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Diplomatic Activity of the President of the Republic of Azerbaijan, H.E. Mr. Ilham Aliyev in first quarter of 2009

VISITS BY THE PRESIDENT OF AZERBAIJAN H.E. Mr. ILHAM ALIYEV

26-27.01.2009 Working visit of the President of Azerbaijan H.E. Mr. I.Aliyev to Hungary

During his visit to Budapest President Aliyev met with the President and Prime Minister of Hungary as well as with Prime Ministers of Czech Republic and Bulgaria. President Aliyev had also meetings with President of the European Investment Bank and European Commissioner for Energy. H.E. Mr.I.Aliyev gave an interview to several media companies, including Hungarian News Agency MTI, Duna TV and Bloomberg News TV. President Aliyev participated in NABUCCO Summit held on 27 January in Budapest. The Delegations from more than 10 countries together with representatives of several international organizations signed a Declaration, expressing strong commitment to NABUCCO gas pipeline project backed up by the EU.

28.01-01.02.2009 Working visit of the President of Azerbaijan H.E. Mr. I.Aliyev to Switzerland

Upon the initiative of the OSCE Minsk Group Co-Chairs the meeting between the Presidents of Armenia and Azerbaijan was held on 28 January in Zurich. Current stage and perspectives of the conflict settlement process were discussed at the meeting. During the working visit to Switzerland President Aliyev met with the President of Swiss Confederation H.E. Mr. Hans-Rudolf Merz and attended an official dinner hosted by Swiss President in honour of President of Azerbaijan. President Aliyev took part at the 39th World Economic Forum held from 28 January to 1 February in Davos and participated in "Energy Outlook - 2009" and "Oil and gas geopolitics – a map in transition" sessions of the Forum as well as attended a panel discussion on "The Great Game Revisited" and Forum of Business Interaction Group on Azerbaijan. In Davos President Aliyev had meetings with Presidents of Lithuania, Latvia and Israel as well

as with Prime Ministers of Poland, Turkey and Albania.

President Aliyev also met with the President of the European Bank for Reconstruction and Development, President of British Petroleum, President and CEO of StatoilHydro and Senior Vice President of Microsoft Corp.

On the margins of the Forum President Ilham Aliyev gave an interview to CNN TV, CNBC TV, The Wall Street Journal newspaper and Reuters news agency.

10-11.02.2009 Official visit of the President of Azerbaijan H.E. Mr. I.Aliyev to Kuwait

During the official visit to Kuwait President Aliyev met with Emir of Kuwait H.E. Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, Prime Minister H.E. Sheikh Nasser Mohammed Al-Ahmed Al-Sabah, Speaker of Kuwait`s National Assembly and Chairman of State Chamber of Commerce and Industry.

In the presence of President Ilham Aliyev and Emir Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah 2 sides signed several intergovernmental documents, including the Agreement for the creation of a Joint commission on cooperation between the Government of the Republic of Azerbaijan and the Government of the State of Kuwait; Agreement for the promotion and reciprocal protection of investments between the Government of the Republic of Azerbaijan and the Government of the State of Kuwait; Agreement for the avoidance of double taxation with respect to taxes on income and on property and prevention of tax evasion between the Government of the Republic of Azerbaijan and the Government of the State of Kuwait; Trade agreement between the Government of the Republic of Azerbaijan and the Government of the State of Kuwait; Agreement on tourism cooperation between the Government of the Republic of Azerbaijan and the Government of the State of Kuwait.

President Ilham Aliyev was awarded with the Mubarak Al-Kabeer Order of Kuwait.

15-17.02.2009 State visit of the President of Azerbaijan H.E. Mr. I.Aliyev to Greece

During the state visit to Greece President Aliyev met with the President of Greece Karolos Papoulias, Prime Minister Kostas Karamanlis, Speaker of the Hellenic Parliament Dimitris Sioufas as well as with Chairman of the Board of Directors of Vardinoyannis Group and Leader of Pan-Hellenic Socialist Movement.

On occasion of state visit of the President of Azerbaijan to Greece an official reception was given by the President of Greece in honour of President Ilham Aliyev and his spouse Mehriban Aliyeva Documents signing ceremony between Azerbaijan and Greece was held in the presence of President Ilham Aliyev and Karolos Papoulias. The sides signed following intergovernmental documents: The Convention for the avoidance of double taxation and prevention of fiscal evasion with respect to taxes on income and on capital between the Government of the Republic of Azerbaijan and the Government of the Republic of Greece; an agreement on air communication between the Government of the Republic of Azerbaijan and the Government of the Republic of Greece; an agreement on cooperation in information and communication technologies between the Government of the Republic of Azerbaijan and the Government of the

Republic of Greece; a Memo on renewable energy and energy efficiency between the Ministry of Industry and Energy of the Republic of Azerbaijan and the Ministry of Development of the Republic of Greece.

On the margins of the visit to Greece President Ilham Aliyev attended the Azerbaijan-Greece Business Forum.

10-11.03.2009 Official visit of the President of Azerbaijan H.E. Mr. I.Aliyev to the Islamic Republic of Iran

President I.Aliyev had a private meeting with the President of Iran Mahmoud Ahmadinejad. At the end of the meeting the delegations of two states signed several intergovernmental documents, including the Agreement for the avoidance of double taxation and prevention of fiscal evasion with respect to taxes on income and on capital between the Government of the Republic of Azerbaijan and the Government of the Islamic Republic of Iran; a Protocol on comprehensive cooperation on economy and trade between the Government of the Republic of Azerbaijan and the Government of the Islamic Republic of Iran; MOU on cooperation in tourism between the Government of the Republic of Azerbaijan and the Government of the Islamic Republic of Iran; MOU on cooperation in the sphere of cultural heritage between the Ministry of the Republic of Azerbaijan and Cultural Heritage, Handicrafts and Tourism Organization of the Islamic Republic of Iran; an understanding memorandum on cooperation between Azerbaijan National Library and National Library and Archives of the Islamic Republic of Iran; an understanding memorandum on cooperation in the field of statistics between Azerbaijan State Statistics Committee and Iran`s Statistics Center; an understanding memorandum on cooperation on postal issues between Ministry of Communications and Information Technologies of the Republic of Azerbaijan and Ministry of Communications and Information Technologies of the Islamic Republic of Iran.

President Aliyev also had a meeting with the Supreme Leader of Iran Ayatollah Ali Khamenei and visited Mausoleum of Imam Khomeini, leader of the Iranian Revolution

On 11 March President Aliyev participated in the 10th Summit of the Economic Cooperation Organization. On the margins of the Summit President I.Aliyev met with President of Turkey Abdullah Gul.

MEETINGS OF THE PRESIDENT OF AZERBAIJAN H.E. Mr. ILHAM ALIYEV

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|------------|--|
| 13.01.2009 | Meeting with the President of Estonia Mr.Toomas Hendrik Ilves in Baku |
| 19.01.2009 | Meeting with the Co-Chairs of the OSCE Minsk Group and the Personal Representative of the OSCE Chairman-in-Office in Baku |
| 21.01.2009 | Meeting with the European Commissioner for External Relations and European Neighborhood Policy Mrs. Benita Ferrero-Waldner in Baku |
| 21.01.2009 | Meeting with the President of Bulgaria Mr. Georgi Parvanov in Baku |

- 06.02.2009 President Ilham Aliyev received the credentials of 10 newly appointed Ambassadors to Azerbaijan, including Ambassador of India Debnat Show, Ambassador of Estonia Aivo Orav, Ambassador of Sri Lanka Muhammad Zuhair, Ambassador of Zimbabwe Phelekezela Mphoko, Ambassador of South Africa Tebogo Seoko, Ambassador of Vietnam Bui Din Zin, Ambassador of Benin Vissinto Ayi d`Almeida, Ambassador of Yemen Jamal Abdullah Al-Sallal and Ambassador of Angola Samuel Tito Armando.
- 06.02.2009 Meeting with the Minister of Foreign Affairs of Turkey Mr. Ali Babacan in Baku
- 13.02.2009 Meeting with the Special Representative of the OSCE PA President Göran Lenmarker in Baku
- 13.02.2009 Meeting with the Prime Minister of the Czech Republic Mirek Topolanek in Baku
- 18.02.2009 Meeting with Director General of the Islamic Educational, Scientific and Cultural Organization (ISESCO) Abdulaziz Othman in Baku
- 18.02.2009 Meeting with the Deputy Secretary General of the Organization of Islamic Conference (OIC) Atta Al-Mannan in Baku
- 19.02.2009 Meeting with the Minister of Foreign Affairs of the Islamic Republic of Iran Manouchehr Mottaki in Baku
- 23.02.2009 Meeting with the Vice-speaker of the Parliament of Georgia Pridon Todua in Baku
- 27.02.2009 Meeting with the Co-Chairs of the OSCE Minsk Group and the Personal representative of the OSCE Chairman-in-Office in Baku
- 27.02.2009 Meeting with the President for Exploration & Production of France`s Total Company, Yves-Louis Darricarrere in Baku
- 27.02.2009 Meeting with the Head of the Administration of the President of Russian Federation, Sergey Naryshkin in Baku
- 03.03.2009 Meeting with Italian Deputy Foreign Minister, Senator Alfredo Mantica in Baku
- 03.03.2009 Meeting with the Co-Chairs of the OSCE Minsk Group and the Personal representative of the OSCE Chairman-in-Office in Baku
- 12.03.2009 Meeting with the Minister of Foreign Affairs of Russia Sergey Lavrov in Baku

- 13.03.2009 Meeting with the the First Vice-Speaker of the Parliament of Kyrgyzstan Mrs. Cholpon Baekova in Baku
- 16.03.2009 Meeting with the former president of the French Senate, Senator Christian Poncelet in Baku
- 18.03.2009 Meeting with the Vice-Speaker of the RF Federal Council of the Federation Assembly Mrs. Svetlana Orlova in Baku
- 19.03.2009 Meeting with the Co-Chair of the France-Azerbaijan Joint Economic Commission Mrs Anne-Marie Idrac in Baku
- 19.03.2009 Meeting with the Director-General of UNESCO Koichiro Matsuura in Baku



Diplomatic Activity of the Minister of Foreign Affairs of the Republic of Azerbaijan, H.E. Mr. Elmar Mammadyarov in first quarter of 2009

VISITS BY THE MINISTER OF FOREIGN AFFAIRS OF THE REPUBLIC OF AZERBAIJAN, H.E. Mr. ELMAR MAMMADYAROV

6-8.02.2009 Visit of the Minister of Foreign Affairs of Azerbaijan Mr.E.Mammadyarov to Munich, Germany

Minister Mammadyarov participated at the 45th Munich Security Conference. The participants, including several Heads of State and Government as well as Ministers of Foreign Affairs and Defense, repeatedly confirmed their willingness to make a fresh start in international relations. The objective of the Conference was to provide a constructive contribution to a global security architecture that will meet the challenges of the 21st century.

26.02.2009 Visit of the Minister of Foreign Affairs of Azerbaijan Mr. E.Mammadyarov to Kyiv, Ukraine

Minister Mammadyarov participated at the ceremony of the inauguration of the Secretariat of the Organization for Democracy and Economic Development – GUAM held on 26 February in Kyiv. The 9th session of the GUAM Council of Ministers of Foreign Affairs was held within the framework of Inauguration event. Various topics of political interaction, sectoral cooperation and external partnership were discussed and respective decisions were adopted.

