

**REPUBLIC OF AZERBAIJAN**

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**ABSTRACT**

of the dissertation for the degree of Doctor of Philosophy

**THE ACTUAL PROBLEMS OF INTERNATIONAL  
LEGAL PROVISION OF GLOBAL SECURITY**

Specialty: 5603.01 – ‘‘International law;  
human rights’’

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## **GENERAL CHARACTERIZATION OF THE DISSERTATION**

**Relevance of the topic and degree of research.** International security problems have always been the focus of attention of states and the international community as a whole. The fundamental changes that took place in the world in the late XX - early XXI centuries had a significant impact both on the nature of international relations and on the existing system of international security. The increase of international conflicts, disruption of the security balance between regions, as well as the increase of threats to global security as a whole cannot coexist with globalization and integration processes. In modern conditions, the formation of a world order and its legal framework capable of equally protecting the rights of sovereign states, which are subjects of international law, from modern threats and challenges of globalization is an important scientific and theoretical-practical problem. All states must jointly fight against such threats and challenges, and for this, an effective international normative-organizational legal framework for international cooperation must be formed.

The relevance of the dissertation topic is conditioned by the role and importance of the mechanism of international legal guarantee of global and regional security in the conditions of modern globalization, as well as the need to implement a complex of international measures capable of combating modern threats and challenges. As a result of the processes of globalization, the intensification of interstate conflicts between the different poles of the world caused by the uneven socio-economic and cultural development and the deepening of the inequality between the levels of well-being of developed and developing countries increase the sensitivity of all states, at the same time in the military-political, economic, environmental, humanitarian and other areas, the importance of international cooperation formed in the fields increases with the need to develop it. These factors of the development of modern globalization determine the need to analyze

the existing international legal framework for ensuring global security, identify gaps in this area and put forward specific proposals for its improvement. The formation of a sufficient number of international legal norms aimed at regulating relations in the field of ensuring global and regional security has made the further development of international security law as a new area of international law reflecting the joint efforts of states, as well as the improvement of the legal framework for universal and regional security a serious necessity.

The relevance of the researched subject is also due to the fact that its problems are not limited within the framework of separate areas and principles of international law but are related to the international legal system as a whole and affect its main principles and norms. Thus, the comprehensive scientific study of the international legal problems of ensuring global security is extremely relevant both from a scientific-theoretical, as well as from a practical and applied perspective. In this regard, ensuring global security is closely related to international human rights law, international organizations law, international humanitarian law, international criminal law, including other areas of international law, and finally, national law.

A comprehensive scientific analysis of the problems of international-legal guarantee of global security is also relevant due to a number of factors, which can be attributed to:

- since ensuring global security is one of the main goals of the international community and international law in the form of the UN, the existing problems in this area have a negative impact on other areas as well;

- the multilateral and contradictory process of globalization promotes modern security trends, requires the development of an effective international-legal strategy against new threats and challenges and the closer convergence of the national legislations of the states;

- the task of improving the international legal mechanisms of global security, including increasing their efficiency, has become the main trend of modern world development;

- it is unequivocally accepted that the correct coordination of universal and regional security plays an important role in ensuring global security;

- it is necessary to adapt the national interests and national security of the states to the interests of the international community and the international security system; and so on.

Another aspect of the relevance of the study is related to the fact that the studied problem is very important for the science of international law in Azerbaijan, because the principle of territorial integrity of the state, the inviolability of its borders, the principles of sovereign equality and the provision of global security are among the most important problems of the international-legal guarantee of global security, and finally, international issues related to conflict resolution and fighting international crimes have not been studied in the literature of national law at an adequate level.

In addition, at a time when we are entering the globalized world, the implementation of the imperative principles of international law in practice is of vital importance and very urgent for the Republic of Azerbaijan (AR), which has been fighting fiercely against Armenia's policy of international crimes and support for separatist forces created on the territory of our state for a long time. In the international legal position of the Republic of Azerbaijan, ensuring global security based on the observance of international law and legal rules takes a central place. Thus, in accordance with Article 10 of the Constitution of the Republic of Azerbaijan, the Republic of Azerbaijan builds its relations with other states on the basis of the principles stipulated in the generally accepted international legal norms. Azerbaijan Republic has always demonstrated its commitment to international law and successfully implemented UN Security Council Resolutions 822, 853, 874, 884 using its right of self-defense defined in Article 51 of the UN Charter. In addition to the above, despite the end of the Armenian-Azerbaijani conflict, the failure to sign the final peace agreement and the failure to take international responsibility measures against

Armenia is a serious threat to regional and global security, which requires a comprehensive analysis of the problem.

Azerbaijan Republic's place in the global security system has led to its successful international cooperation with international organizations. The Republic of Azerbaijan, which is a participant in most international agreements signed in various directions, is a member of important universal and regional international organizations, and even closely cooperates with some "closed" international organizations (NATO, European Union). The successful policy of our country in increasing the activity of the Non-Aligned Movement, of which the majority of world states are members, and its contributions to global security, should be specially noted.

