and the content of this concept. G.M. Melkov argues that: "... *the sovereignty of the people, their right to free self-determination is absolutely, primary, since it is the people that are primary, and the state is a derivative, depending on the will of the people.*" D.V. Malov, who asserts "... *the sources of modern international law lack the principle of the territorial integrity of states*." In general, about 5,000 different ethnic groups, ethnic groups, national minorities, indigenous peoples live in the world, and more than 90% of them are part of multinational states. Most modern states are multi-ethnic. For example, in India there are several hundred ethnic communities of various types, in Indonesia there are more than 150, in Kenya, more than 70, etc. In world practice, all states are considered polyethnic if they have more than 5% of the non-ethnic population. Recognition by the world community of states of the rights of various ethnic groups, ethnic groups, national minorities, indigenous peoples, etc. to secession would lead to a complete collapse of the system of interstate relations. A number of Armenian authors who come up with various designs with one single purpose - by any means to justify the occupation of the Azerbaijani lands of former Nagorno-Karabakh and other adjacent regions, adheres to a similar position. So, Yu. G. Barsegov considers "freedom of secession" as "the highest expression of democracy in relations between peoples." Another Armenian author T. Torosyan tries to substantiate the idea, absurd in its essence, that the principle of inviolability of borders (territorial integrity) and the principle of self-determination of nations have completely different statuses (if the first is only a political principle, the second is also a norm of international law).

The principle of the territorial integrity of states is one of the basic principles of international law, reflected in the norms of international law. This circumstance was also pointed out in the practice of the International Court of Justice[37], and in international legal doctrine.

[37] Case Concerning Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), 1986-06-27 // Jurisdiction and Admissibility, Judgment, I.C.J. Reports 1984, p. 392.

M. Shaw notes that "... *the principle of territorial integrity has always been accepted and proclaimed as the basic principle of international law*."[38]

Such leading world experts in the field of international law as T. Frank, R. Higgins, A. Pellet, M. Shaw and K. Tomuschat in the report "The territorial integrity of Quebec in the case of achieving sovereignty" note that: "*Few principles of modern international law as firmly rooted as the territorial integrity of states. Although this is an old principle associated with the concept of the state itself, it has been solemnly and especially convincingly reaffirmed in the last fifty years*."[39]

Thus, it can be summarized that this concept has no legal basis in international law. The formation of this concept is mainly associated with the attempts of some Russian authors to justify the illegal rejection of Abkhazia, South Ossetia and Transnistria, respectively, from Georgia and Moldova, Crimea and the South-East of Ukraine from Ukraine, as well as attempts by Armenian authors to justify the occupation of the Azerbaijani lands of former Nagorno-Karabakh and others by Armenia territories of Azerbaijan.

The fourth paragraph - "The concept of equal legal force of the principles of territorial integrity of states and equality and self-determination of peoples", examines the features, content and main parameters of this doctrine. According to this concept, there is no hierarchy between such principles as the territorial integrity of states and the equality and self-determination of peoples, and all these principles have equal legal force.

It is obvious that the principles of international law are aimed at defining general standards for regulating interstate relations. The basic principles of international law should be interrelated and

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[38] Shaw, M.N. Peoples, Territorialism and Boundaries // *European Journal of International Law*, № 3, 1997, p. 483

[39] Franck, T.M., Higgins, R.Q.S., Pellet, A., Shaw, M.N., Tomuschat, Ch. The Territorial Integrity of Quebec in the Event of the Attainment of Sovereignty. Report prepared for Québec's Ministère des relations internationales, 1992 // http://english.republiquelibre.org/Territorial_integrity_of_Quebec_in_the_event_of_the_attainment_of_sovereignty

consistent with each other. Their interpretation and practical application should be systematic. And states attach decisive importance to this factor. Otherwise, there is no need to talk about any international legal regulation. Therefore, it is inappropriate to say that the principles of the territorial integrity of states and the self-determination of peoples contradict each other. However, this and generally correct position is interpreted by a number of authors (mainly Russian) in a peculiar way. So, S.V. Chernichenko refers the principle of territorial integrity to the sphere of interstate relations, and the principle of self-determination of peoples to relations arising between the people, part of the people and the state.[40] G.M. Velyaminov holds a similar position, but regarding the principle of inviolability of state borders.[41] Many authors of Armenian origin adhere to a similar position. Trying also to substantiate the position on the need to endow various national minorities living in multiethnic states with the status of peoples and, accordingly, to endow them with the right to self-determination up to the creation of their own state, these authors try to only one thing - to justify the aggression of Armenia against Azerbaijan and to prove the legitimacy of the occupation of the lands of Azerbaijan by Armenia under a screen of self-determination.

However, from a legal point of view, the inconsistency of this construction is clearly visible. As you know, the subject of regulation of international law is interstate relations. Hence, it follows a logical conclusion that domestic relations are within the internal competence of states and are the subject of regulation of their national law. If we assume that the principle of equality and self-determination of peoples operates in relations between the state and the self-determining unit, then it turns out that this principle violates the principle of non-interference in the internal affairs of other states. On the other hand, in this case, it can also be argued that the principle of

[40] Черниченко, С.В. Принцип самоопределения народов (современная интерпретация) // МЖМП, 1996, № 4, с. 18-19

[41] Вельяминов, Г.М. Соотношение принципов самоопределения народов и территориальной целостности, а также проблемы признания // Государство и право. 2010, № 10, с. 103

equality and self-determination of peoples does not apply to the principles of international law, but is a principle of domestic law, which, of course, is not true.