02.03.2009 Visit of the Minister of Foreign Affairs of Azerbaijan Mr. E.Mammadyarov to Sharm El Sheikh, Egypt

Minister Mammadyarov participated at the "Conference in Support of the Palestinian Economy for the Reconstruction of Gaza" held on 2 March in Sharm El Sheikh, Egypt. The Conference, co-chaired by Egypt and Norway, was attended by the members of the Quartet for the Middle East Peace Process: United Nations Secretary General Ban Ki-Moon, US Secretary of State Clinton, Russia Foreign Minister Lavrov, EU HRSG Solana and Czech Foreign Minister Schwarzenberg; and representatives of all international donors to the Palestinians. The participants pledged USD 4,5 billion to humanitarian aid and early recovery of the Gaza Strip. Donations far exceeded the Palestinians' request for USD 2.8 billion.

**MEETINGS OF THE MINISTER OF FOREIGN AFFAIRS OF THE
REPUBLIC OF AZERBAIJAN, H.E. Mr. ELMAR MAMMADYAROV**

- | | |
|------------|---|
| 4.02.2009 | Meeting with the Deputy Minister of Foreign Affairs of Poland A.Kramer |
| 4.02.2009 | Meeting with the newly appointed Ambassador of Estonia to Azerbaijan A.Orav |
| 9.02.2009 | Meeting with the Minister of Foreign Affairs of Turkey A.Babacan |
| 13.02.2009 | Meeting with the Director General of the Ministry of Foreign Affairs of the Netherlands P.Hayer |
| 13.02.2009 | Meeting with the OSCE Parliamentary Assembly Special Representative on Nagorno-Karabakh conflict G.Lennmarker |
| 13.02.2009 | Meeting with the Head of Political Directorate of Foreign and Commonwealth Office of the UK M. Grant |
| 24.02.2009 | Meeting with the Deputy Chairman of the Parliament of Georgia P.Todua |
| 19.03.2009 | Meeting with the Director General of UNESCO K.Matsuura |
| 29.03.2009 | Meeting with the newly appointed Ambassadors of Russia and Marocco |

39th Annual Meeting of the World Economic Forum in Davos, Switzerland

January 28 – February 1, 2009 marked the 39th Annual Meeting of the World Economic Forum which was convened under the overarching theme “Shaping the Post-Crisis World”. The Meeting sought opinions of different stakeholders to identify main solutions to global financial crisis and called for urgent global partnership to overcome its consequences. However some sessions were also included in the Forum agenda to discuss new tendencies and emerging threats in the context of global energy security and climate change. As usual, each session involved free flow of ideas based on specific questions of audience encouraging the panelists to put forward their perspectives.

H.E Mr. İlham Aliyev, President of the Republic of Azerbaijan took part at the sessions entitled “Energy Outlook-2009”, “Oil and Gas Geopolitics – a Map in Transition” and “The Great Game Revisited: Jockeying for Position in Central Asia”.

The session under the theme “Energy Outlook-2009” debated ways-outs of mitigating the impacts of declining oil prices. President was joined by Abdalla Salem El Badri, Secretary-General, Organization of the Petroleum Exporting Countries (OPEC), Tony Hayward, Chief Executive of BP Group, Mukesh D. Ambani, Chairman and Managing Director of Reliance Industries, Pierre Gadonneix, Chairman and Chief Executive Officer of Electricité de France and Alberto Weisser Chairman and Chief Executive Officer of agribusiness and food company Bunge. Given the fact that the price of oil doubled from 2007 to reach US\$ 145 in the summer of 2008, only to collapse by over 50%, the panelists were expected to find rational answers to the question whether

current cuts in oil production will be sufficient to stabilize the process, while the demand to oil consumption is increasing.

Reflecting on the session’s agenda, President Aliyev brought to the fore the latest trends in economic development of Azerbaijan, including the process of ongoing reforms, as well as achievements made in the energy sector of the country and their long-term benefits. He also noted the importance of international projects implemented in the



country, supportive national policy, synergies and their contribution to the projects success. President Aliyev stressed that the Azerbaijan’s experience in this field could be a good example for other countries to replicate. President Aliyev, in turn, also agreed that the current cuts in the oil production will be sufficient to stabilize prices.

Sharing the perspective of oil producing and exporting countries, OPEC CEO expressed his dissatisfaction about the current oil prices stating that currently OPEC countries cannot meet their income demands given that they are simultaneously investing in energy production and related infrastructure. He also added that Azerbaijan, which is scheduled

to double its oil production by 2014, is not a member of OPEC but has recently cooperated with the organization in fixing production levels. Mukesh D. Ambani called for a “transparent fair price discovery model” in the face of rising energy demand from developing nations such as China and India challenging panellists to remember that the world has only another 100 years’ worth of oil reserves. Pierre Gadonneix argued that nuclear energy is reliable and sustainable energy source which needs to find greater public acceptance to achieve a larger role in global energy production

Summing up the state of discussions, one may say that though fossil fuels continue to play a dominant role in global energy mix, the world’s interest to alternative energy sources is sparkling. Today oil and gas are the most available energy resources and the reserves are scattered not regularly but randomly all over the world. Here main question is how to sustain on local opportunities to obtain self-sufficiency of energy. Meanwhile, latched onto climate change related challenges the role of nuclear energy in sustainable energy systems is also hotly debated. Apart from technical point of view, deepening climate change concern all over the world discourages some governments to utilize nuclear energy and overcome political and moral pressure asserted by environmentalist community. Effects of biofuel production on food security were also disputed.

Next special session President Aliyev attended under the theme of “Oil and gas geopolitics – a map in transition” with the presence of President of Kazakhstan Nursultan Nazarbayev, representatives of European Union and the world’s energy giants ENI, Total, Exxon/Mobil, Statoil-Hydro encouraged to exchange fresh comments on resource ownership and its effects on International and National Oil Companies (IOC and NOC). Main points of the discussions were the resource ownership map that has been changing dramatically, reversing the balance between

NOCs and IOCs and shifting the strategies of national oil/gas companies as well as the governments of countries such as Russia or countries in the Middle East whose interest goes far beyond the energy sector. The panelists were also requested to bear in mind that newly established Gas Troika/OPEC and accelerating declines in the oil production on maturing fields outside OPEC add new dimensions to the uncertain future. The panellists mainly focused on the regulatory issues of oil extraction, the growing interests of companies operating in oil and gas sector in Russia and Central Asia and expected changes in world energy situation in the near future. Gas supply measures, investment opportunities in this sector and new kind of relations between public and private international companies were also reflected upon.

President Aliyev, in turn, spotlighted the significance of international cooperation in the energy field and briefed the audience about national policy measures pursued so far. Participants hailed Azerbaijan’s stance on the energy cooperation and stressed its role and importance in diversification of energy supply sources and its contribution to the European energy security.

The session under the theme of “The Great Game Revisited: Jockeying for Position in Central Asia” was jointly attended by President Aliyev, Turkish Prime Minister R.T.Erdogan, Iranian Foreign Minister M.Mottaki and its Armenian counterpart E.Nalbandian and designed to question the interplay between historical and emerging powers as well as old and new interests in reshaping the future of the region.

Panelists tried to explain their distinct visions on the key strengths and weaknesses as well as tricky issues in the region. In the course of interactive and upfront discussion the panelists also waded into some of the politically sensitive topics such as US-Iran relations, Turkey-Armenia negotiations and the Armenian-Azerbaijani conflict.

During the session the leaders from Turkey and Azerbaijan concurred with the view that although Russia has been a traditional power with a large sphere of influence in Central Asia and the South Caucasus region, Turkey is steadily pursuing its goal of joining the European Union as a full-fledged member, and Azerbaijan has a firm policy of looking to the EU as a major partner in further development of energy cooperation and as a customer for its vast oil and gas reserves.

At the same time, the potential for cooperation in energy and transport among the countries of the Caucasus region is enormous, panelists agreed, and many projects are already well under way. Nevertheless, continuing tensions and differences between some of them – especially Azerbaijan and Armenia – remain a barrier to a wider cooperation.



“The European direction of our policy is clear and unchanging,” said President Aliyev adding that relations between Azerbaijan and the EU are based on mutual interest and respect, and there is much that can be done together in the energy field. He also stressed that firm political and financial commitment to new projects is needed.

President Aliyev inter alia suggested that Azerbaijan plays an important role in enhancing energy security of the region and Europe. The country has made a considerable leap to ensure transportation of Caspian energy resources to Europe via alternative routes. Today Azerbaijan possesses seven oil and gas routes which create opportunities to transport extracted oil and gas to different directions, at the same time decreasing the dependency on a single transit route. Azerbaijan’s active interest to alternative transit routes is likely to be extended¹ to NABUCCO, a pet project of the EU and United States offering an alternative route for gas supply to Europe.

It is believed that the NABUCCO Project can enhance integration efforts of Azerbaijan and its involvement in more EU programs. Energy projects are viewed as main milestones to achieve these objectives. It’s worthwhile to mention that new opportunities have emerged to deepen cooperation with EU in the framework of Eastern Partnership Initiative which is expected to be officially launched in May 7, 2009 during EU Summit with the presence of 6 beneficiary countries, including Azerbaijan, Armenia, Belarus, Georgia, Ukraine and Moldova².

Subject of Turkey-EU relationship and Turkey’s accession process to the EU were also brought up to the discussion. Moderator asked

¹ In his speech delivered in Nabucco Summit held in January 27, 2009, in Budapest President Aliyev reaffirmed his country’s support to the Nabucco project and pledged to continue this stance

² Statement by Elmar Mammadyarov, Foreign Minister of Azerbaijan during the opening ceremony of the GUAM Secretariat, Kiev, 26 February 2009



Recep Tayyip Erdogan, Prime Minister of Turkey, if there was any weakening of his country's EU ambitions in favour of alliances elsewhere. "There has never been any relaxation of our determination to join the EU," replied Erdogan, reiterating the unceasing efforts of the Turkish Government to pursue its goal of EU membership."

Clearly, the Government of Armenia also starts to realise sustained losses associated with its decision to opt-out from the large-scale energy projects implemented in the region. Hence, Edward Nalbandian, Minister of Foreign Affairs of Armenia, said no country should be excluded from infrastructure development projects in the Caucasus and Central Asia and stated that Armenia offers a cheap route for energy from the Caspian Sea area to customers in Europe, and rehabilitation of its railroads would be beneficial to the entire region. He expressed his satisfaction on the contributions of bilateral meetings in the development of relations with Turkey and hoped that future meetings will favor more to the existing situation. Prime Minister Erdogan argued that each sides must take steps towards the other and be courageous. and diasporas, who are not in favour of improving relations, should be ignored. Erdogan's intervention was clearly pointing out the hypocrisy of Armenian foreign policy towards Turkey which was in fact built upon the provocations of Armenian Diaspora.

President Aliyev also engaged contest injecting his perspective on the issue of coop-

eration in the region, stating that "Azerbaijan has no relations with Armenia because Armenian forces are occupying part of the Azerbaijani territory and as long as the lands of Azerbaijan are under occupation, any cooperation is not possible. President Aliyev also added that if the Armenian troops are withdrawn, as the United Nations Security Council demanded, then all possibilities are open. President Aliyev's reply demonstrated strict and unchanged position of his country on the issue of regional cooperation and encouraged the Armenian government to reconsider its foreign policy towards Azer-



baijan and not to seek any justification for restoration mutual relations unless the consequences of the conflict in the region are entirely eradicated.

Manouchehr Mottaki, Iranian Foreign Minister revolved the discussion around the last year's summer crisis involving Russia and Georgia and suggested that a framework for regional dialogue, through which solutions to pressing problems could be found, is needed.