The degree of scientific development of the problem indicates that the science of international law pays serious attention to the problem of protecting global security, its institutionalization at the normative level and in the practice of law enforcement. Although this topic itself began to be formed in the 70s of the XX century, the chronological analysis of the global problems of international security in the normative legal aspect lags behind the researches of the mentioned topic in the theory of international relations and international law. In particular, it manifests itself more prominently in the works of W. Kenneth, S. Huntington and G. Morgenthau, who put forward the idea of the decentralized nature of international law. In the late 90s of the XX century, the problems related to the international legal guarantee of the collective security system began to become relevant after the collapse of the existing system of international relations and the increase in the dangers of globalization. The school of international law led by Professor M. McDougall had the greatest impact on the international-legal development of global security issues. According to the concept formed here, international law was not accepted as a system of mandatory legal norms in the conditions of globalization, but found its solution in the politics of world states.

A politically oriented approach to the international-legal guarantee of global security was developed in the early 90s of the XX century by Cambridge professors - T. Frank and M. Shaw, American international law lawyers D. Armstrong, T. Farelli, H. Lambert, B. Buzan, L. Developed by Hansen, J. Alvarez, E. Lauterpacht, K. Greenwood, K. Chinki, and R. Zadurska. In the works of these researchers, international law is presented as a necessary legal tool for the process of strategic political decision-making on the problems of protecting global security in a more developed Western democracy.

A. Abashidze, M. Baymuratov, K. Bekyashev, I. Blyshenko, R. Valeyev, Y. Gorbunov, A. Kapustin, V. Kartashkin, I. Lukashuk, Y. Maleyev, as researchers of the post-Soviet space who investigated various aspects of the studied problem. The works of A. Movchan, A. Moiseyev, L. Timchenko, G. Tunkin, I. Farkhutdinov, S. Chernichenko, G. Shinkaretskaya and others were widely used in the research.

Various problems of legal aspects of global security and related issues are reflected in the works of A. Askerov, T. Huseynov, I. Rahimov, A. Aliyev, L. Huseynov, R. Mammadov, A. Sadigov, Sh. Samadova, E. Aliyev, A. Mustafayeva, Sh. Aliyev, M. Abdullayev, M. Maharramova, R. Mammadov, A. Allahverdiyev, V. Ibayev, R. Garayev and others in Azerbaijani legal literature on international law and other legal fields.

In addition, in the scientific researches of O.Efendiyev, Z.Akhundova, S.Yusifova, E.Safarov, C.Eyvazli, S.Majidov and others<sup>1</sup>, the issues related to international security to one degree or

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<sup>1</sup> Efendiev O.F. International conflict of war crimes (on the example of conflicts in the South Caucasus). Abstract of the dissertation on the competition for the academic degree of the doctor of legal sciences. Baku, 2009, 45 p.; Akhundova Z.A the Republic of Azerbaijan in the international security system: international legal issues. H.e.n. the abstract of the dissertation submitted to receive the scientific degree. Baku, 2005, 27 p.; Yusifova S.V. International legal cooperation of the Republic of Azerbaijan with European regional organizations. H.e.n. the abstract of the dissertation submitted to receive the scientific degree. Baku, 2005, 26 p.; Safarov E.F. Activities of the UN Security Council in modern times in support of international peace and security (international legal issues). H.e.n. the abstract of the dissertation submitted to receive the scientific degree. Baku, 2009, 25 p.; Eyvazli C.V. The Republic of Azerbaijan in the European security system: international legal issues. H.u.f.d. the abstract of the dissertation submitted to receive the scientific degree. Baku, 2010, 26 p.; Majidov S.T. Aggression

another have been specifically analyzed. However, the problem of international legal guarantee of global security has not been the subject of a separate, special and complex monographic research in Azerbaijan's international legal science. In addition, issues related to international security were not systematically and comprehensively approached, including modern trends were not fully taken into account. Current scientific research to a certain extent aims to eliminate this gap, taking into account complex, systemic and new trends in the problem. In addition, in the study, the problems of the legal solution of the Armenian-Azerbaijani conflict were also analyzed from the point of view of new international legal realities.

**The object and subject of the research.** The object of the study is the doctrine of international law in the field of international security and legal relations developing in the process of ensuring global security. The subject of the study is the international-legal mechanism of ensuring global security and the institutional and legal forms of protection of international security in the conditions of the intensification of global threats and challenges.

**Research goals and objectives.** The purpose of the dissertation research is a comprehensive analysis of the current problems of ensuring global security based on the norms and principles of international law, determining the characteristic features of these problems and discovering possible ways to solve them.

In order to achieve the goal mentioned in the dissertation, the following tasks are set:

- to analyze the evolution of the theoretical and legal foundations of the concept of international security in the context of the strengthening of global military and non-military threats;
- to consider issues of international-legal subjectivity in ensuring global security;

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factor in the system of international relations. H.u.f.d. the abstract of the dissertation submitted to receive the scientific degree. Baku, 2018, 28 p.