From all of the above, we can conclude that the principles of the territorial integrity of states and the equality and self-determination of peoples, of course, do not contradict each other. They have different areas of application and define different guidelines and standards based on their content.

Chapter IV - "Correlation of the principles of territorial integrity and self-determination of peoples in the emergence of new states" consists of four paragraphs.

In the first paragraph - "Legal ways of the emergence of new states in modern international law", the main legal methods of the emergence of new states are investigated, and their scientific classification is also given. It should be noted that international law recognizes several legitimate ways of the emergence of new states.

1.*Recognition by the world community of states of the right of this or that people to create their own independent state.* For example, this provision applies to the territory in which the Arab people of Palestine live, whose right to establish own state has been recognized by the UN. Thus, the UN General Assembly in its resolution adopted on November 29, 1947, explicitly provides for the creation of two states on the territory of Palestine - an Arab and a Jewish. However, this resolution was only partially implemented, i.e. the Jewish state was created, but the Palestinian state was not. The right to create an Arab state of Palestine has been repeatedly recognized at sessions of the UN General Assembly (see, for example, Resolution 2535 / XXIV, 2672 / XXV, 58/163 of December 22, 2003, etc.). This right was also noted in the advisory opinion of the International Court of Justice in the case of the construction of the wall.[42] The independence of the State of Palestine

[42] Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory. **Advisory Opinion of 9 July 2004** // Reports of the International Court of Justice, 2004, p. 136.

as of January 1, 2017 was recognized by 136 out of 193 UN member states.

2. *The legal way for the emergence of new states is the consent of the "parent state".* As J. Crawford notes, attempts to secede, as a rule, were not successful if the predecessor state opposed this.[43] You can see the creation of states in this way in international practice (Ethiopia's consent to the independence of Eritrea, Sudan to the independence of South Sudan, Malaysia to the independence of Singapore, etc.)

3. *The legal way for the emergence of new independent states, in the presence of certain conditions, is their emergence as a result of the collapse of the parent state.*

A number of lawyers recognize the right to secession only in exceptional cases, subject to certain conditions.[44,45] This provision is generally recognized in the legal doctrine and it follows from it that after the collapse of the Soviet Union, the creation of independent states by the former Soviet republics, which had the formal right to secede from the USSR, complies with international law. This provision is also true for the former republics of the SFRY, which had, in accordance with the Constitution of the SFRY of 1974, the constitutional right to secede from the parent state. Identical rights were granted to the Czech Republic and Slovakia by the "Constitutional Law on the Czechoslovak Federation" (143 of October 27, 1968), which was used as a legal basis during the disintegration of Czechoslovakia. The situation is similar also with the division into two independent states of Serbia and Montenegro. So, in accordance with Art. 60 of the Constitutional Charter of Serbia and Montenegro, adopted on February 4, 2003, each of the republics had the right to obtain full independence.

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[43] Crawford, J.R. State Practice and International Law in Relation to Secession // BYIL, 1998, p. 85–117.

[44] Черниченко, С.В. Принцип самоопределения народов (современная интерпретация) // Московский журнал международного права, 1996, № 4, с.5

[45] Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities. 2nd progress report: submitted by Asbjorn Eide // E/CN.4/Sub.2/1992/37 (1 July 1992)

In the second paragraph of the IV-th chapter - "The emergence of new states as a result of the implementation of the principle of equality and self-determination of peoples in international law" examines the features and conditions of the emergence of new states in the implementation of this principle.

In international practice, and primarily in the practice of the UN, the principle of self-determination of peoples has been interpreted mainly in the context of the decolonization process. The issue is solved in a similar way in the international legal doctrine. (G.V. Ignatenko and O.I. Tiunov [46], A. Eide [47], Gross Espiel[48], M. Shaw [49]). It should be noted that, in the legal literature, based on the 1970 Declaration of Principles of International Law, was suggested that the question of the separation of a certain territory from the parent state can be raised only when the state does not comply with the principle of equality and self-determination, and when the corresponding the people are not given the opportunity to participate in the management of this state ("remedial secession").[50,51] In our opinion, this provision had the main purpose of non-recognition by the world community of states of the position associated with the emergence of states in which racist regimes were established (South Africa, Southern Rhodesia). For example, in the case of Rhodesia, resolutions adopted by the UN bodies deny the validity of the

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[46] Международное право: Учебник для вузов.- 2-ое изд./ Отв. ред. проф. Г.В. Игнатенко и проф. О.И. Тиунов.- М., Издательство Норма, 2002, с. 82

[47] Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities. 2nd progress report: submitted by Asbjorn Eide // E/CN.4/Sub.2/1992/37 (1 July 1992), p.35

[48] The Right to Self-Determination: Implementation of United Nations Resolutions. Study prepared by Hector Gros Espiell Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities // U.N. Doc. E/CN.4/Sub.2/405/Rev.l, p. 13-14

[49] Shaw, M.N. International law. Sixth edition, Cambridge University Press, 2008, p. 256