Business Interaction Group on Azerbaijan;

During his visit to Davos January 28 – February 1, 2009 President Ilham Aliyev also attended a forum on Business Interaction Group on Azerbaijan which brought together CEO's and managing directors of large companies operating in various fields and represented an exclusive opportunity to meet potential investment partners

In his speech President focused on the recent accomplishments achieved in Azerbaijan and attributed dynamic economic development of the country to the success of economic reform policy.

President Aliyev pointed out that Azerbaijan's economic policy aims at increasing welfare of the population in the country. He also highlighted problems hindering full-scale regional cooperation and security including Armenia's aggression against Azerbaijan as a result of which 20 percent of Azerbaijani territories are under occupation.

He said that Azerbaijan has done a lot of work in the energy sector, and that the country exports its oil and gas resources to Europe. President underlined that favorable conditions were created for investors in Azerbaijan and meanwhile, the country also actively participates in investment projects in foreign countries. President Ilham Aliyev also answered the questions on international energy projects, prospects for transportation of natural resources of Central Asian countries to world markets through the Caspian Sea and other issues.

Complimentary Background Information on The World Economic Forum



XƏBƏRLƏR – NEWS – HOBOCTH

The World Economic Forum which was first conceived in January 1971 is currently an independent, international organization incorporated as a Swiss not-profit foundation. It aims to be: the foremost organization which builds and energizes leading global communities; the creative force shaping global, regional and industry strategies; the catalyst of choice for its communities when undertaking global initiatives to improve the state the world.

Although WEF organizes a couple of regional meetings throughout the year in which high level officials and CEOs from a number of countries gather to discuss matters of regional importance, the Annual Meetings appears to be the most outstanding event in the world. These meetings serve a favorable environment for top business leaders, international political leaders, heads of states and

governments and selected intellectuals to discuss the most pressing issues facing the world, primarily economic and environmental issues. Since all Annual Meetings are held in Davos city in Switzerland, they are commemorated as "Davos forums".

Despite its expanded vision since its inception there are some experts who criticize WEF's approach to realize its objectives. These experts argue that the WEF platform favors mostly the interests of dominant countries and aims to gain political dividends rather than assisting to address the most sensitive global issues, such as poverty reduction. Moreover some critics also insist that WEF has negative impacts on democratic political views and approaches, thus serves as "Forum of Elites" based on secret bargaining and non-transparent decision making mechanism.

10th Summit of the Economic Cooperation Organization, 11 March 2009, Tehran

On March 11 of 2009, President of the Republic of Azerbaijan Mr. Ilham Aliyev participated at the 10th Economic Cooperation Organisation (ECO) Summit held in Tehran. President Aliyev, whose country was holding the ECO rotating chairmanship since 2006, delivered an opening statement to the Summit, which brought together head of state and government from the ECO Member States. President Aliyev's opening statement was a good kick-off for the work of the Summit.

Wrapping up a three year long chairmanship*, President Aliyev stressed that Azerbaijan attaches a great importance to participation in the work of ECO and that strengthening of ECO can contribute to the consolidation of positions of its Member States in the region, and its beyond.

Recalling the initiatives put forward by Azerbaijan during its Chairmanship, President Aliyev dwelled on important efforts undertaken in the energy, transport and related fields. President Aliyev, in particular, highlighted that Azerbaijan continues to contribute to the issue of enhancing energy security, and the new energy infrastructure developed by Azerbaijan, has been instrumental to strengthening both regional energy security and bilateral/multilateral ties among the ECO Member



States. President of Azerbaijan also stressed that vast energy resources, to which the region is home to, should serve to the benefit of the Member States, safeguard their national interests and have an impact on regional cooperation issues.

Speaking about transport issues, he recognised the regional importance of the Baku-Tbilisi-Kars railway project aimed to connect Europe to Asia, which has been jointly implemented by Azerbaijan, Georgia and Turkey. President Aliyev also added that this project is expected to enhance the amicable and brotherhood relations in the region and once this economically viable project is operationalised, other countries of the region will be also able to benefit from it.

President Aliyev also briefed participants about economic progress recorded in Azer-

* Azerbaijan held the Chairmanship for last 3 years. During the chairmanship measures were undertaken towards improving efficiency in the ECO activities and attempts to launch the reform process were deployed. Azerbaijan hosted many ECO events and has been actively participating in the reconstruction efforts of Afghanistan. Pursuing to accelerate the reconstruction and rehabilitation activities, the Government of Azerbaijan has already contributed 150.000\$ to the ECO Special Fund for the Rehabilitation and Reconstruction of Afghanistan. Azerbaijan also actively provides its transport infrastructure to facilitate transit of cargo to Afghanistan. The ECO-UNIDO joint project for Trade Capacity building of ECO Member States, Project on Reconstruction and Rehabilitation of Afghanistan, ECO Regional Program on Food Security, ECO-FAO Seed Supply Projects are those endeavours, where Azerbaijan actively involved. The main goal of the programmes carried out within ECO, is to expand the relations and to assist the integration process amid the Member States.

baijan for the last 5 years, and highlighted that GDP grew by 2.6 and industrial output by 2.5 times. According to the President, the economic success of Azerbaijan over last years has enabled to register a significant drop in the poverty rate to 13 percent from 49 percent.

President Aliyev also stated that for successful promotion of investments, integration, economic ties and regional cooperation peace and stability are needed; however the latter appear to be lacking and various threats, risks and challenges continue to accompany the region, and in some cases, they are not diminishing, but vice versa, rising.

He noted that for the last 20 years, for Azerbaijan, the Armenian-Azerbaijani conflict, Nagorny Karabagh, and the Armenian policy of occupation, continues to be a major problem. President also added that as result of this occupation and ethnic cleansing policy perpetrated by Armenia against Azerbaijanis, more than 1 million of Azerbaijanis have become refugees and IDPs and 20% of the territory of Azerbaijan fell under the Armenian occupation and this occupation is continuing to exist. President Aliyev emphasised that the issue remains a serious problem for Azerbaijan along with this impedes strengthening of security measures in the region. Meanwhile, it is unjust and Azer-

baijan's position on this issue is supported by international organizations; UN Security Council has adopted 4 resolutions demanding unconditional withdrawal of the Armenian forces from the Azerbaijani lands; however Armenia continue to ignore them, said President Aliyev. It is noteworthy, almost a year ago, the UN General Assembly adopted the resolution on the Situation in the occupied territories of Azerbaijan. Organisation of Islamic Conference (OIC) alongside other international organizations, also adopted important decisions on the matter. Availing himself of this opportunity, the President of Azerbaijan expressed appreciation to all countries, which have supported the position of Azerbaijan and justice and fairness. President Aliyev stated he is convinced that resolution of this conflict will create completely new situation and opportunities for cooperation and interaction in the region. President Aliyev also called for the ECO membership's more active response to the problems faced by other ECO Member States. According to the President, Azerbaijan has always demonstrated solidarity with both ECO and OIC Member States.

The Summit was brought to closure by the chairmanship handover to the Islamic Republic of Iran.

Complimentary Background Information on Economic Cooperation Organisation



Economic Cooperation Organisation (ECO), is an intergovernmental regional organization established in 1985 by Iran, Pakistan and Turkey for the purpose of promoting economic, technical and cultural cooperation among the Member States. ECO is the successor organization of the Regional Cooperation for Development (RCD) which remained in existence since 1964 until to 1979. In 1992, the Organization was expanded to include seven new members, namely: Islamic Republic of Afghanistan, Republic of Azerbaijan, Republic of Kazakhstan, Kyrgyz Republic, Republic of Tajikistan, Turkmenistan and Republic of Uzbekistan. The Treaty of Izmir, which is the main legal document to regulate the activity of organization, was ratified by the Parliament of Azerbaijan in 1993. Over the past years the Member States have been collaborating to accelerate the pace of regional development through their common endeavors. Besides shared cultural and historic affinities, they have been able to use the existing infrastructural and business links to further fortify their resolve to transfer their hopes and aspirations into a tangible reality. ECO has embarked on several projects in priority sectors of its cooperation including energy, trade, transportation, agriculture and drug control.

Winter Session of NATO International School of Azerbaijan, 26-31 January 2009, Baku



NATO International School of Azerbaijan (NISA) - locally proving itself as an important organization, has already moved into the phase of establishing its fame within the international society as well. The process of setting up NISA's popularity on an international level became possible with the solid and flourishing cooperation between the triangle of NISA, Ministry of Foreign Affairs of Republic of Azerbaijan and NATO's Public Diplomacy Division. Obtaining a significant material and intellectual support, NISA built a strong Euro- Atlantic community based on alumni of its successfully held sessions. NISA can now proudly announce as the geography of its alumni varies from USA to Pakistan covering NATO member countries, Partnership for Peace nations, Mediterranean Dialogue, Istanbul Cooperation Initiative and Greater Middle East region.

As the shifting nature of globe and the

tribulations that humanity is facing, there occurs a need to understand the problems in deep, in order to produce an eternal solution and explanation to the crisis. The role of Public Diplomacy in the process of creating the desirable public awareness is unquestionable. As usual, NATO International School of Azerbaijan is ready to contribute to the discussion of the main topics of the Euro-Atlantic security. All items of the NATO Summit agendas have been already touched upon throughout NISA sessions in different ways since 2003. These sessions also established a solid community of NISA alumni with a rich geographical, academic and practical background.

On 26-31 January, 10th successive NISA Session devoted to the topic of "New Warfare and Modern Conflicts" was held in Baku, which was a source of pride for young Azerbaijani Euro- Atlantic Community. Keeping in mind the significance of creating permanence

in the sessions is constructing an association among the young generations that is going to be key experience in further developing previously time-honored relations. Welcoming 40 participants in Baku was great gratification who attended from 20 different countries that was the largest multinational group, which consists of graduate students, journalists, researchers, NGO and governmental workers of their respective countries. As NISA try to touch upon the most crucial points concerning the Euro- Atlantic Security Area, "New Warfare and Modern Conflicts" received well known and very important experts from NATO Headquarters, Centre of Excellence- Defense against Terrorism organization in Turkey and Ministry of Defense of Republic of Azerbaijan, which proved the given importance and support to NISA activities.

These sessions aim at engaging the NISA participants to the wide-ranging process of defining challenges to the security in the Euro- Atlantic area and updating them on current security atmosphere. NISA being composed of young Euro- Atlantic members create a first-rate opportunity for NISA alumni to discuss the supplementary steps in strengthening the NISA network, cooperation with other likely-minded organizations and follow-up events. Therefore, NISA is trying to encourage more internationally large group of participants to the events for proliferating the effects of discussions. The convenient conclusions of the sessions are recommendations and practical proposals regarding the hot topics that are discussed in Euro- Atlantic area.

In order to meet the demands of Azerbaijani society, NISA is going to address the problems, which were investigated in the course of long time. Therefore investing in comprehension and creating a knowledgeable society through creating a strong network among the local and international organizations and the followers of occasions will be the one of the

top priorities in 2009. In order to increase the network amongst the participants for future cooperation in their professional career and to take panel discussions to broader auditorium different links were established, which will embrace all participants and NISA will always support such events for the sake of creating better informed and enlightened public about the Euro- Atlantic and NATO security matters. The networking will play a vital role as the sessions of NISA are touching upon some long lasting problems of Azerbaijan over its occupied territories, which are in need of an international acknowledgment.

Furthermore, NISA is going to assume the role of leading school by submitting different projects that are going to embrace the troubles on the way integrating into Euro- Atlantic security vicinity. A different main concern for NISA in 2009 will be expanding globally and catching the eyes of international general public. On the other hand, the experience learnt through the process will be forwarded to the local auditorium by informing the regions about the latest developments and changes in security understanding.