- to analyze the mechanism of regulation of international legal guarantee of global security and to make recommendations for increasing its efficiency;
- to examine the impact of globalization challenges on the development of special principles of international security law;
- to determine the development trends of the main principles of international law on ensuring international security in the conditions of the intensification of global threats;
- to consider international-legal aspects of institutional control of threats to global security;
- to examine the features of international legal resolution of conflicts, such as the fight against threats to global security;
- to study the role of judicial means for the resolution of international conflicts in ensuring global security;
- to mutually analyze the problems of ensuring global security and humanitarian intervention;
- to review the international legal aspects of post-conflict peace building;
- to determine the international legal problems of the participation of regional organizations in the legal guarantee of global and regional security;
- to determine the international legal position of Azerbaijan Republic in ensuring global security;
- to consider the problem of solving the Armenian-Azerbaijani conflict in the context of global security;
- to identify and analyze the development elements of ensuring global security.

**Normative-legal basis of research.** The normative basis of the research is international agreements, acts and documents of the main and subsidiary bodies of the UN, the OSCE, the Council of Europe, NATO, the CIS and other regional international organizations, international court decisions, as well as domestic legal acts.

**Research methods.** The theoretical and methodological basis of the research is the scientific works of scholars on international law

and the theory of international relations. The dissertation is based on the theoretical provisions of international law doctrine, researches of foreign and local lawyers specializing in international law, results of analysis of various international and national acts, as well as international legal practice. At this time, general and special scientific-research methods: historical-legal, comparative-legal, formal-logical, statistical, concrete-sociological, and other methods have been widely used in the dissertation.

**Scientific novelty of the dissertation.** The scientific novelty of the dissertation is determined by the fact that it is the first monographic scientific research work dedicated to the comprehensive study of the legal relations arising in the process of ensuring universal and regional security in the conditions of globalization. The presented dissertation is dedicated to the international-legal research of important problems in this field, expressing the participation of our state in the current relations in the global security system and the appropriate attitude towards it in the science of international law of Azerbaijan. In addition, for the first time after the end of the Armenian-Azerbaijani conflict, a comprehensive international legal analysis of the problem was conducted, and important proposals were made to strengthen the regional foundations of global security.

**The main new scientific propositions defended are the following:**

1. Ensuring global security in this direction requires the identification of international legal problems that are closely related to each other and cover various fields, and the enrichment of the international legal framework with "firm" legal norms that clearly express the international obligations of states in those spheres. The initial action in this direction should be to make a number of important additions and changes to the UN Charter.

2. Achieving an effective system of ensuring global security should begin with the reforms carried out in the UN. The main place here should be to change the order of representation and decision-

making of states in the UN Security Council, to increase the role of the UN General Assembly and the UN International Court of Justice in ensuring global security, and finally to carry out important reforms in the activities of individual UN bodies.

3. The basic, universally recognized principles of international law occupy a special place in ensuring global security. Effective activity of international legal entities involved in ensuring global security depends on strict adherence to the norms and principles of international law in this field, and the efficiency of legal mechanisms of global security regulation. At the same time, the increase of separatist tendencies, including international crimes, in modern times has made the importance of the principles of sovereign equality, non-interference in internal affairs, territorial integrity of states, and the inviolability of borders even more relevant. Taking into account the gap in the international legal regulation in this direction, the most important role would be the adoption of a number of international legal documents of a universal character in that sphere. In addition, the comprehensive provision of global security also requires the expansion of the basic, universally recognized principles of international law. Taking this into account, international environmental security and international responsibility can be viewed as basic, universally recognized principles of international law.

4. Since the international-legal provision of global security has a significant impact on various areas of international law, including national law, the mutual development trends of relevant areas should be determined. At this time, along with the specific principles of international security law, the necessity of forming cross-sectoral principles in mutual cooperation with other fields should also be noted. In this sense, along with special principles of international security law such as the principle of equality and equal security of states, the principle of not harming the security of the state, the principle of indivisibility of security in the face of transnational threats and challenges, other areas of international law, including the principle of the supremacy of international law in cooperation with

national law, the principle of the responsibility of states, the principle of disarmament, the principle of personal security, the importance of cross-sectoral principles should also be noted.

5. The system of international organizations occupies a special place in ensuring global security. It is impossible to ensure global security with international agreements without a system of international organizations. Currently, in addition to strengthening regional security systems in the system of international organizations, it is necessary to activate the activities of the Non-Aligned Movement. From this point of view, Azerbaijan Republic's activity in the mentioned direction should be evaluated as an important contribution to international law. Thus, during the period when Azerbaijan Republic led the Non-Aligned Movement, the position of this system in the international society was strengthened, important international documents were adopted in various spheres, including security, and finally, international cooperation relations between states developed rapidly.