[50] Tomuschat, C. Secession and self-determination // Secession: International Law Perspectives. M. G. Kohen ed., Cambridge University Press 2006, p. 35

[51] Cassese, A. Self-Determination of Peoples A Legal Reappraisal, Cambridge University Press, 1995, p. 120

unilateral declaration of independence of November 11, 1965 and call on all member states of the organization not to recognize it. (See UNGA Resolutions 2024 and 2151 and Resolutions 216 (1965), 217 (1966) SB O HE). M. Shaw emphasizes that the legality of secession from an independent state in exceptional cases is the subject of much debate. At the same time, he notes that there is no practice demonstrating the successful application of even this limited statement.[52] S.V. S.V. Chernichenko takes a similar position.[53] Indeed, there are no mechanisms to implement this provision of the 1970 declaration. There is no *opinio juris* on this issue either.

Thus, in the modern doctrine of international law, the right of peoples to self-determination is not reduced to secession. It can be realized within the boundaries of the state (for example, in the form of national and cultural autonomy, etc.)

The third paragraph of the IV-th chapter - "Peculiarities of the international legal settlement of the Kosovo problem" is devoted to the analysis of the international legal aspects of the problems concerning Kosovo.

The declaration of independence by the province of Kosovo and its recognition as an independent state by a number of states is one of the most pressing problems in the political life of the planet. A problem arises: can the recognition of Kosovo be considered a sufficient basis for stating the fact that this entity is an independent subject of international law?

There is no doubt that a state of emergency has been created in Kosovo. Thus, UN Security Council Resolutions 1199 of September 23, 1998, 1203 of October 24, 1998, and 1239 of May 14, 1999 refer to a humanitarian catastrophe in and around Kosovo, FRY. According to the UN Human Rights Commission, human rights violations caused a massive exodus of more than 1 million refugees from Kosovo by the time NATO began operations there. Ethnic

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[52] Shaw, M.N. International law. Sixth edition, Cambridge University Press, 2008, 1542 p. 291

[53] Черниченко, С.В. Теория международного права. В 2-х томах. Том 2: Старые и новые теоретические проблемы. М., «НИМП», 1999, с. 189

cleansing in Kosovo has taken on a truly dangerous scale. According to the UN mission in Kosovo, before the end of the NATO operation "Allied Force" in Kosovo, 10 thousand Albanians died as a result of repressions and several thousand "disappeared".

As a result of the actions of the former leadership of the FRY on the territory of the province of Kosovo, an emergency situation arose, recognized by the world community of states as a humanitarian catastrophe. Acting on the basis of Chapter VII of the UN Charter, the UN Security Council decided to deploy in Kosovo, under the auspices of the UN, an international civilian and security presence with the necessary personnel and equipment. The FRY leadership agreed to such presences.

Thus, through the fault of the FRY, the ethnic cleansing of the Albanians of Kosovo was carried out, a humanitarian tragedy arose and, as a result, a situation was created that threatened peace and international security. At the same time, from a legal point of view, at the present stage, the legal status of Kosovo cannot be considered completely definite.

In the ***4th paragraph of the 4th chapter - "The Institute for the Recognition of States in International Law",*** the peculiarities of the functioning of this institution in the system of international law are investigated. The institution of international recognition of states has recently acquired particular relevance in connection with the problem that arose with the emergence of a number of unrecognized, self-proclaimed territorial entities claiming the status of independent states. Thus, P. Malanchuk emphasizes that the recognition of states and governments is one of the most difficult issues in international law.[54] International legal recognition of states entails certain legally significant actions. S.V. Chernichenko notes that: "*Recognition gives the destinator (addressee) of recognition the appropriate quality: the state - international legal personality*." [55] In the doctrine of international law, there are two theories of the recognition of states:

[54] Malanczuk, P. Akehurst's modern introduction to international law. Seventh revised edition, New York, 2002, p. 89

[55] Международное право: Учебник. Отв. ред. Ю.М. Колосов, В.И. Кузнецов.- М., Международные отношения, 1999, с. 65

declarative and constitutive. The declarative theory of recognition was dominant in the Soviet doctrine of international law (RL Bobrov, DI Feldman, FI Kozhevnikov, etc.). And this was due to the fact that the world, according to ideological factors, was divided into two camps: capitalist and socialist. And often countries belonging to one of these camps did not recognize countries belonging to the other. Supporters of this theory note that other subjects of international law cannot endow new states with the quality of international legal personality. It should be noted that a number of Western lawyers, for example, J. Brownlee, W. Fisher, J. Braerley, B. Cheng, G. H. Briggs, S. Russo, H. Waldock, G. Rolin-Jacquemen, J. Kuntz, J. Charpentier, J. Crawford and others also adhered to this theory. True, in doing so, they proceeded from the premise of recognition of states created by lawful methods.

At the same time, in the Western doctrine of international law, the positions of the constitutive theory of recognition were initially dominant. D. Anzilotti and G. Kelsen generally developed this theory. G. Trippel, L. Oppenheim, G. Lauterpacht, M. Bastide, K. Strupp, S. Patel, Hold Ferneck, A. Rivier, P. Fochille, C. Hyde, D. Crawford, D. Salmon adhered to the constitutional theory of recognition , R. Rich, D. Turk, K. Hillgruber and others. According to her, the recognition of the state is a constitutive act on which its international legal personality depends. In recent years, there has been an increase in the number of adherents of the constitutive theory. It should be noted that today various puppet formations are trying to claim international recognition, by their actions posing a real threat to the territorial integrity of states, as well as to the system of international and regional security. For example, one of such formations, "NKR", arose in the internationally recognized territories of Azerbaijan occupied by Armenia.