The 21st century being different from the previous ones necessitates knowledge based society that is creating an excellent opportunity to dissolve wars and conflicts. All in all, NISA will take the task of performing for that reason and will play a great role in strengthening the power of youth in defining the different ways of security and peace in Euro- Atlantic Area. This network is a key might in prospect to open occasions to young generation for getting practical knowledge by means of mutual exchanges.

Last but not least, we want to express our appreciation and regards to the Ministry of Foreign Affairs of Azerbaijan and NATO Public Diplomacy Division for their permanent support to NISA that makes its vision feasible.

Black January of 1990 20 January 1990



Nineteen years have passed since the central Soviet Authorities perpetrated an atrocious crime against the people of Azerbaijan. On 20 January 1990 twenty six thousand Soviet troops invaded the capital of Azerbaijan, Baky, in a desperate, brutal and yet futile attempt to strangle the growing independence movement, to prevent the fall of the Soviet Communist regime in Azerbaijan as well as to punish ordinary people that rallied on the streets to voice their legitimate demands for more sovereignty, democracy and the end of the Communist totalitarian rule.

In total, as a result of illegal entering of troops into Baky and the regions of Azerbaijan 133 men were killed, 611 men - wounded, 841 men - illegally arrested and 5 - missing. Many women, children and elderly, as well as ambulance employees were also among the victims. The Human Rights Watch reported, "Among the most he-

nous violations of human rights during the Baky incursion were the numerous attacks on medical personnel, ambulances and even hospitals".

Azerbaijan was one of the first former Soviet republics to mount a serious move toward sovereignty and democracy and it was the prospect of a breakup of the Soviet Empire that prompted the Soviet leadership to send both armored troops and KGB operatives to Baky. They succeeded temporarily in preventing independence, but they were unable to stop the quest for freedom, and, in fact, accelerated the process by enhancing even greater solidarity and unity among all Azerbaijani people. A year and a half later, on 18 October 1991 Azerbaijan declared its independence and made a clear choice in favor of building a modern European state based on democracy, rule of law and market economy.

Every year the people of Azerbaijan commemorate the Black January and pay tribute to those who gave their lives for the country's freedom, independence and democracy.



Khojaly Massacres

26 February 1992



In February 1992, an unprecedented massacre was committed against the Azerbaijani population in the town of Khojaly. This bloody tragedy, which became known as the Khojaly genocide, involved the extermination or capture of the thousands of Azerbaijanis; the town was razed to the ground. Over the night from 25 to 26 February 1992 the Armenian armed forces with the help of the infantry guards regiment No. 366 of the former USSR implemented the seizure of Khojaly - a small town situated in the Nagorny Karabakh region of the Republic of Azerbaijan with the total area of 0.94 sq. km. and the population before the conflict of 23,757.

The inhabitants of Khojaly remained in the town before the tragic night (about 2500 people) tried to leave their houses after the beginning of the assault in the hope to find the way to the nearest place populated by the Azerbaijanis. But these plans have failed. Invaders destroyed Khojaly and with particular brutality, which violated every norm of common sense, implemented carnage over its peaceful population.

Brutal annihilation of hundreds of blameless inhabitants of Khojaly was one of the most heinous crimes during the armed conflict in and around the Nagorny Karabakh region of the Republic of Azerbaijan. The Armenian

armed forces and foreign military units spared virtually none of those who had been unable to flee Khojaly and the surrounding area. As a result, 613 persons were killed, including 106 women, 63 children and 70 elderly people. 1,275 inhabitants were taken hostage, while the fate of 150 persons remains unknown to this day. In the course of the tragedy 487 inhabitants of Khojaly were severely maimed, including 76 children not yet of age. 6 families were completely wiped out, 26 children lost both parents, and 130 children one of their parents. Of those who perished, 56 persons were killed with especial cruelty: by burning alive, scalping, beheading, gouging out of eyes, and bayoneting of pregnant women in the abdomen.

The intentional slaughter of the Khojaly town civilians on 25-26 February 1992, including children, elderly and women, was directed to their mass extermination only because they were Azerbaijanis. The Khojaly town was chosen as a stage for further occupation and ethnic cleansing of Azerbaijani territories, striking terror into the hearts of people and creating panic and fear before the horrifying massacre.



31 March - The Day of Genocide of Azerbaijanis



On 26 March 1998, in commemoration of all the tragic acts perpetrated against the Azerbaijani people, the late President of Azerbaijan Heydar Aliyev signed the Decree proclaiming March 31st as the Day of Genocide of Azerbaijanis. Since then, millions of Azerbaijanis around the globe remember the tragedy of their people, oppressed and persecuted throughout the last two centuries.

Azerbaijan's independence made it possible to reveal an objective picture of its people's historical past, and to bring to light the true nature of the facts falsified throughout the years. The genocide committed against the people of Azerbaijan is one of the unopened pages in history.

Singing of the treaties of Gyulistan in 1913 and Turkmanchai in 1828, marked the beginning of the imperialist policy of rapid mass resettlement of Armenians in the ancestral Azerbaijani lands. Genocide became

an integral part of the occupation of Azerbaijani lands.

In order to justify the attempts to artificially create a state on Azerbaijani land, large-scale programmes were conducted and the idea of establishing "greater Armenia" was propagated. The Armenian nationalists began committing atrocities against Azerbaijanis starting in 1905. Violence of the next two years claimed thousands of Azerbaijani lives in the regions of Irevan, Zangazur, Goycha, Nakhchivan, Garabagh, Ganja and Baku.

Taking advantage of the situation following the end of WWI and the October 1917 revolution in Russia, Armenians began to pursue the implementation of their plans of eliminating Azerbaijanis under the banner of Bolshevism, under the pretext of combating counter-revolutionary elements.

In 1918 violent crimes against Azerbaijanis grew both in scale and number. Over 50,000 people were massacred on March 30 – April 1 in five major cities of Azerbaijan, with tens of thousands driven from their homes. Armenians set fire to homes and burned people alive. They destroyed national architectural treasures, schools, hospitals, mosques and other facilities, and left the greater part of Baku in ruins.

In 1919 and 1920, during its short-lived independence, the Democratic Republic of Azerbaijan marked March 31st as the day of sorrow. After the Soviet regime was established, the Communist Government did its best to erase this date from people's memory, while continuing the policy of resettlement and chipping away at Azerbaijan's historic lands. Moscow-orches-

trated 1920 transfer of the region of Zangazur to Armenia presents a vivid example.

New means came to be used for the further expansion of the policy of deporting Azerbaijanis from these territories. To this end, the Armenians secured the adoption, on 23 December 1947, of a special decision by the Council of Ministers of the USSR on the resettlement of collective farm workers and other Azerbaijanis from the Armenian SSR to the Kura-Araks lowlands in Azerbaijan. Thus, in 1948-1953 150,000 Azerbaijanis living in the Soviet Armenia were deported, by hundreds of thousands, from their homes, to vacate lands for the Armenian newcomers from the Middle East.

All this further encouraged the appetite of the Armenian nationalists. In the late 1980's they put forward new territorial claims to its neighbor, instigating conflict in the Nagorno Karabakh region of Azerbaijan. Under the guise of the confrontation it provoked, Armenia succeeded in driving away over a million Azerbaijanis, including more than 250 thousand from Armenia proper, from their homes.

Yet, the trends of history are unmistakable, more and more countries witness firsthand that it was Armenia who brought policy of armed aggression, ethnic cleansing, and genocide into the new century.

BLOODY MEMORIES OF THE HISTORY OF AZERBAIJAN

The Role of Azerbaijan In Enhancing The European Energy Security

*Dr. Shamil Aleskerov**

The issue of energy security tops the international agenda, as all states in the modern world heavily depend on availability of commercial energy resources not only for sustaining economic growth, but also for meeting social requirements of people.

When we talk on the energy security it is, first of all, about adequate energy supplies, ensuring conditions for normal functioning of the economies and their development. But, as the recent crisis of supply of gas from Russia to Europe via gas-transportation system in Ukraine has vividly shown, it is also about huge economic losses and about people living without heating in winter, when the gas supply is abruptly interrupted.

Because of the exclusive importance of reliable energy supplies for economic and social tranquility of any country the energy security has also a considerable political dimension.

The Azerbaijani side believes that achieving sustained international energy security could be best achieved through effective cooperation between all concerned parties, namely producer, transit and consumer countries, ensuring a sound and stable functioning of hydrocarbons markets. Naturally there is also competition, as energy markets are no exception, but it should not turn into unproductive tug of war. Dialogue and partnership are essential in addressing today's energy challenges in a predictable, stable and harmonious manner.

As far as the European energy security is concerned the most pressing issue seems to be how to meet the EU rising demand for natural gas under conditions of depletion of indigenous resources and decreasing production of gas in Europe, while ensuring the due degree of diversification of sources of supply and delivery routs.

As is known, Europe's natural gas requirements will have increased by one third by 2015, while its domestic production will significantly drop. By 2020 the EU demand for gas is projected to be higher than now by some 200 BCM/year.

Since the import from the existing suppliers will not meet the gap, new sources of gas supply are needed, especially from the regions where the main gas reserves are now under development and new gas exporters are emerging.

Against this backdrop, the issue of setting up the Southern energy corridor for transportation of natural gas from the Caspian region and the Middle East to Europe acquires special importance for enhancing the European energy security.

Having made these general observations, I would now like to elaborate on the Azerbaijan's importance to the European energy security.

I believe this importance is determined by the following factors:

- Azerbaijan possess considerable

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proved oil and gas reserves, and has good prospects for opening new oil and gas fields as a result of explorations actively conducted by the country,

- The geographical location of Azerbaijan makes it an important transit country in the East -West trade and the southern energy corridor,

- A modern infrastructure for transporting hydrocarbons to the international markets has already been created in Azerbaijan and is used for exporting oil and natural gas and can also be used for providing transit services to interested neighbor countries,

- Azerbaijan has the very strong oil and gas industry, with all expertise and resources, including human, required for successful implementation of large-scale and complex projects,

- Azerbaijan is a pioneer among independent states – the former soviet republics- in the development of its oil and gas fields with active participation of foreign companies, and exporting hydrocarbons to international market through new routes, and

- Azerbaijan is a responsible partner in international energy cooperation, which has proved itself by the implementation of the most important projects.

With regard to Azerbaijan's role in supplying hydrocarbons to international market it should be noted that Azerbaijan is one of the oldest oil producing countries in the world. Its huge onshore oil reserves were extensively developed and used in the soviet time, without substantial revenue received by the country. After regaining its independence, Azerbaijan started developing its offshore deposits and opening them for international cooperation. Now Azerbaijan is an important exporter of oil, using the revenues for development of

its economy and improvement of welfare of its people. Recently it has started to export its natural gas, too. Thus, we may say that Azerbaijan has been contributing to the energy security of many countries, particularly in Europe, for a long time, by developing its rich hydrocarbon resources and making them available to the consumer countries.

Today, the two new major pipelines –BTC (Baku – Tbilisi - Ceyhan) oil-pipeline and BTE (Baku-Tbilisi-Erzerum) gas-pipeline may be considered as important elements of the backbone of the European Union's energy security, which envisages increased direct cooperation with the Caspian Sea basin's hydrocarbons producing countries. This is particularly crucial for gas supplies. The delivery of the natural gas from the Caspian region to Europe is becoming an important factor that could ensure stability of the European gas market.