6. The effectiveness of the global security system requires the development of the institution of international responsibility. Thus, it is impossible to resolve international conflicts and ensure global security without solving the responsibility issues for committed international crimes. In this sense, after the resolution of the Armenia-Azerbaijani conflict, the realization of responsibility for the international crimes committed in ensuring regional security is of great importance. In this sense, the activity of the International Criminal Court should be activated and the participation of states in this system should be ensured.

7. Ensuring global security requires developing close interaction between various regional security systems. Thus, regional security systems can play a key role in the peaceful settlement of disputes between member states of such regional organizations, except for the application of coercive measures. In this sense, the role of NATO and the European Union should be specially mentioned. In addition, it is necessary to restructure the activities of the OSCE as

an international organization. It is generally not possible to ensure security issues within the framework of the Commonwealth of Independent States. In the regions of Africa, Latin America, the Middle East and Asia, activities on the establishment or improvement of various mechanisms for ensuring global security should be considered as urgent issues. Based on international practice, it is necessary to create such a regional system in the South Caucasus, where it is completely acceptable for Azerbaijan Republic to take the central role due to its international legal position.

8. Global security also requires international legal regulation of humanitarian intervention issues. For this, along with the adoption of an important international document by the UN on the legality of humanitarian intervention, the authority to make decisions and discuss other issues in this field should belong only to the UN.

9. The formation and improvement of the national legislation of the states in this direction should be considered one of the important directions of ensuring the global security system. In this regard, Azerbaijan Republic has implemented important domestic activities. In the Preamble of the Constitution of the Azerbaijan Republic, among others, the declaration of the intention "to live in friendship, peace and tranquility with all the peoples of the world, and to cooperate with this goal" should be highly appreciated. Then, Article 10 of the Constitution of the Republic of Azerbaijan states that the Republic of Azerbaijan builds its relations with other states on the basis of the principles stipulated in the generally accepted international legal norms. Finally, Articles 7, 10, 12, 148 and 151 of the Constitution of the Republic of Azerbaijan, which implicitly accept the primacy of international law, are a positive international practice that should be taken into account by other states.

10. Ensuring global security is closely related to the broad approach to the right of self-defense. In this sense, preventive self-defense and preventative self-defense should also be included in the concept of self-defense. The existence of global problems and the increase in international conflicts necessitate a broad interpretation of

the right to self-defense in accordance with the UN Charter. At the moment, the serious obstacle to the peace process in the region on the part of Armenia and its failure to fulfill its international obligations make preventive self-defense measures and proactive self-defense measures of the Republic of Azerbaijan completely legitimate. This situation directly stems from the inalienable right of self-defense of the Republic of Azerbaijan provided for in Article 51 of the UN Charter and Armenia's policy of committing international crimes against the Republic of Azerbaijan.

**Theoretical and practical significance of the study.** The theoretical and practical importance of the research consists in its direct use in the following directions: from the theoretical proposals and practical recommendations put forward in the dissertation, in the preparation of proposals related to the improvement of the normative base of collective security at the global and regional level; from the theoretical proposals and practical recommendations put forward in the dissertation in the legal creation activity - in the process of preparing and discussing legal documents related to security improvement; from the theoretical proposals and practical recommendations put forward in the dissertation, in conducting strategic studies related to the provision of national security and foreign policy of the Republic of Azerbaijan in the context of globalization; the results of the dissertation work can be widely used in conducting complex scientific-research works related to the international-legal problems of global, regional and national security, and in the educational process when teaching "International Security Law", "International Law" and other subjects.

**Dissertation approval and application.** It was recommended that the dissertation completed at the Institute of Law and Human Rights of ANAS be discussed and defended at that Institute. Scientific works reflecting the main provisions and results of the dissertation research were published in foreign and local scientific journals, as well as in the materials of scientific-practical conferences held at the national and international levels.

The name of the institution where the dissertation work was performed. The dissertation work was carried out at the Institute of Law and Human Rights of the Azerbaijan National Academy of Sciences.

**Dissertation structure.** The dissertation consists of an introduction, 13 paragraphs comprising three chapters, a conclusion and a list of references.

## **MAIN CONTENT OF THE RESEARCH**

In the **Introduction of the dissertation** the relevance of the topic is justified, the degree of scientific development, object and subject of the research, goals and objectives, scientific innovation, new scientific provisions submitted to the defense and their practical importance are explained, the approval of the research results and the structure of the research are given.

**The first chapter** is entitled "**Theoretical-legal foundations of the concept of global security**" and consists of five paragraphs.

**The first paragraph** analyzes the legal content and main features of international security in the context of globalization.