In our opinion, the most vulnerable point of the declarative theory is that it does not provide for effective measures to prevent cases of non-compliance with international law, the emergence of various territorial entities claiming the status of independent states. Indeed, according to this theory, in this case, any territorial entity,

having declared its "independence", can become a subject of international law (for example, ISIS).
Critics of the constitutive theory note that the most vulnerable side of this theory is that: what is the legal status of the recognized object if it was not recognized by all states; it is not clear from the side of how many states the recognition should follow [56]; it is unclear whether the state is considered to exist only for those states that recognized it? [57] In our opinion, it seems that such criticism has largely lost its relevance.

First, the creation of any new state must be carried out in the ways provided for by international law.

Secondly, after World War II, the real recognition of the new states, in general, is limited to the UN. All the world's leading powers are represented at the UN, with a special responsibility for maintaining global peace and security. It seems that the admission of newly formed states to the UN members means confirmation of the legitimate method of the emergence of such states and, accordingly, their international legal recognition.

It should be noted that in a number of cases the world community refused to recognize territorial entities as independent states, created in violation of the norms and principles of international law. These included Southern Rhodesia, the South African bandustans of Transkei, Bohuvotswana, Venda, Gskey.

Moreover, the world community of states has the right to take measures aimed at the destruction of territorial entities created in violation of international law. For example, the use of any means is fully justified, including the use of armed force in the fight against ISIS. You can point to other examples as well. Thus, in August 1995, the Serbian entity, which proclaimed itself as the "state of Krajina",

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[56] Цвицинская, Н. Эволюция института признания государства в международном праве // - Москва: История и современность, - 2014. № 2 (20), - с. 150-151

[57] Броунли, Я. Международное право. В 2-х кн. Кн. 1. М., Прогресс,1977, с. 150

on the territory of Croatia was liquidated. One can also note such failed attempts at secession, as Biafra, Katanga, Tamil-Ilam, etc.

Thus, we can conclude that only a territorial entity that was created in accordance with international legal norms and principles can claim international legal recognition.

Chapter V - "The problem of international legal regulation of Armenian-Azerbaijani relations within the territorial integrity of states" consists of three paragraphs. ***The first paragraph*** titled ***"Aggression of Armenia against Azerbaijan as the main reason for the Armenian-Azerbaijani conflict"*** defines the main reason for this conflict. It seems to us that the main reason for this conflict is the aggression of Armenia against Azerbaijan. Here are some of them:

1. The military doctrine of the Republic of Armenia, which develops the provisions of the National Security Strategy of the Republic of Armenia and notes that: "*The Republic of Armenia is the guarantor and ensures the security of the people of the Nagorno-Karabakh Republic and the path of development chosen by them*." This kind of "guarantees" directly contradicts international law.
2. The armed forces of Armenia invaded the territory of Azerbaijan, occupied 20% of its territory and carried out ethnic cleansing against the Azerbaijani population.
3. Making a statement on September 26, 2015 that Nagorno-Karabakh is an integral part of Armenia, President of Armenia S. Sargsyan officially confirmed the fact of the annexation of a part of the territories of Azerbaijan by this country. In essence, the Prime Minister of Armenia N. Pashinyan made the same statement.
4. As can be seen from the list of Armenian military servicemen killed during the hostilities from April 1-5, 2016 and during the 2nd Karabakh war in the occupied territories of Azerbaijan, the absolute majority of those killed are servicemen of the armed forces of Armenia.
5. The Armenian armed forces also occupied the villages of Upper Askipara, Lower Askipara, Baganis-Ayrum, Barkhudarly, located in the Gazakh region of Azerbaijan, as well as the village of Karki, located in the Sadarak region of Nakhchivan. The Azerbaijani population was either killed or expelled from their homes. All these

villages have nothing to do with former Nagorno-Karabakh, they are located far from it and other adjacent occupied territories of Azerbaijan.

6. Both direct and indirect confirmation of the fact of the occupation of Azerbaijani lands is reflected in the jurisprudence of the European Court of Human Rights (judgment in the case “Chiragov and Others v. Armenia” dated June 16, 2015, judgment in the case “Zalyan, Sargsyan and Serobyan against Armenia "of October 11, 2007, etc.)

7. In a statement adopted by Azerbaijan, Armenia and Russia following the results of the 2nd Karabakh war, Armenia committed itself to withdraw its armed forces from all the occupied lands of Azerbaijan and liberated Aghdam, Kelbajar and Lachin regions ets.