Oil export

As was noted above, one of the main destinations for oil from Azerbaijan is the European market. The bulk of the oil is exported through the BTC pipeline, whose original throughput capacity has been increased from 1 to 1.2 mln. barrels per day, allowing for increase of export of oil from Azerbaijan as well as Kazakhstani oil. Oil is also exported through Baku – Supsa and Baku- Novorossiysk pipelines. To diversify its outlets for oil exports and get more direct access to markets, primarily in European countries, SOCAR, our state oil and gas company, has lately constructed an oil terminal in Kulevi (Georgia).

Gas export

To our great satisfaction, during the recent period, along with the oil industry of Azerbaijan, its gas industry has been developing and advancing very fast, coming to the forefront of the international cooperation in this field.

Our country, which was a gas importing country till 2007, has managed to develop its gas production, most importantly from Shah-Deniz field, which fully meets its domestic demand, and allows now to export gas to Georgia and Turkey. Consumption of gas in Azerbaijan is 10-11 BCM and only its smaller part is met by the production from Shah Deniz, while the largest part is covered by gas from other fields.

Gas from Shahdeniz at phase I of its development is sold to Turkey (6.3 BCM), Azerbaijan (up to 1.5BCM plus 3BCM in 2007-2008) and Georgia (up to 0.8BCM). During this phase a total of 178 BCM of gas and 34mln.t of condensate will be produced. During phase II some 20 BCM of gas or more will be produced from Shah-Deniz annually.

But there may be more important gas discoveries. For instance, an agreement on development of Azerbaijan offshore field "Absheron" with participation of SOCAR and TOTAL is expected to be signed soon. Exploration works continue on other promising fields. The confirmed gas resources of Azerbaijan are in the range of 2 TCM but this figure may be reconsidered in favor of 5-6 TCM, as an optimistic scenario.

Taking into account that internal consumption of gas in Azerbaijan may stay at the level of 10-11BCM, one can expect that large quantities of gas will be available for export in the future.

The existing pipelines available in Azerbaijan are adequate for the present production of natural gas in Azerbaijan and its volumes available now for export. However, as Azerbaijan has big plans and possibilities to considerably increase natural gas production, it will need more export routes and pipelines.

Today, Azerbaijan does not depend entirely on any one route for supply of its gas, and now considers offers coming from Bulgaria, Greece, Italy, Turkey, Russia and others with

a view of choosing the best ones. Our experts are studying possible routes for transportation of Azerbaijani gas to Europe, including NABUCCO project.

Multiple pipelines/routes provide producer countries more reliability and flexibility for their exports and are also beneficial for consumer and transit countries.

In general, it should be recognized by all countries, that every pipeline has the equal right to be constructed and operated, as long as its feasibility, economic viability and the environmental acceptability is ensured.

Since the mid-90's Azerbaijan has steadily pursued an independent energy policy. Much due to the vision and courage of the late President Haydar Aliyev and under his personal guidance the Government had elaborated and started implementing the national energy strategy, which envisaged diversification of export routes for Caspian oil through construction of new pipelines.

However the large infrastructural projects are very often met with the resistance of the existing or competing players in this sector. Therefore, political will of the participating states and political support from the members of international community is important, and may facilitate such projects; of course they should be economically feasible and viable.

While realizing its energy strategy, Azerbaijan has always felt strong political support of the U.S. Government, without which my country as well as other participating countries would not have probably been able to implement several large pipelines projects in the region within a relatively short period.

Today, when Baku-Tbilisi-Ceyhan (BTC) oil-pipeline and Baku-Tbilisi-Erzurum (BTE) gas-pipeline have turned into a reality they became the key elements of the oil and gas transportation systems in the region.

This opened new possibilities for Azerbaijan. In addition to its role of a large energy

producer the country may become an important transit hub for multimodal transportation of vast hydrocarbon resources of Central Asian countries to the world markets through the East-West Energy Corridor, including the to be constructed Baku-Tbilisi-Kars railway.

Azerbaijan is interested in NABUCCO as one of the routes to transport its natural gas to European markets. This project needs huge financial provision /investment and for its implementation requires strong political will, big financial support and good organization of work. With these factors in place Azerbaijan is ready to do what is possible for implementation of this project. Regrettably, so far there has mostly been a lot of discussion, talks but not too much real work done. Also there is no unified approach to this project within EU itself.

In this regard it is important to have preliminary information about the prices at which the gas will be transported and concrete proposals from the interested consumers, to estimate the net-back values.

The following projects for import of natural gas from this region to Europe are under consideration:

NABUCCO pipeline – 31 BCM (led by OMV Austria),

TGI Inter-connector (Turkey – Greece – Italy) – 12 BCM (led by Edison, Italy),

Trans – Adriatic Pipeline – 10 BCM (led by EGL, Switzerland).

We have been engaged in serious discussions with Greece, Italy and Bulgaria about supplies of gas to them and it appears that these countries will receive Azerbaijani gas in the near future. Actually, it could be said that Azerbaijani gas has already reached the territory of the EU via Turkey, albeit in modest quantity, and this event was inaugurated at the Turkish – Greek border by the leaders of Azerbaijan, Turkey and Greece.

Some observations in respect of gas pipelines are as follows:

- To meet the future demand of the EU countries all the pipelines, which have been announced by now, will be eventually needed and may be implemented, provided that they are viable.

- However, in the short term all planned projects to deliver gas to Europe from the Caspian region are competing, in fact, for the same reserves that can be brought into immediate production.

- Interested European countries would be expected to conduct serious work with producer countries, to discuss the required volumes of gas and timing of supply. Also the points of delivery of gas and prices should be discussed and agreed upon.

Potential exporters, before committing their gas supplies, should be assured that the pipeline will be constructed in a certain time frame.

- The role of oil and gas companies and investors is very prominent as the experience with the construction of BTC and BTE pipelines has shown.

Another important factor is political will of the countries concerned to support and pursue viable and feasible projects, to facilitate their implementation.

It should be also mentioned that Azerbaijan plays its role in promoting regional and European energy security through different programs and forums of regional and international energy cooperation.

The "Baku Initiative", launched at the Energy Ministerial Conference in Baku in November 2004, is aimed at bringing together the representatives of the Black and Caspian Sea littoral states and the EU to discuss the problems pertinent to the broader regional energy cooperation, jointly explore, through activities of the established 4 four working groups, the possibilities of converging energy policies and facilitating energy transit and trade in the region. "Baku Initiative" also possesses an

important transport dimension, cooperation within which seeks to facilitate intraregional multimodal transportation, to render it more safe and secure. We participate in the INNO-GATE program of the EU.

Energy cooperation is an important component of the ENP (EU European Neighborhood Policy) to which Azerbaijan is a party. Here it should be specifically noted that Azerbaijan signed with EU an MOU on a strategic partnership in the field of energy in November 2006, and the energy cooperation is an important part of the Eastern Partnership initiated by EU recently.

Striving to develop international energy cooperation and contribute to discussions on international energy security, Azerbaijan hosted two important events in 2008. An international conference "Oil and Gas Poten-

tial of Azerbaijan and Turkmenistan: Energy, Economy, and Ecology – Cooperation Strategy" was held in Baku last September and "Baku Energy Summit" last November.

And, last but not least, it is necessary to underline that peace and stability in the region are important factors for security and successful energy cooperation. The protracted conflict in and around the Nagorno-Karabakh region of Azerbaijan and the continued occupation of a significant part of the territory of Azerbaijan by the Armenian armed forces are threats and impediments to the regional security and energy projects. Therefore, the solution of this conflict on the basis of principles and norms of international law ensuring the territorial integrity of Azerbaijan is of major international importance.

The Protection of Migrants under the Jurisdiction of the European Court of Human Rights

Marat Kengerlinsky *

Introduction

The protection of human rights is seen as one of the main casualties of the politics of migration in Europe.¹ The fact that migration poses a dilemma when human rights issues are involved could be seen on the one hand, as a human rights or humanitarian issue, and on the other hand, as an immigration matter, which could place a strain on the state and society.² It is also certainly a strain on state sovereignty and absolute power in national decision-making systems, as it becomes an uneasy task for governments to control and manage migration without interfering with the basic principles of the protection of human rights. Thus, the right balance between human rights on the one hand and migration and border control on the other is a real puzzle for states.

This paper seeks to examine the obligations of governments to guarantee protection and respect for migrants' human rights in Europe as required by international human rights instruments, in particular the European Convention on Human Rights. The Convention is an international instrument, to which almost all European states³ have adhered. Therefore, the questions arise: to what extent the European Court of Human Rights case law

is applicable to the situation of migrants? How much does the jurisdiction of the Court guarantee the rights and freedom of this category of people and how far does it go in affecting the states' interest? The present article will try to find out answers to these questions.

Jurisdiction of the European Court of Human Rights with respect to migrants

Throughout its early case law, the European Court of Human Rights (ECtHR), and the Commission of Human Rights (Commission), extended to state authorities a wide margin of appreciation in maintaining immigration controls, thus affording individuals only limited protection. In line with established principles of international law, the ECtHR has traditionally recognised that immigration controls are essentially a matter of domestic policy.⁴ In a passage of the Abdulaziz case that has been frequently referred to, the ECtHR put forward the formula which was apparently to give a wide discretion to states for immigration controls:

[A]s a matter of well-established international law and subject to its treaty obligations, a State has the right to control entry of non-national into its territory.⁵

However, in the *Gül v. Switzerland* case the ECtHR, acknowledging the states' interests in

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¹ J. Doomernik, R. Penninx and H. van Amersfoort, *A Migration Policy for the Future: Possibilities and Limitations* (Amsterdam: Migration Policy Group, 1997), pp. 14, 89

² G. Brinkmann, "The Immigration and Asylum Agenda", Vol. 10, No. 2 ELJ 182 (2004), at 184

³ Belarus is an exception.

⁴ N. Rogers, "Immigration and the European Convention on Human Rights: Are New Principles Emerging?", Vol. 8, No. 1 EHRLR 53 (2003), at 53

⁵ *Abdulaziz, Cabales and Balkandali v UK*, Judgment (merits) of 28.05.1985, Series A, No. 94, para. 38

maintaining immigration and residence controls as a “particularly sensitive subject” for Switzerland, at the same time, underlined the fact that:

[The Court] has to ensure that State interests do not crush those of an individual especially in situations where political pressure - such as the growing dislike of immigrants in most Member States - may inspire State authorities to harsh decisions.⁶

While decisions, such as the Gül case inspired much criticism of the ECtHR, in fact, much of the jurisprudence of the 1980s and 1990s was not developed so much by the Court, but the Commission. Indeed, many of the cases never went beyond admissibility stage and were declared manifestly ill-founded before being considered fully on their merits.⁷ However, by the end of the 1990s the ECtHR became more active in dealing with migration issues. In fact, the number of applications to the Strasbourg Court rose significantly, so did migration-related complaints. Most plaintiffs appealed against expulsion decisions or administrative refusals of entry and residence permits. They generally purported that, in the handling of their cases, public authorities had violated rights guaranteed under Article 3 and Article 8 of the European Convention on Human Rights (ECHR).⁸