Issues related to security in international law require mutual analysis in the fields of history, international relations, economics, law, as well as other sciences. In addition, analyzes should be carried out in mutual relations, paying careful attention to close and related concepts such as "environmental security", "national security", "military security", "economic security", "personal security" and others. The analysis of the paragraph leads to the following important conclusions:

- The expansion of security spheres, the increase of regional conflicts, the emergence of new sources of potential danger, the failure of states to fulfill their international obligations, the responsibility of states, including the lack of international legal norms that stipulate international obligations in some other areas, and the content of international security at the global, universal level, and significant changes in their characteristics have been created.

- International security, including the responsibility of states, the enrichment of the international normative-legal base in the sphere of human rights, the necessity of transferring from "soft" legal norms to "hard" legal norms, clearly defining the obligations of states and relying on international control mechanisms, and other important elements are relevant.

- Serious action should be taken in the direction of preparing international legal acts in the military, economic, ecological, energy, information and other fields for the improvement of the legal mechanism to ensure global security.

- Strengthening of regional security is one of the main factors of ensuring global security. In addition, the main role of coordination of international society - state - human security in ensuring international security should be specially noted.

- International security should continue with the formation of domestic legislative systems that implement the participation of states in relevant international organizational and treaty mechanisms, including the effective implementation of those norms into domestic legislation.

**In the second paragraph**, the problem of subjectivity of international law in ensuring global security is analyzed.

Determining the subjectivity of international law is very important in the analysis of international obligations and responsibility issues of states. The analysis of the paragraph leads to the following important conclusions:

- The main responsibility for ensuring global security rests with independent states that are subjects of international law.

- The development of modern international relations has made the subjectivity of international law of international intergovernmental organizations even more relevant. In contrast to international intergovernmental organizations, international non-governmental organizations do not have these characteristics and can act only as a subject of international relations, not as a subject of international law.



- Transnational companies have an important influence on the state of global security and, accordingly, on its legal protection, because in some cases their corporate interests are of a global nature. Common international law imposes direct obligations on transnational corporations as subjects of private international law only in certain cases of human rights violations. On the whole, the need to define the role of transnational corporations in the legal guarantee system of global security is not in doubt, but it cannot directly oblige and define them as independent subjects of international law.

**The third paragraph** examines the role of the basic, universally recognized principles of international law in ensuring global security.

The main place in the regulation of international relations is occupied by international legal norms in a general sense, which include generally recognized principles of international law, international legal norms, international customs and other international norms. However, the generally recognized principles of international law differ from other norms by their legal force and main features. The following conclusions are reached with the conducted analyses:

- The basic, universally recognized principles of international law play an important role in the legal regulation of the provision of the global security system, as they determine the behavior of the subjects of international law, their basic rights and duties for the protection of global peace and security, etc. contain guiding principles that define important provisions.

- The main principles of international law also act as a basis for further strengthening of international peace and global security system, functioning and improvement of its legal regulation mechanism. With this in mind, international environmental security and international responsibility can be considered as the main principles of international law.

- The basic principles of international law as a whole should be considered in a single complex. Violation of one of the basic principles of international law leads to the violation of its other principles, which in general endangers the provision of the entire system of global security.

- Provisions of the basic, universally recognized principles of international law must be unconditionally followed by states. For this, there is no need to adopt any national normative-legal act. It is enough to express a general attitude to the main, universally recognized principles of international law, which should be part of the basic law (constitution) of that state. In this sense, Article 10 of the Constitution of Azerbaijan Republic should be highly appreciated.

**In the fourth paragraph**, issues of globalization, global problems and the development of special principles of international security law are considered.

It is noted that the task of a complex approach to solving problems related to the strengthening of global security requires the improvement and development of special (sectoral) principles of international security law. The following conclusions are reached with the conducted analyses:

- Within the framework of international security law, which is an important field in the international legal system, special (sectoral) principles of international security law have been formed and are currently developing further. Special principles such as the principle of equality and equal security of states, the principle of not harming the security of the state, the principle of indivisibility of security in the face of transnational threats and challenges can be included in the principles already formed in this field.

- Due to the fact that the main goal of international security law is to ensure international peace and security, it has developed closer cooperation relations with other areas of international law, and from this a number of specific principles of international security law have been formed. For example, the principle of the rule of international

law, the principle of responsibility of states, the principle of disarmament, the principle of personal security.

- During the analysis of the principles of international security law, it is necessary to implement its main provisions into the national legislation of the states. In other words, it is necessary to take into account the specific principles of international security law when adopting domestic norms in this area.

**The fifth paragraph** examines the role of international mechanisms in ensuring global security and the issues of the international legal basis of their activity.

The formation of relevant international mechanisms in ensuring global security is very important. Thus, it is almost impossible to achieve international security without a relevant international legal mechanism. The following important conclusions are noted in this paragraph:

- The legal values of the protection of international peace and security established in the UN Charter formed the basis of the international legal mechanism of ensuring global security and later included the adoption of numerous international documents. Currently, as new approaches to international law are required, it is necessary to revise the UN Charter as the main international document or make a number of additions to it that include the main features of modern international society and international law.