The fact of Armenian aggression against Azerbaijan is also confirmed in political and law literature (Dov Lynch, A.A. Merezhko, H. Kruger, S. Cornell, etc.), in the reports of Human Rights Watch / Helsinki (HRW) in March and April 1994. According to HRW, as a matter of law, the participation of the Armenian armed forces in Azerbaijan made Armenia one of the parties to the conflict, and turned this war into an international armed conflict between Armenia and Azerbaijan. D. Lynch concludes that: “*The independence of Nagorno-Karabakh only allows the Armenian state to avoid the international stigma of the aggressor, despite the fact that the Armenian troops took part in the war in 1991-1994. and continue to occupy the front line between Nagorno-Karabakh and Azerbaijan.*”[58] H. Kruger emphasizes that: "*The military body occupying Karabakh and the seven surrounding regions is one whole military organization, consisting of the troops of Armenia and Karabakh, even if the details of the existing command structures are not documented.*"[59]

It can be concluded that the invasion of the Armenian armed forces into the territory of Azerbaijan, the military occupation of a

[58] Lynch, D. Managing separatist states:a Eurasian case study / D. Lynch. - Paris: Institute for security studies, Western European Union, - 2001. - p. 18

[59] Крюгер, Х. Нагорно-Карабахский конфликт. Правовой анализ / Х. Крюгер; пер. с англ. Баку: Издательство «Бакы Университети», 2012, с. 150

part of the territory of Azerbaijan, which is the result of such an invasion, all-round military-political, economic and financial assistance by Armenia to the puppet separatist regime established by Armenia on the occupied lands of Azerbaijan, etc. are irrefutable evidence of the fact committing aggression by Armenia against Azerbaijan and fully fall under the definition of aggression contained both in the UN General Assembly Resolution "On the Definition of Aggression" and in the articles added to the ICC Charter, adopted on May 31 - June 11, 2010 at the First Review Conference of the Rome Statute of the ICC.

In the ***second paragraph - "International legal aspects of compensation for damage caused by the aggression of Armenia against Azerbaijan"*** noted that one of the important aspects of a just comprehensive settlement of the Armenian-Azerbaijani conflict is the solution of the problem of compensation caused as a result of the aggression of Armenia and the occupation of Azerbaijani lands, material and moral damage Azerbaijan.

In connection with the Armenian-Azerbaijani conflict, Armenia's international legal responsibility can be subdivided into:

1. Responsibility of Armenia to the world community of states. Committing acts such as aggression, genocide, ethnic cleansing, apartheid, racial discrimination, humanitarian tragedy, etc. are aimed at violating the UN Charter and other major international documents and are qualified by the world communities of states as international crimes. Obligations not to do this are *erga omnes* obligations. The responsibility of Armenia to the world community of states gives rise to the need to stop the aggression by Armenia against Azerbaijan, eliminate the consequences of the aggression, bring to justice those responsible for unleashing an aggressive war and carrying out the Khojaly genocide.

2. Responsibility of Armenia to Azerbaijan for the specific material and moral damage inflicted.

As you know, as a result of the aggression of Armenia against Azerbaijan, 20% of the lands of Azerbaijan were occupied and about 1 million people became refugees and internally displaced persons,

great economic and moral damage was caused to the population of Azerbaijan, its territory, economy and ecology, flora and fauna.

The responsibility of Armenia to Azerbaijan for the concrete material and moral damage inflicted as a result of the aggression gives rise to the need to compensate for the damage in full.

In a number of sources (for example, in the OIC documents), the amount of damage caused is estimated at $ 60 billion. However, in my opinion, the total cost of the material and moral damage caused is much higher. First, it is necessary to recalculate the damage done to date, taking into account global inflationary processes. Secondly, it is necessary to take into account the lost profit that Azerbaijan would receive from economic activity, both in the territory occupied as a result of the aggression of Armenia, and in the adjacent territories of Azerbaijan bordering on Armenia. Thirdly, it is also necessary to take into account the costs associated with the maintenance and accommodation of more than 1 million people who have become refugees and displaced persons as a result of Armenian aggression. Taking into account these and other circumstances, in my opinion, the total amount of damage caused to Azerbaijan exceeds 400 billion US dollars and it is natural that this figure is increasing every year.

The third paragraph of Chapter V - "The right to self-defense of the Republic of Azerbaijan against the aggression of Armenia" examines the grounds and conditions for the use of the right to self-defense by Azerbaijan. Art. 51 of the UN Charter defines a specific condition for the lawful exercise of the right to self-defense. This condition is the presence of the fact of an armed attack on any state. However, not every illegal use of force constitutes an armed attack. As M. Bote notes: "*An armed attack takes place only in the case of the use of military force of a certain intensity*."[60] Therefore, border incidents cannot qualify as an armed attack. Only the presence of an armed attack, which has a certain degree of intensity, is a legitimate

[60] Международное право / Вольфганг Граф Витцум и др., пер. с нем. М.: Инфотропик Медиа, 2011, с. 830

basis for the emergence of the right to self-defense. The same position is adhered to by the UN ICS. [61]

In the 1974 UN General Assembly Resolution "Definition of Aggression", the features characterizing armed aggression and armed attack are essentially identical. However, there are differences between these concepts. Thus, the commission of an armed attack is ascertained by the state-victim of such an attack. In this case, the UN Security Council performs only a control function after the exercise of the right to self-defense. The commission of an act of aggression has the right to state exclusively the UN Security Council. The fact of an armed attack gives the victim state grounds for the right to self-defense, while the act of committing aggression is the basis for applying the measures provided for by the UN Charter.