Article 3 is often invoked in cases of asylum-seekers whose demand for refugee status has been rejected and who claim that

they will suffer inhuman or degrading treatment if they are sent back to their country of origin. At first, the ECtHR did not find that Article 3 was violated in the individual cases that were submitted.⁹ Later, however, the ECtHR stated that the absolute character of the provision means that protection cannot be ruled out by considerations relating to the public security of the state. If expelled, an asylum seeker would face a real risk of being subjected to treatment contrary to Article 3 in the receiving country, then the ECHR implies the obligation on the State not to expel the person in question to that country.¹⁰ In certain cases, it found that Article 3 would be violated if the applicants were to be deported or extradited.¹¹ Although the ECtHR recognises different kinds of “inhuman treatment”, the applicants must show that they will face a “real risk” if they are sent back and the ECtHR’s standards when it comes to the burden of proof are very high.¹² Judges Morenilla¹³ and De Meyer¹⁴ had gone further and expressed the view that the deportation of an integrated migrant per se would constitute a breach of Article 3 of the Convention. Judge Morenilla took this view in principle, because he considered it “cruel and inhuman and clearly discriminatory” for a state to rid itself of “undesirable” migrants when it had for reasons of its own convenience autho-

⁶ Dissenting opinion of Judge Martens in *Gul v Switzerland*, Judgment (merits) of 19.02.1996, Reports 1996-I, para. 15

⁷ See, for instance, among others, *Gündogdu v Austria* (Application no. 33052/96), decision of 06.03.1997 or *S.N. v Netherlands* (Application no. 13292/87), decision of 13.11.1987

⁸ For instance, *N v Finland* (Application no. 38885/02), Judgment (merits and just satisfaction) of 26 July 2005. Other foreigner-related cases addressed language and translation fees issues in violation of Article 6. See, for example, *Luedicke, Belkacem and Koç v Germany*, Judgment (merits) of 28.11.1978, Series A, No. 29, *Oztürk v Germany*, Judgment (merits) of 21.02.1984, Series A, No. 73

⁹ *Cruz Varas et al v Sweden*, Judgment (merits) of 20.03.1991, Series A, No. 201; *Vilvarajah et al v UK*, Judgment (merits) of 30.10.1991, Series A, No. 215

¹⁰ *Chahal v United Kingdom*, Judgment (merits and just satisfaction) of 15.11.1996, Reports 1996-V, paras. 73-74

¹¹ *Ahmed v Austria*, Judgment (merits and just satisfaction) of 17.12.1996, Reports 1996-VI; *D. v UK*, Judgment (merits and just satisfaction) of 02.05.1997 May 1997, Reports 1997-III, *Hilal v UK*, Judgment (merits and just satisfaction) of 06.03.2001, Reports 2001-II, *Salah Seekh v the Netherlands*, Judgment (merits and just satisfaction) of 11.01.2007, *Saadi v Italy*, Judgment (merits and just satisfaction) of 28.02.2008

¹² *H.L.R. v France*, Judgment (merits) of 29.04.1997, Reports 1997-III

¹³ Partly dissenting opinion in *Nasri v France*, Judgment (merits and just satisfaction) of 13.07.1995, Series A, No. 320-B

¹⁴ Separate opinion in *Beldjoudi v France*, Judgment (merits and just satisfaction) of 26.03.1992, Series A, No.234-A

rised them to enter and remain on its territory in the first place.¹⁵

The ECtHR has also many rulings concerning violations of Article 8. In cases involving migrants who had lived in the host country since childhood and had tenuous ties to their home country of origin, the Commission and the ECtHR considered that their expulsion from the receiving country could not be tolerated even if they had an important criminal record.¹⁶ In a case involving a divorced foreign father of a Dutch girl, the Court found that he could not be denied entry or residence into the Netherlands, so as to see his daughter.¹⁷ However, it appeared that it was not the integration of such immigrants that protected them from expulsion or prohibition of entry, but the extent to which such expulsion or prohibition of entry constituted an interference with their right to family life.¹⁸ Judge Martens pointed out that even if not every migrant has a family life they may have well developed social ties in a country in which they have lived for years. For this reason, he advocated the acceptance that the expulsion of integrated migrants constitutes an interference with their private life,¹⁹ following on from the view expressed by the ECtHR in cases, such as *Dudgeon*²⁰ and *Rees*²¹ that, to a certain extent, a person's "external" relations with others fall within the sphere of private life.²² In the case of *Maslov v. Austria*, the Court

considered that for a settled migrant who had lawfully spent all or the major part of his or her childhood and youth in the host country, very serious reasons were required to justify expulsion.²³ On many occasions, the Court has reiterated that national authorities enjoy a certain margin of appreciation when assessing whether an interference with a right protected by Article 8 was necessary in a democratic society and proportionate to the legitimate aim pursued.²⁴ However, the Court has consistently held that its task consists in ascertaining whether the impugned measures struck a fair balance between the relevant interests, namely the individual's rights protected by the Convention on the one hand and the community's interests on the other. Thus, the State's margin of appreciation goes hand in hand with European supervision, embracing both the legislation and the decisions applying it, even those given by an independent court.²⁵

The ECtHR's analysis of the state's interest in controlling immigration thus represented a considerable softening of the *Abdulaziz* position on the rights of states to control entry and stay. In the *Ciliz* case, the ECtHR further stated:

The Convention does not in principle prohibit Contracting States from regulating the entry and length of stay of aliens. Nevertheless the Court also reiterates that, which Article 8 contains no explicit proce-

¹⁵ *Nasri v France*, Judgment (merits and just satisfaction) of 13.07.1995, Series A, No. 320-B, para. 3

¹⁶ *Moustaquim v Belgium*, Judgment (merits and just satisfaction) of 18.02.1991, Series A, No. 193; *Beldjoudi v France*, Judgment (merits and just satisfaction) of 26.03.1992, Series A, No.234-A

¹⁷ *Berrehab v Netherlands*, Judgment (merits and just satisfaction) of 21.06.1988, Series A, No. 138

¹⁸ S. Peers, "EU Law and Family Reunion: A Human Rights Critique" (Essays for civil liberties and democracy in Europe, European Civil Liberties Network, 2005), p. 3

¹⁹ Concurring opinion in *Beldjoudi v France*, Judgment (merits and just satisfaction) of 26.03.1992, Series A, No. 234-A; and dissenting opinion in *Boughanemi v France*, Judgment (merits) of 24.04.1996, Reports 1996-II

²⁰ *Dudgeon v UK*, Judgment (merits) 22.10.1981, Series A, No. 45

²¹ *Rees v UK*, Judgment (merits) of 17.10.1986, Series A, No. 106

²² N. Rogers, "Immigration and the European Convention on Human Rights: Are New Principles Emerging?", Vol. 8, No. 1 EHLR 53 (2003), at 55

²³ *Maslov v Austria*, Judgment (merits and just satisfaction) of 23.06.2008, para. 75

²⁴ *Slivenko v Latvia* (Application no. 48321/99), ECHR 2003-X, para.113 and *Berrehab v the Netherlands*, Judgment of 21 June 1988, Series A no. 138, para. 28

²⁵ See, *mutatis mutandis*, *Société Colas Est and Others v France* (Application no. 37971/97, ECHR 2002-III, para.47

dural requirements, the decision making process leading to measures of interference must be fair and such as to afford due respect to the interests safeguarded by Article 8.²⁶

The emerging picture is therefore the following. Whilst the Contracting States are not prohibited from exercising immigration control by Article 8, and would be afforded a margin of appreciation in so doing, the legal reasoning has changed its form. The emphasis has moved from applicants, having to prove “insurmountable” obstacles to overcoming various immigration measures in order to demonstrate that their rights had been interfered with, to the State, having to justify the interference and to demonstrate that it had proper procedures in place to ensure the respect for family life giving effect to its positive obligations under Article 8.²⁷ For instance, in the *Onur v the UK* case, the Court noted that “the British Immigration Rules set out the factors that immigration officials were to consider in deciding whether deportation would be conducive to the public good and clarified how those factors should be weighted against the public interest. The power to deport was contained in section 3(5)(b) of the Immigration Act 1971 (“the 1971 Act”), which provided that a person who was not a British citizen would be liable to deportation if the Secretary of State deemed his deportation to be conducive to the public good. The legal basis for the impugned measure, for the purposes of Article 8 of the Convention, was therefore section 3(5)(b) of the 1971 Act read together with paragraph 364 of the Immigration Rules²⁸ and it was for the state to defend its stand.

Given the above made observations, it should be noted that, though not specifically categorising the migrants’ rights, Articles 3 and 8 remain the ECHR’s most developed provisions frequently raised by migrant applicants.

There is one straightforward migration situation, which is expressly reflected in the ECHR. This is Article 5(1)f:

[T]he lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.²⁹

This provision applies in two situations:

- 1) detention to prevent a person entering a country unlawfully; and
- 2) detention whilst a person is awaiting the execution of a decision to deport or extradite him or her.

The arrest must be lawful according to domestic law and cannot be arbitrary. The ECtHR found a violation of this provision in the case of *Bozano v. France*.³⁰ An Italian citizen who had been convicted in his absence of murder by an Italian court was forcibly taken at night by French police to the Swiss border. He was handed over into Swiss police custody following what transpired to be an unlawful deportation order, drawn up to circumvent the French court’s ruling that extradition could not take place. The ECtHR held the deprivation of liberty to be arbitrary in motivation and unlawful. The detention appeared to be for the purpose of deportation, but was in reality a disguised illegal extradition.

²⁶ *Ciliz v Netherlands*, Judgment (merits and just satisfaction) of 11.07.2000, Reports 2000-VIII, para. 66

²⁷ *Rogers*, supra, n. 22, at 60 and 61

²⁸ *Onur v UK*, Judgment (merits) of 17.02.2009, para.49

²⁹ I. Brownlie, *Basic Documents on Human Rights* (Oxford: Oxford University, 2002), p.400

³⁰ *Bozano v France*, Judgment (merits) of 18.12.1986, Series A, No. 111

Article 5(1)f does not require that the detention is reasonably considered necessary, as for example, to prevent the commission of an offence or to prevent a person fleeing. The ECtHR held in the case of *Chahal v. the United Kingdom*³¹ that all what is required is that action is being taken with a view to deportation. However, detention under this provision does require deportation proceedings to be in progress and to be prosecuted with due diligence. *Chahal* concerned the proposed deportation on national security grounds of an alleged Sikh militant. The ECtHR found no violation as a result of the extended detention, as the UK was able to demonstrate that its courts had acted with due diligence in dealing with the many legal challenges which the applicant himself had raised in order to challenge his expulsion. In *Quinn v. France*,³² on the contrary the ECtHR found Article 5 to have been violated, because the detention lacked proportionality and the State had not conducted the relevant proceedings with due diligence.³³

There are also some cases in the ECtHR, which raise the issue of human rights violations specifically applicable to migrants (regardless of legal status). These are the freedom of movement (Article 2, Protocol No. 4), the prohibition of expulsion (Article 1, Protocol No. 7),³⁴ and the prohibition of collective expulsion of aliens (Article 4, Protocol No. 4).³⁵ Many of such complaints have been declared inadmissible and have not reached the ECtHR's final judgment. However, some recent cases have successfully passed the

admissibility criteria and are awaiting a final judgment. In the case of *Bolat v. Russia*, the Court found a violation of the applicant's right to liberty of movement derived from the fact that the Russian authorities delayed the issuance of residence permit to the applicant and thus restricted his movement. In the same case, the Court stated that there had also been a violation of Article 1 of Protocol 7 in that the applicant's residence permit was annulled on the ground of repeated violations of residence regulations in the Russian Federation and the applicant was ordered to leave Russia within fifteen days.³⁶ In the case of *Gartukayev v. Russia*, the Court found a violation of Article 2 of Protocol 2 in that the restriction on the applicant's right to liberty of movement was not imposed by the Russian authorities in accordance with law.³⁷