- Together with the improvement of the UN Charter, the serious reconstruction of the UN system and ensuring the interests of all regions should be one of the main priorities. In addition, the role of the UN General Assembly in ensuring international security should be increased along with the UN Security Council. Further, strict coordination criteria between the UN system and regional security systems should be developed and implemented.

- In order to organize an effective fight against international crimes, the participation of states in international agreements and the activities of the International Criminal Court in the relevant sphere should be ensured to the maximum extent, and global international

security should be ensured by developing the institution of international responsibility.

- The role of other UN bodies should be increased in ensuring global security. Increasing the role of the UN Economic and Social Council as a coordinating body of UN specialized institutions and the UN International Court of Justice as a body for settling international disputes is logical and fully consistent with the regulatory system of international law, including generally recognized principles and norms of international law.

- Reforms in the UN system should be continued and completed with effective changes in regional systems. If this continuation is not completed and not reconciled, then again enough problems will arise in ensuring international security.

- The international legal regulation of global security requires the development of international control, regime of international guarantees and interstate trust relations.

**The second chapter - "Resolving international conflicts as a key factor in ensuring global security"** - consists of five paragraphs.

**The first paragraph** analyzes the main features of the international legal resolution of conflicts, such as the prevention of threats to global security.

One of the important directions in ensuring global security is the prevention of international conflicts and their peaceful resolution. In this sense, the dissertation draws the following conclusions per paragraph:

- The nature of modern armed conflicts as a threat to the global security system is manifested in the fact that the traditional differences between international armed conflicts and internal armed conflicts have almost disappeared, and have also covered most regions.

- In addition to reviewing the powers of the UN Security Council and the General Assembly on the resolution of international conflicts in the UN system, the binding legal force of international documents adopted by those bodies in this direction should also be

ensured, and finally, effective international control mechanisms for preventing situations that threaten international security in separate areas and lead to international conflicts should be established or improved.

- Especially in the case of armed conflicts over territorial issues, when taking initial steps against the aggressor state, decisions must be made to support the state subject to aggression in various directions. When one or more of the aggressor states are permanent or temporary members of the UN Security Council, those states should be excluded from decision-making processes, and this practice should be continued within the framework of regional international organizations.

**The second paragraph** examines the role of international judicial means of resolving international conflicts in ensuring global security.

The role of judicial means in the resolution of international conflicts has full international legal basis (paragraph 1 of Article 33 of the UN Charter). The analyzes conducted in this direction lead to the following conclusions:

- The institutionalization of judicial means for the resolution of international conflicts leads to the legal guarantee of political, economic and socio-cultural cooperation between the subjects of international law and to the uniform interpretation, application and generalization of the norms and principles of international law by the states as a whole, as well as their international obligations.

- Strengthening the practice of widely referring to international treaties and international legal norms in the activities of the UN International Court of Justice should be considered as an important contribution to international law, in addition to various fields of international law, as well as in the sphere of international security law.

- In the decision-making process, it is more realistic to base the activity of the UN International Court of Justice on the generally recognized principles and norms of international law than other international mechanisms (for example, the UN Security Council,

etc.). Therefore, the activities of the states in the direction of expanding the role of the UN International Court of Justice in the resolution of international conflicts should be further increased, serious international legal measures, including measures of international responsibility, should be implemented in the direction of the immediate implementation of the decisions of the UN International Court of Justice.

- Granting the UN International Court of Justice the authority to clarify the issue of compatibility of Security Council decisions with international law is also an urgent issue. This will prevent UN Security Council members from abusing their international position in the decision-making process.

- It may be considered necessary to activate the role of universal and regional international quasi-judicial institutions in the resolution of international conflicts.

**The third paragraph** analyzes the issues of legality of humanitarian intervention and ensuring global security.

The international legal protection of human rights, the universality of human rights and the priority of the idea of natural law, the prevention of mass violations of human rights and other factors make issues related to humanitarian intervention more urgent. With the analyzes conducted in this direction, the following conclusions are reached:

- Globalization processes have expanded the international legal interpretation of the concept of collective security, gradually linking it directly with the security of the individual, the protection of human rights and the prevention of mass violations.

- From a formal point of view, there is no officially accepted definition of humanitarian intervention in international law. However, the legitimacy of the use of force within the framework of the UN is not in doubt, since this international organization was created, among other things, to prevent acts of aggression and to resolve international conflicts peacefully. Humanitarian intervention carried out by the UN can be considered legal if such intervention

can prevent gross and systematic violations of human rights and threats to global security, including crisis or conflict situations related to international crimes.

- The application of humanitarian intervention should be carried out in accordance with the cases put forward regarding its legality. For this, it is necessary to adopt an important international document by the UN on the legality of humanitarian intervention. In addition, in any case, the practice of implementing humanitarian intervention should be carried out only by the UN.

**The fourth paragraph** examines the issues of maintaining global security and the development of the right of self-defense.