In the course of the Armenian-Azerbaijani conflict, the attack by the Armenian armed forces on various border regions of the Republic of Azerbaijan in 1993 served as the basis for the adoption of four resolutions by the UN Security Council. Armenia's armed attack on Azerbaijan, which initiates the right to self-defense, has a high degree of seriousness. UN Security Council Resolutions 822, 853,874 and 884, evidences this. The attacked state has the right to initially establish the fact of an armed attack. Moreover, this state itself determines the moment of the beginning of the exercise of the right to self-defense. Necessity and proportionality are essential elements of the right to self-defense. There is no doubt that a just solution to the Armenian-Azerbaijani conflict is possible only if the aggression of Armenia is put to an end and all the consequences of this aggression are eliminated. Regarding the criterion of necessity, it should be noted that as long as there is hope that a just settlement of the conflict can be achieved through peace negotiations, the use of force should not be considered necessary. However, if these peaceful measures prove to be ineffective, then under the conditions of the continuing occupation, when "there will be no other real alternative",

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[61] Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America). Merits, Judgment // I.C.J. Reports 1986, p. 14; Oil Platforms (Islamic Republic of Iran v. United States of America), Judgment // I. C. J. Reports 2003, p. 161

the Republic of Azerbaijan has every right to resort to self-defense. As for the criterion of proportionality, it should consist in the need to eliminate both the aggression of the Republic of Armenia against the Republic of Azerbaijan itself, and all its consequences. The period of validity in time of the right to self-defense of a state is determined by an armed attack and its consequences. As N. Ronziti emphasizes: "*As long as the attack lasts, the injured state has the right to react.*" [62]

Thus, it can be concluded that: 1. The Republic of Armenia committed an act of armed attack on the Republic of Azerbaijan. 2. Armenia's armed attack on Azerbaijan is of a high degree of seriousness, since it is accompanied by the seizure and occupation of 20% of the territory of Azerbaijan. 3. An armed attack by Armenia on Azerbaijan initiates the emergence of the right to self-defense of the Republic of Azerbaijan in accordance with Art. 51 of the UN Charter. 4. The Republic of Azerbaijan, as a party subjected to the attack, has the right to initially establish the fact of an armed attack by Armenia and itself determines the moment of the beginning of the exercise of the right to self-defense.

Chapter VI entitled "International legal aspects of decisions of international organizations in the settlement of the Armenian-Azerbaijani conflict" consists of five paragraphs. ***The first paragraph*** titled - ***"International legal aspects of UN decisions in the settlement of the Armenian-Azerbaijani conflict."*** Along with the positions of the leading states of the world community, the positions of influential international organizations regarding this conflict are important factors that have a significant impact on the settlement of the Armenian-Azerbaijani conflict. This applies, first of all, to the UN, which is one of the main platforms where states with different, sometimes directly opposite positions on certain problems of world politics can find balanced solutions that meet their foreign policy interests. The main UN bodies have adopted several decisions

[62] Ronzitti, N. The Expanding Law of Self-Defence // Journal of Conflict & Security Law, 2006, vol. 11, **Issue 3, p. 352**

that are essential for a comprehensive settlement of the Armenian-Azerbaijani conflict.

In connection with this conflict, the UN Security Council adopted four resolutions 822 of April 30, 1993, 853 of July 29, 1993, 874 of October 14, 1993, 884 of November 12, 1993. Regarding the Armenian-Azerbaijani conflict, the UN General Assembly were adopted several decisions also (UN General Assembly Resolutions of December 20, 1993, September 7, 2006, March 14, 2008). Analysis of these resolutions of the Security Council and the UN General Assembly allows us to conclude that: 1) former Nagorno-Karabakh is recognized as a region of Azerbaijan. 2) The fact of occupation of the territories of Azerbaijan is recognized. 3) The remaining population of Nagorno-Karabakh after the expulsion of the Azerbaijani population, as a result of ethnic cleansing is regarded as “the Armenians of the Nagorno-Karabakh region of Azerbaijan”, and not as a non-existent “people of Nagorno-Karabakh”. 4) Confirms respect for the sovereignty and territorial integrity of Azerbaijan, and also confirms the inadmissibility of the use of force to acquire territory. 5) The seizure and occupation of the territories of the Republic of Azerbaijan is condemned. 6) An immediate, complete and unconditional withdrawal of all occupying forces from all occupied regions of Azerbaijan is required. 7) Attacks on the civilian population of Azerbaijan are condemned. 8) Reaffirms the inalienable right of the population expelled from the occupied territories of Azerbaijan to return to their homes and emphasizes the need to create appropriate conditions for this return, including comprehensive rehabilitation of the territories affected by the conflict. 9) It is especially emphasized that no state should recognize the legal situation that has arisen as a result of the occupation of the territories of the Republic of Azerbaijan, and should not facilitate or contribute to the preservation of this situation.