Despite the above-mentioned examples, most ECtHR cases however concern citizens and the restrictions imposed have generally been found to be justified. For instance, in a decision by the Commission against Finland,³⁸ it was found that the refusal by Finland to issue a passport to a Finnish citizen resident in Sweden was an interference with Article 2 of Protocol 4, but justified as necessary in the interests of national security and the maintenance of the *ordre public*. The applicant had failed to report for his military service, and the Commission noted that states were entitled to a wide margin of appreciation in organising their national defence.³⁹ In the case of *Sulejmanovic and others v. Italy*,⁴⁰ the applicants were unable to benefit from

³¹ *Chahal v UK*, Judgment (merits and just satisfaction) of 15.11.1996, Reports 1996-V

³² *Quinn v France*, Judgment (merits and just satisfaction) of 22.03.1995, Series A, No. 311

³³ N. Mole and C. Harby, *Immigration, Asylum and Detention* (London: AIRE Centre, 1999), pp. 8 and 9

³⁴ *Bolat v Russia* (Application no. 14139/03), decision of 08.07.2003

³⁵ *Conka v Belgium*, Judgment (merits and just satisfaction) of 05.02.2002, Reports 2002-I

³⁶ *Bolat v Russia*, Judgement (merits and just satisfaction) of 05.10.2006

³⁷ *Gartukayev v Russia*, Judgement (merits and just satisfaction) of 13.12.2005

³⁸ *Peltonen v Finland* (Application no 19583/92), decision of 20.02.1995

³⁹ Mole and Harby, *supra*, n. 30, at 12 and 13

⁴⁰ *Sulejmanovic and others v Italy*, Judgment (struck out of the list) of 04.03.2002

the comparable provisions relating to lawful residence, as they had not made a request for refugee status to be recognised. Since the right to seek and enjoy asylum from persecution is a right enshrined in international law, it is unclear why the residence of those who have already made an asylum application is deemed unlawful until when the final decision on their application has been taken.

In the ECHR, other provisions also address the migrants' condition or could be invoked to protect other aspects of the rights of migrants. Articles 13 and 14 of the ECHR, which provide for the right to an effective remedy and the right against discrimination on many grounds including race, colour, religion, language and ethnic origin, are sometimes invoked by litigating parties in cases involving migrants.⁴¹ However, only in one case, did the Court consider that refusing a Turkish national emergency assistance in Austria was a breach of Article 14.⁴² A significant development in the jurisprudence of the ECtHR is the adoption of Protocol No. 12 to the ECHR, which contains an independent non-discrimination clause prohibiting discrimination by public authorities on identical grounds as those found in Article 14 of the ECHR. This "stand-alone" provision has a huge potential to be of use to third country nationals who become victims of direct or indirect discrimination.

The right to manifest one's religious belief (subject to limitations) is covered by Article 9 of the ECHR. Given the salience of debates on the cultural rights or religious freedoms of migrants, one might have expected plenty of appeals to the ECtHR, yet there is no decision

of the ECtHR that upheld a violation of a migrant's right under Article 9. Applications tend to be rejected either at the admissibility stage or later on, following the ECtHR's examination on merits.⁴³ This state of affairs could be explained by the sensitiveness of the religious question and the large margin of appreciation given to civil governments in interfering with this right. Eventually, the ECtHR has "chosen to restrict itself in the manner in which it can interpret Article 9".⁴⁴

Furthermore, the jurisprudence of the ECtHR does not include the situation when there is a complaint by an asylum seeker regarding the violation of a fair trial right under Article 6 of the ECHR. The Court used to reject such claims on the ground that the procedure followed by public authorities to determine whether an alien should be allowed to stay in a country or should be expelled is of a discretionary, administrative nature, and does not involve the determination of civil rights within the meaning of Article 6(1) of the ECHR.⁴⁵ Thus, the provision has no application to migrants' complaints about a fair trial in the proceedings concerning refusal of entry, termination of a residence permit, expulsion or deportation.

Conclusion

As we have seen, the European Court of Human Rights has only been able to pronounce itself on narrow aspects of migrants' rights. The ECtHR jurisprudence has been circumscribed to the very specific areas of rights with respect to the protection of mi-

⁴¹ C v Belgium, Judgment of 07.08.1996, Reports 1996-III; Moustaqim v Belgium, Judgment (merits and just satisfaction) of 18/02/1991, Series A, No. 193

⁴² Gaygusuz v Austria, Judgment (merits and just satisfaction) of 16.09.1996, Reports 1996-IV

⁴³ See, for instance, Jahromi v UK (Application no. 28110/95), decision of 16.04.1998 and Razaghi v Sweden (Application no. 64599/01), decision of 11.03.2003

⁴⁴ S. Stavros, "Freedom of Religion and Claims from Exemption from Generally Applicable, Neutral Laws: Lessons from Across the Pond?", 6 EHRLR 607 (1997), at 615

⁴⁵ See, for instance, Chahal v United Kingdom, Judgment (merits and just satisfaction) of 15.11.1996, Reports 1996-V, Atak v Germany (Application no. 40866/98), decision of 18.09.1998, or Y. v Germany (Application no. 11777/85), decision of 13.10.1986

grants. Even in those cases, the ECtHR has clearly limited the conditions under which the right protected is deemed violated. In all their decisions, judges reaffirm that they do not forbid states from regulating the entry and stay of migrants nor do they have to judge national immigration policy. Decisions actually discuss a number of legitimate reasons why a State may want to limit entries, such as the economic well-being of a country, or to expel individuals because of threats to public order. These restrictions are vaguely defined as applying if they are “necessary in a democratic society”. The judges weigh the proportionality between the legitimate aim of a measure or of a law, the means used to achieve this goal, and the damage done to the individual by the violation of Convention rights.

Why is the ECtHR jurisprudence on migrants basically limited to condemning states for violating Articles 3 and 8 of the ECHR? Perhaps, it is derived from the following grounds. First, it might be explained by the fact that the European governments try to keep the issue of freedom of movement of third country nationals within the domain of their national prerogatives and are very sensitive to deliver it to the discretion of international trials. Availability of fundamental rights remains dependent on the migrant’s status in the host country, in particular his or her family links, as well as on the political situation in the home country. A second reason might be in that

once the ECtHR opened a breach of redress by recognising the pertinence of Articles 3 and 8 in cases of expulsion, lawyers and organisations engulfed themselves in it, so as to file similar cases to build up the jurisprudence in this area or to uncover other types of application. With the sensitivity and complexity of the issue of migration and asylum, as well as with the logic of “increasing returns” of litigation whereby one success in court based on a particular provision leads lawyers to multiply cases based on those grounds. The ECtHR’s limited focus on migration-related aspects might also be explained by the pre-existence of national jurisprudence in these specific areas. European states have extensive clauses in their constitutions on the prohibition from torture and inhuman or degrading treatment, as well as on the right to lead a decent family life. Thus, this practice in national legislation might have been well reflected in the relevant experience of the ECtHR. Last but not least, it might be the prudence of the ECtHR when it comes to burning political issues, such as migration or asylum. It balks at solving nations’ problems and taking clear-cut sides in controversial issues. This is a matter of maintaining credibility and legitimacy rather than having decisions dismissed as “judicial meddling” by irate signatory states. The ECtHR has perhaps chosen to assert its authority slowly and has not yet exploited the Convention fully to the benefit of migrants.

Use of War Crimes as War Tools – the Case of the Khojaly Massacre 1992

Fariz Rzayev *

Introduction

The end of the World War II gave a strong impetus to the international movement on protection of the human rights. Having experienced the enormous horrible atrocities perpetrated on a massive scale in Europe and Asia the international community had taken many efforts to ensure that these crimes are never repeated in future. This one was of major reasons behind creation of the United Nations in 1945 based on the UN Charter. The year of 1948 saw the adoption of the Universal Declaration on Human Rights. Furthermore in 1949 famous Geneva Conventions were adopted with a view of codifying basic norms and principles of protection of human rights in times of the armed conflicts. At the same time certain steps were taken with a view to investigating the past war crimes and bringing those responsible to justice. To this end the trials of the key German and Japanese war criminals were held in Nuremberg and Tokyo. The now famous term of "genocide" was coined at the very same times.

However despite the steps taken in late 1940s under the shock and influence of the most horrible war in history the idea of eliminating the war crimes still remains an ever-evading dream. Armed conflicts of various nature and scope continue to plague many regions, and almost every day brings the

news of forced displacement, torture and inhumane treatment of the prisoners of war and hostages, summary killings of civilians, rape and other grave breaches of the international human rights law and international humanitarian law.

One can argue indeed that a war or an armed conflict just cannot happen without producing any victims at all, which is in a way inevitable. Constant references are being made to a so-called friendly fire, collateral damage or unintended consequences of legitimate actions. In many cases international organizations (e.g. the UN), foreign governments, non-governmental organizations or media try to maintain neutrality in the conflict (and hence taking sides publicly) and therefore fail to assign blame for the war crimes committed and take proper actions (imposing sanctions, etc). Lack of access to the ground in times of an ongoing conflict significantly impedes the ability to investigate the events and find out the truth, which gives further grounds to speak of controversial reports, to state that in any conflict the truth is somewhere in the middle and no party is innocent.

However even if all factors mentioned above are present and affect heavily the perception of the situation there are still the cases which give reasons to believe that a conflict party has committed war crimes and massive human rights violations in a deliberate, pur-

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poseful and pre-planned manner in order to achieve a certain goal or a set of goals directly related to its strategy in the conflict.

Massacre of Khojaly: February 1992

Armenia-Azerbaijan conflict is the oldest ongoing conflict in the post-Soviet area. It was launched in 1987-88 as a separatist movement of the Armenian population of the Nagorno-Karabakh region of Azerbaijan (NK), while the genuine root causes of the conflict lie in the territorial claims of Armenia towards Azerbaijan.

This initial stage was marked by a series of terrorism and sabotage attacks conducted by the Armenian militants against various civilian targets in Azerbaijan, mostly lines of communication. Also during this period the entire indigenous Azerbaijani population of up to 250 thousand persons was forcibly expelled from Armenia. The Armenian side needed to establish a ground link between the NK region and the Republic of Armenia since NK is located quite deep inside Azerbaijan and was never connected to Armenia. However, a demographic factor was impeding the realization of Armenian strategy.

The last census of population in the Soviet Union was conducted in 1989, i.e. shortly after the start of the Armenia-Azerbaijan conflict. According to its final figures, there were 145,450 ethnic Armenians living in NK, while the Azerbaijani population was 40,688. At the same time, one has to recall that the NK region (which used to have a mixed bi-communal population) was surrounded by 7 administrative districts of Azerbaijan, which were populated exclusively by Azerbaijanis:

Lachin district – 71,000
Kalbajar district – 74,000

Agdam district – 165,000
Fizuli district – 146,000
Jabrayil district – 66,000
Gubadly district – 37,900
Zangilan district – 39,500¹

Thus the demographic situation at the time was not favorable for the Armenian side to launch offensive operations. A reliable base for such operations had to be established and consolidated first. This explains the fact that the Armenian side spent almost 4 years (1988-1991) building up their military capacity in the NK, creating armed group, stockpiling weapons and other military supplies, and, in parallel, gradually squeezing the ethnic Azerbaijani population from the Nagorno-Karabakh region itself. Robert Kocharian, who was the leader of the Armenian movement in NK (and later in 1998-2008 was the President of the Republic of Armenia) said in an interview in 2000 that “when the [Soviet] forces withdrew we were left one on one with Azerbaijan, one on one, but organized and having as a minimum three or four years of experience of underground activity”.²

Having expelled the Azerbaijani population from the villages across the NK the Armenian side turned its attention to the towns of Shusha and Khojaly. The ethnic cleansing against Azerbaijani villages proved to be quite an easy task since they were largely outnumbered by the Armenians, lacked any self-defense capabilities and cut from the rest of Azerbaijan in terms of communications. The town of Shusha was a strategic target but its location in the upper ground, high in the Karabakh mountains, demanded a thorough preparation and therefore more time.