Threats to international security and the prevention of international conflicts, the fight against international crime puts forward the task of legitimizing relevant preventive measures before the international community. Analyzing the paragraph, the following conclusions are reached:

- Although Article 51 of the UN Charter applies only to the situation of an act of attack already committed, a broad approach to the problem includes preventive self-defense and preventive self-defense in the concept of self-defense.

- All actions on collective preventive self-defense and preemptive self-defense should be carried out only within the framework of the UN or under its auspices. All measures for individual preventive self-defense and deterrent self-defense should be implemented by making an appropriate appeal to the UN and obtaining a positive attitude. In both cases, the processes must be strictly controlled within the framework of the relevant UN agencies.

- The legal justification of the possibilities of international legal regulation of preventive defense for the purpose of combating international crimes determined the conceptual change of international law towards a broad interpretation of Article 51 of the UN Charter, which provides for the right of self-defense.

- The storage of nuclear and chemical weapons, the development of the production of conventional and new types of

weapons require a broad interpretation of the right of self-defense in accordance with the UN Charter.

- The conceptual change of international law in the field of preventive self-defense for Azerbaijan Republic is extremely important in terms of ensuring the territorial integrity of our country. Attempts of a new invasion of Azerbaijani lands by Armenia, which was defeated in the 44-day war (revival of the army, attempts to take measures related to an armed attack on the territory of Azerbaijan, refusal to return the territories still under Armenian occupation, the threat of exploding the Metsamor nuclear power plant, the threat of attack on the strategic facilities of Azerbaijan, etc. ) and the achievement of "revenge" with it, makes the Azerbaijan Republic's preventive measures and preemptive strike against this country fully legitimate. This situation directly follows from Article 51 of the UN Charter and Armenia's intention to commit international crimes against Azerbaijan Republic for a long time and which is still ongoing.

**The fifth paragraph** analyzes the international legal aspects of post-conflict peace building and issues of global security.

Future peace building after international conflicts are resolved in international law is one of the important factors in international security. The analyzes conducted in this direction lead to the following conclusions:

- Resolving international conflicts should also include the signing of guaranteed peace agreements and peace building, and finally, the establishment of normal relations between conflicting states.

- Post-conflict peace-building involves limiting the sovereign rights of states, increasing the influence of international organizations in that area, developing a political-legal concept of security in the face of global threats and cooperation of conflict parties in that region, signing and implementing peace agreements, and finally, forming and strengthening normal interstate relations and trust measures between conflict states.

- Near the end of 2020, even after the end of the Armenia-Azerbaijan conflict, Armenia still has international responsibility for



not fulfilling its obligations not only regarding peace building, but also before peace building. And these are expressed in various forms directly (for example, still using various weapons against the territorial integrity of the Republic of Azerbaijan, obfuscating the processes of determining state borders, openly refusing to open mutual transport communications, etc.) and indirectly in actions (avoiding the signing of the peace agreement under various pretexts, often changing his position on peace terms, spreading false information in the international community, etc.).

**The third chapter**, called "**Resolving international conflicts as a key factor in ensuring global security**" consists of three paragraphs.

**The first paragraph** analyzes the issues of legal aspects of strengthening the role of regional organizations in ensuring global security.

In ensuring global security, taking into account regional characteristics, more efficient provision of security is of particular importance. The following conclusions are reached with the conducted analyses:

- The concept of the global security system envisages a close interaction between the existing global security system within the UN and various regional security systems arising from the need to take into account the main characteristics and interests of different regions of the world.

- In order to strengthen the role of regional organizations in resolving regional conflicts, it is necessary to develop international legal instruments, so that, except for the application of mandatory measures, they can play a key role in the peaceful settlement of international disputes between member states of such regional organizations. In this sense, the role of NATO and the European Union should be specially mentioned. In addition, it is very necessary to eliminate double standards in the activities of the OSCE, to establish security systems in Africa, Latin America, and Asia.

- The European Union model should be considered more effective in ensuring regional security. So, along with the provision of regional security, enough international agreements have been signed in each sphere, and now it has led to a closer approximation of the laws of the states. In this sense, it is necessary to establish close cooperation relations within the framework of other regional organizations, not only in security, but also in other spheres (for example, human rights, cultural cooperation, etc.). In this sense, it is quite realistic to build such a security model in the South Caucasus.

**In the second paragraph**, Azerbaijan Republic's international legal position in ensuring global-regional security is analyzed.

The foreign policy legal doctrine of the Republic of Azerbaijan is based on the principles of international law, the provisions of which are detailed in Article 10 of the Constitution of the Republic of Azerbaijan. The analyzes conducted in this direction lead to the following conclusions:

- In the Preamble of the Constitution of the Republic of Azerbaijan, among others, the declaration of the intention "to live in friendship, peace and tranquility with all the peoples of the world in accordance with universal values and to interact with each other for this purpose" should be highly appreciated. Further, Articles 7, 10, 12, 148 and 151 of the Constitution of the Republic of Azerbaijan should be specially mentioned.