The second paragraph of Chapter VI - "International legal aspects of the decisions of the Non-Aligned Movement regarding the settlement of the Armenian-Azerbaijani conflict" examines the role and significance of the decisions of this organization regarding this conflict. As a result of the study, it is determined that the

documents of the Non-Aligned Movement (NAM) reflect the importance of resolving the Armenian-Azerbaijani conflict within the framework of the sovereignty, territorial integrity and internationally recognized borders of the Republic of Azerbaijan and in this plane within the framework of the implementation of the UN Security Council resolutions. The NAM member states noted the inadmissibility of the seizure of Azerbaijan's territories using force, and also indicated that no NAM member state recognizes the legality of the occupation of Azerbaijan's territories and the puppet regime established by Armenia on the occupied lands of Azerbaijan and considers that the so-called "elections" held in former Nagorno-Karabakh of the Republic of Azerbaijan by such a puppet regime is illegal.

The third paragraph of Chapter VI - "International legal aspects of the OIC decisions regarding the settlement of the Armenian-Azerbaijani conflict" examines the role and significance of the decisions and decisions of the OIC concerning this conflict. The OIC is one of the most important international regional organizations in the world and the largest and most authoritative Muslim intergovernmental organization. On the part of the OIC regarding the Nagorno-Karabakh conflict, both at the summits of the heads of state and government and at the meetings of the foreign ministers of these countries, a number of documents were adopted, including communiqués, declarations, as well as numerous resolutions. Such decisions can be classified into three groups:

- On the aggression of Armenia against Azerbaijan;
- On the provision of economic assistance to the Republic of Azerbaijan;
- About the destruction and destruction of historical Islamic and cultural monuments in the occupied territories of Azerbaijan because of the aggression of the Armenian Republic against the Republic of Azerbaijan.

Summarizing the content of the OIC decisions, we can conclude:

1) The OIC recognizes the fact of the occupation of the Azerbaijani lands by Armenia and strongly condemns the aggression of Armenia against Azerbaijan and demands to end it. And also

demands the immediate, complete and unconditional withdrawal of all the armed forces of Armenia from all occupied Azerbaijani territories. 2) The OIC, recognizing Armenia as an aggressor, appealed to the UN Security Council so that the latter take steps both to recognize the fact of the aggression against Azerbaijan and to ensure its earlier decisions regarding this conflict. 3) OIC qualifies actions committed by the armed forces of Armenia in the occupied lands against the Azerbaijani population as crimes committed against humanity. 4) The OIC defines the basic principles for the peaceful settlement of the conflict between Armenia and Azerbaijan. These are the principles of territorial integrity and inviolability of state borders. 5) The OIC emphasizes the need to put an end to any illegal economic activity of Armenia and its exploitation of natural resources in the occupied territories of Azerbaijan, as well as the practice of destruction of cultural and historical monuments of Azerbaijan, including Islamic monuments.

The fourth paragraph of the VI chapter "International legal aspects of decisions of European organizations regarding the settlement of the Armenian-Azerbaijani conflict" is devoted to the study of the content of decisions of various European regional organizations. In turn, the paragraph consists of 3 subparagraphs.

In subparagraph 6.4.1, "Legal aspects of OSCE decisions in the settlement of the Armenian-Azerbaijani conflict" are considered.

The Armenian-Azerbaijani conflict has repeatedly been the subject of consideration within the CSCE (Budapest, Lisbon, Istanbul, Astana summits).

In general, it can be summarized that the CSCE documents recognize and confirm the fact that Nagorno-Karabakh is a region of the Azerbaijan Republic.

In subparagraph 6.4.2, "Legal aspects of the decisions of the Council of Europe in the settlement of the Armenian-Azerbaijani conflict" are considered.

The Council of Europe adopted several decisions that are of significant importance in the comprehensive settlement of the Armenian-Azerbaijani conflict (see Resolution 1119 "On conflicts in the Transcaucasus", Resolution 1416 "On the conflict over the

Nagorno-Karabakh region, which is being resolved by the OSCE Minsk Conference" etc.). Thus, Resolution 1416 notes the occupation of a significant territory of Azerbaijan (by Armenia - author's note), as well as the annexation of the territory of the former Nagorno-Karabakh region by another state. It is difficult to overestimate the importance of this decision. Following the OIC, PACE directly pointed to Armenia as a country occupying the territory of Azerbaijan, in fact, accusing this country of aggression against Azerbaijan. PACE also expressed support for the territorial integrity of Azerbaijan in Resolution 1614 of June 24, 2008 "On the functioning of democratic institutions in Azerbaijan." PACE expressed support for the territorial integrity of the three post-Soviet states - Azerbaijan, Georgia and Moldova and in resolution 1619 of June 25, 2008. The PACE resolution of January 26, 2016, number 2085 "Intentional deprivation of water from residents of the front-line regions of Azerbaijan" is also important. This document calls for the immediate withdrawal of all the armed forces of Armenia from the occupied territories of Azerbaijan.

In subparagraph 6.4.3. explores the "Legal aspects of EU decisions in the settlement of the Armenian-Azerbaijani conflict." The EU is one of the main actors that have a great influence on the geopolitical state of power in the modern world. The EU adopted several documents on the problem of resolving this conflict. One of the main EU bodies, the European Parliament, on May 20, 2010, adopted Resolution 2216 "On the need to develop a European Union strategy in the South Caucasus." in the section of the resolution devoted to Azerbaijan, it is said about the need to "restore the territorial integrity of Azerbaijan", etc.) Based on the analysis of these documents, it can be concluded that: firstly, it confirms the occupation of Azerbaijani lands by the armed forces of Armenia. Secondly, demands the withdrawal of the Armenian armed forces from all the occupied territories of Azerbaijan. Thirdly, states the fact that there are hundreds of thousands of refugees and displaced persons forced to leave their homes, and indicates that refugees and displaced persons are deprived of their rights, including the right to return, property rights and the right to personal safety. Fourthly, it is

necessary to restore the territorial integrity of the Republic of Azerbaijan.

The fifth paragraph of Chapter VI - "International legal aspects of NATO decisions regarding the settlement of the Armenian-Azerbaijani conflict" examines the role and significance of NATO decisions regarding this conflict.

As an intergovernmental organization, NATO is among the most effective military-political blocs, as confirmed by NATO operations in the former Yugoslavia, Afghanistan and Iraq. NATO documents contain provisions directly related to the Armenian-Azerbaijani conflict. At the NATO Summit of Heads of State and Government in Riga in November 2006, NATO, for the first time at this level, expressed its support for the territorial integrity, independence and sovereignty of Azerbaijan, Georgia and the Republic of Moldova. This NATO position was also confirmed at the summit of the heads of state and government of NATO member states in Bucharest in April 2008. It should be noted that there is a very important addition to the document. It defines the principles for the settlement of regional conflicts in the South Caucasus and Moldova, including the Armenian-Azerbaijani conflict. These are the principles of territorial integrity, independence and sovereignty of Azerbaijan. NATO's identical position was confirmed at the NATO summits in Brussels, Strasbourg and Kell, Lisbon, Wales, Warsaw and again in Brussels.

Thus, one can conclude that the documents adopted by NATO define the international legal framework and principles for the settlement of this conflict. These are the principles of territorial integrity, independence and sovereignty of Azerbaijan.

The conclusion summarizes her work, summarizes the main conclusions obtained because of this study.

The main provisions of the dissertation research are reflected in the following published scientific works of the author:

1.Проблема определения международно-правового статуса Косово и урегулирование армяно-азербайджанского, нагорно-карабахского конфликта // Azərbaycan Respublikasında dövlət və hüquq quruculuğunun aktual problemləri. Elmi məqalələr məcmuəsi. 21-ci buraxılış./ Bakı: Adiloğlu, - 2008. - s. 539 – 551.

2.Dağlıq Qarabağ münaqişəsinin ədalətli həllində İslam Konfransı Təşkilatının qərarlarının əhəmiyyəti //- Bakı: Beynəlxalq hüquq və inteqrasiya problemləri, 2008, № 3, (15), s. 66 – 71.
3.Особенности международно-правового урегулирования косовской проблемы и региональные конфликты на постсоветском пространстве. (Сравнительно-правовой анализ) //- Bakı: Beynəlxalq hüquq və inteqrasiya problemləri, - 2008. № 4, - s. 94 – 102.
4.Косовская проблема и урегулирование армяно-азербайджанского, нагорно-карабахского конфликта / Международно-правовые аспекты //- Bakı: Dirçəliş-XXI əsr, - 2008. №122-123, - s. 267–284.
5. Ermənistan-Azərbaycan Dağlıq Qarabağ münaqişəsinin ədalətli həllində NATO qərarlarının rolu və əhəmiyyəti // - Bakı: Nəqliyyat hüququ, - 2009. - № 4, - s.140-147.
6. Соотношение принципов территориальной целостности и самоопределения народов в теории и практике международного права / Р.М.Караев. – Баку: Текнур, - 2009. - 304 с.
7.Тенденции развития института признания государств в теории и практике международного права // - Bakı: Bakı Dövlət Universitetinin xəbərləri. Sosial-siyasi elmlər seriyası, - 2009. - № 4, - s. 54 – 66.
8.Проблема соотношения и взаимосвязи принципов территориальной целостности государств и равноправия и самоопределения народов (наций) // - Bakı: Qanun, 2009. - № 3, - s.31-44.
9.Ermənistan-Azərbaycan, Dağlıq Qarabağ münaqişəsinin nizamlanmasında beynəlxalq təşkilatların qərarlarının rolu və əhəmiyyəti // Azərbaycan Respublikasında dövlət və hüquq quruculuğunun aktual problemləri. Elmi məqalələr məcmuəsi. / - Bakı, 2009. № 2,- s. 317 – 323.
10.Ermənistan-Azərbaycan Dağlıq Qarabağ münaqişəsinin həllində NATO sənədlərinin əhəmiyyəti // Diplomatiya və hüquq, 2009, № 3 – s. 1-10.
11.Эффективность принципа территориальной целостности государств в системе международно-правового регулрования // -

Bakı: AMEA Fəlsəfə, Sosiologiya və Hüquq İnstitutunun "Elmi Əsərlər" jurnalı, -2009. № 1-2 (13), - s. 257-264.
12.НАТО и этнические конфликты на постсоветском пространстве (международно-правовые аспекты) // - Bakı: Dirçəliş-XXI əsr, 2009. № 139-140, - s. 144 – 150.
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15.Функционирование международных судебных органов как одно из основных направлений повышения эффективности международно-правового регулирования //- Bakı: AMEA Fəlsəfə, Sosiologiya və Hüquq İnstitutunun "Elmi əsərlər" elmi-nəzəri jurnalı, - 2010. №1, - s. 295-300.
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