- Being a participant of most international agreements in various spheres and a member of important international organizations, Azerbaijan Republic cooperates closely even with a number of closed international organizations, including NATO and the European Union. The mentioned should be considered as one of the important contributions of Azerbaijan Republic to the global security system.

- Azerbaijan Republic, which held the chairmanship of the Non-Aligned Movement for a long time, played an important role in reducing global and regional tensions in international law, and

achieved the adoption of a number of important international-legal documents in security and other spheres.

- Currently, the role of Azerbaijan Republic in ensuring global security is clearly felt, and the contributions made by our state in this direction should also be noted. Thus, while UN Security Council resolutions No. 822, 853, 874, 884 should be resolved by the UN and collective efforts, despite the fact that they have not been resolved for a long time, the Republic of Azerbaijan has made a decision individually in accordance with international law based on provisions of Article 51 of the UN Charter.

**In the third paragraph**, the problems of the legal solution of the Armenian-Azerbaijani conflict in the context of global security and international law are analyzed and the following conclusions are reached:

- During the entire period when its territory was occupied by Armenia, Azerbaijan Republic has always been a supporter of the resolution of the Armenia-Azerbaijani conflict based on the observance of the main, generally recognized principles of international law. However, during the entire negotiation process, Armenia grossly violated the generally recognized principles and norms of international law as a whole.

- The resolution of the Armenian-Azerbaijani conflict by the Republic of Azerbaijan fully restored the violated basic principles of international law and made a significant contribution to the global security system.

- With the resolution of the Armenia-Azerbaijani conflict within the framework of international law, the full provision of regional and global security should be done at the same time as the resolution of Armenia's international responsibilities. Here, the responsibility of the Armenian state, including the responsibility of natural persons who committed these international crimes by it, should be fully determined.

In this sense, the initial international responsibility measures implemented by the Republic of Azerbaijan (bringing natural persons

to criminal responsibility) are highly valued and serve to justify Armenia's responsibility as a state, which is a serious contribution to international security.

**In the final part of the dissertation**, the important proposals and results obtained are expressed in three directions (theoretical and legal foundations of the concept of global security; the features of international conflict resolution as a key factor in ensuring global security; the main features of regional security as a component of the international legal mechanism of ensuring global security).

**The main content of the research work is reflected in the theses and articles published below:**

1. Международно-правового безопасности в условиях глобализации // Одесса: Науковий вісник Міжнародного гуманітарного університету, серія: юриспруденція, - 2017, № 29 (том 2), -с. 142-144.

2. Правовому обеспечению глобальной безопасности: опыт и перспективы // Кишинёв: Право и политология, 2017 № 35, - с.43-47.

3. Защита принципа территориальной целостности государства во взаимодействии с другими принципами международного права как факторы глобальной безопасности // Труды научно-практической Конференции "Этно-территориальные конфликты в глобальной геополитике"- Кишинев: - 28 мая, - 2017, - с. 161-165.

4. Правовое поле гуманитарной интервенции и ответственности по защите: правовая динамика концептуального сдвига в обеспечении глобальной безопасности // Труды практической конференции "Правовая жизнь: современное состояние и перспективы развития", Запорожье, "Истина": 25-26 мая, - 2018, - с. 43-46.

5. Правовое разрешение международных конфликтов как принцип обеспечения глобальной безопасности // - Москва: Юридические науки и образование, 2018 № 54, - с. 132-141.

6. Концепция правового механизма глобальной безопасности и практика ее реализации // - Bakı: Dırçalıř - XXI əsr, - 2018 № 184, - s. 79-85.

7. Правовая динамика концептуального сдвига от гуманитарной интервенции к ответственности по защите в обеспечении глобальной безопасности // - Bakı: Dırçalıř - XXI əsr, - 2018 № 185, - s. 135-144.

8. Институционально-правовые факторы обеспечения глобальной безопасности // - Bakı: Dırçalıř - XXI əsr, - 2018 № 186, - s. 156-162.

9. Императивный принцип единства и целостности территории Республики Азербайджан // - Киев: Велес, - 2019 № 11-1 (77), - с. 152-156.

10. Новые реалии отношений и правового механизма глобальной безопасности // - Bakı: Qanun, - 2019 № 6 (296), - s. 32-39.

11. International legal settlement of the conflicts as the factor in global security threats countermeasures // - Delhi (India): EPRA International Journal of Multidisciplinary Research (IJMR), - 2019 (October). Volume: 5, - Issue: 10, - p. 85-88: [Electronic resource] / <https://is.gd/5T3FE8>

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13. Qlobal təhlükəsizliyin təmin edilməsi və beynəlxalq hüququn prinsipləri // - Bakı: Azərbaycan Hüquq Jurnalı, - 2023. № 1, s. 97-108.

14. Special principles of international security law // - Bakı: International law and integration problems, - 2023. № 1, s. 34-40.

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