¹ Information brochure “The true facts about Garabagh” by the Heydar Aliyev Foundation, 2005, Baku, Azerbaijan

² Thomas de Waal, Black Garden: Armenia and Azerbaijan through Peace and War (NY 2003), p.166

In these conditions the town of Khojaly became the next target of Armenian offensive. At that time the town had some 2,500 inhabitants, and was in a complete blockade by the Armenian forces. The only means of communication between Khojaly and the rest of Azerbaijan were helicopters, which were constantly fired upon from ground. During the night of 25-26 February 1992 the organized armed groups of Armenian militants, supported by the units of the 366th Motor Rifle Regiment of the former Soviet Army, launched an attack against Khojaly. The international NGO Human Rights Watch called the events that followed "the largest massacre to date in the conflict"³.

A Khojaly police unit of around 40 persons was in no position to offer an efficient resistance to the massive armed assault and fled with the most of residents. Since the town was being attacked from 3 sides the largest part of the population made an attempt to flee through the 4th side presumably left for the safe passage (a humanitarian corridor). However most of those fleeing were ambushed at this exact area and massacred by the advancing Armenian forces.

Interestingly, in the immediate aftermath the Armenian forces did not obstruct the access to the killing fields around Khojaly so the Azerbaijani authorities can recover the remains of those killed. The horrible findings caused a wave of a shock and disbelief in the Azerbaijani society. Few foreign journalists present in the area reported that at least several hundred persons were killed, with many bodies bearing signs of deliberate mutilation (scalping, severing limbs, etc.)

According to the subsequent investigation by the Azerbaijani law-enforcement agencies as a result of the Khojaly massacre 613 persons were killed (incl. 63 children, 106 women and 70 elderly), 1 275 were taken hostage and went 150 went missing⁴. However these results remain inconclusive since the crime scene of Khojaly and its surroundings remain under the occupation by Armenia.

The actions of the Armenian side against the civilian population in Khojaly constituted war crimes and grave breaches of the international human rights law and the international humanitarian law, including such fundamental documents as:

- Universal Declaration of Human Rights
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- Geneva Conventions of 1949

Here the 4th Geneva Convention of 1949 and two Additional Protocols of 1977 have to be mentioned in particular since these documents specifically prohibit targeting the civilian population in times of an armed conflict.

In the aftermath of the conflict the Armenian side tried to defend its actions. First, it stated that the residents were notified of the humanitarian corridor well in advance by Armenian announcements through bullhorns and leaflets. However, a Russian human rights group Memorial, which conducted a special investigation of the massacre and produced an extensive detailed report, stated that it never found a single copy of a mentioned leaflet in the Khojaly itself, nor any expelled inhabitant had one or was aware of them at all⁵.

³ Human Rights Watch/Helsinki, Azerbaijan: Seven Years of Conflict in Nagorno-Karabakh, (NY, 1994) http://www.geocities.com/fanthom_2000/hrw-azerbaijan/hrwazerbaijan.html?200918

⁴ Armenian soldiers massacre hundreds of fleeing families, Sunday Times, 1 March 1992; Corpses litter hills in Azerbaijan, The Times, 2 March 1992, Massacre uncovered, The Times, 3 March 1992; Massacre by Armenians, New York Times, 3 March 1992; The face of a massacre, Newsweek, 16 March 1992

⁵ Report of the Memorial Human Rights Centre on massive violations of human rights caused by the occupation of the Khojaly settlement by the armed groups in the night of 25-26 February 1992 (in Russian) <http://www.memo.ru/hr/hotpoints/karabah/Hojaly/>

Furthermore, in its statement of March 3, 1997, the Ministry of Foreign Affairs of Armenia blamed Azerbaijan for killing its own citizens in Khojaly and in this regard referred to the reports by the Human Rights Watch/Helsinki (HRW). This allegation was immediately refuted by the HRW in most unequivocal terms. In her letter of 24 March 1997 addressed to the Armenia's Foreign Minister the Executive Director stated inter alia the following:

"Neither our overview and version of the events, nor the individual interviews with Azeri refugees from Khojaly and other villages in Nagorno Karabakh published in the report could possibly support the notion that Azerbaijani forces willfully prevented the evacuation of civilians or that they shot their own citizens"

"we place direct responsibility for the civilian deaths with Karabakh Armenian forces. Indeed, neither our report nor that of Memorial includes any evidence to support the argument that Azerbaijani forces obstructed the flight of, or fired on Azeri civilians"

"The circumstances surrounding the attack . . . on those fleeing Khojaly indicate that [Karabakh] Armenian forces and the troops of the 366th CIS regiment . . . deliberately disregarded this customary law restraint on attacks".⁶

When asked about the Khojaly events by an interviewer Serzh Sarkisian, who in 1992 was the chief Armenian military commander in NK (and therefore directly responsible for the Khojaly massacre) and who in early 2008 succeeded Robert Kocharian as President of Armenia, said the following:

"Before Khojaly, the Azerbaijanis thought they were joking with us, they thought that the Armenians were people who could not raise their hand against the civilian popula-

tion. We were able to break that [stereotype]. And that's what happened..."⁷

This particular phrase is probably the most honest explanation by a senior Armenian leader to this date revealing the true aims of the Armenian strategy at the time. This account suggests that the killings may have been a deliberate act of mass killing as intimidation (Ibid).

The town of Khojaly was not a high-value military target in itself. However, its capture and the demonstrative massacre of its inhabitants in the most barbaric way were supposed to send a clear message to the Azerbaijani civilian population – flee or face the same fate. And the message was in fact heard loud and clear.

This fact helps to explain the enormous success with which the Armenian side proceeded with occupation of the remaining Azerbaijani-populated NK town of Shusha (early May 1992) and establishing a ground link between Armenia and NK through the occupation of the Lachin district outside the NK (mid-May 1992). Furthermore in 1992-1993 the Armenian forces went on to occupy another 6 districts of Azerbaijan located around the Nagorno-Karabakh. Terrorized by the memories of the Khojaly massacre Azerbaijani civilian population of those districts fled in the face of approaching Armenian troops failing to put up a resistance.

The American journalist and author Thomas Goltz who was in Kalbajar district on the eve of its occupation by the Armenian forces in April 1993 recalls his thoughts at the moment: "All of us . . . could only think of one word and were praying that it did not apply to us: Khojaly. Would the Armenians massacre another batch of pathetic refugees? Why not?"⁸

⁶ Letter by the HRW Executive Director to the Minister of Foreign Affairs of Armenia, 24 March 1997, <http://www.geocities.com/baguirov/armenpress.html>

⁷ Thomas de Waal, *Black Garden: Armenia and Azerbaijan through Peace and War* (NY 2003), p.172

⁸ Thomas Goltz, *Azerbaijan Diary: a rogue reporter's adventures in an oil-rich, war-torn, post-Soviet Republic* (NY 1998), p. 333

This strong perception made the task of a military occupation and ethnic cleansing much easier for the Armenian side, especially if one recalls that the number of Azerbaijani population of the districts around NK exceeded highly the number of the NK Armenians.

Therefore a conclusion can be made that the deep psychological effect caused by the Khojaly massacre had had a serious impact to the Armenia-Azerbaijan conflict. Armenia managed to occupy almost 20 percent of the territory of Azerbaijan and continues to hold these lands under its military occupation since the cease-fire was achieved in May 1994. One million of ethnic Azerbaijanis continue to live as refugees or internally displaced persons (IDP). Until this date these people are not able to realize their right to return to their homes. All this give a reason to believe that the Khojaly massacre was a war crime turned into a war tool.

The case of Khojaly massacre impact is not unique. The history of conflicts knows many examples when massive human rights violations bear crucial consequences that go way beyond the immediate short- or medium-term military goals, and significantly affect the entire course and the final outcome of the conflict.

To substantiate this theory 2 examples are described and analyzed in the following sections of this Paper.

Palestine: 1948

In 1947 the British Government declared its intention to cease its commitment to the mandate over the Palestinian territories, which was in effect since the end of the War World I, and to withdraw its administration and troops by 15 May 1948. Driven by these circumstances on 29 November 1947 the newly created UN General Assembly approved the UN Partition Plan, which stipulated creation of

2 national states for the Jewish and Palestinian-Arab communities – Israel and Palestine respectively. While the Jewish community accepted the UN Plan, the Palestinian Arabs rejected it alleging its unjust character. The controversial situation, when both sides were unclear of future developments even on a short-term scale, resulted in the intensification of inter-communal clashes and violence. Both sides were trying to exploit the present situation of a lack of a strong and neutral central administration and law-enforcement to its maximal benefit by creating facts on the ground, harassing each other's civilian population, attacking settlements and lines of communications, and committing other acts of violence.

Here the strengths and weaknesses of 2 sides deserve a closer examination. The Palestinian Arab community enjoyed a numerical superiority. The number of ethnic Arabs living in Palestine in 1947-48 exceeded the number of Jews. Even the very territory assigned by the UN for creation of Israel had at that time had a significant Arab minority of close to 40% of its entire population. This fact was a matter of concern for the leaders of the Jewish community. The head of the Jewish Agency, the de-facto authority of the Jewish community in Palestine at that time, and future first Prime Minister of Israel David Ben-Gurion in a speech on 13 December 1947 stated that "In such composition there cannot even be complete certainty that the government will be held by a Jewish majority... There can be no stable and strong Jewish State so long as it has a Jewish majority of only 60 percent, and so long as this majority consists of only 600,000 Jews".⁹

In this situation the leaders of the Haganah (major Jewish Defence Force in Palestine at the time) in March 1948 developed a special strategy reflected in the document entitled

⁹ Benjamin Lieberman, *Terrible Fate: Ethnic Cleansing in the Making of Modern Europe*, (Chicago 2006) p. 254

Plan D. This document was to be activated during a period of time between the British withdrawal and an expected invasion by the neighboring Arab states at the side of the Palestinian Arabs. Plan D called for securing the areas earmarked by the UN for Jewish statehood as well as several concentrations of Jewish population outside those areas, the sealing off of potential enemy routes into the country, the consolidation of a defense line along the borders. In doing this the Plan called for the securing of the main interior roads, the siege of Arab towns and neighborhoods, and the conquest of forward enemy bases.

To achieve these objectives swathes of Arab villages, either hostile or potentially hostile, were to be conquered, and brigade commanders were given the option of destruction of villages (arson, demolition and mining of the ruins) or cleansing and taking control of the villages and leaving a garrison in place. The commanders were given discretion whether to evict the inhabitants of villages and urban neighborhoods sitting on vital access roads.¹⁰

Indeed the Plan D was not a programme of ethnic cleansing as such but its implementation provided a significant contribution to an exodus of the civilian Palestinian Arab population in the months to follow, not least due to the effect of notorious events in the Arab village of Deir Yassin.

Deir Yassin was the last village on the western side of Jerusalem whose Arab inhabitants had not largely or totally fled. On April 9, 1948 it was attacked by a force comprising representatives of such Jewish military groups as Irgun (National Military Organization), Freedom Fighters of Israel (also known as Stern Gang) and Palmach (Haganah's elite

striking force). The attack resulted in the capture of the village and massive atrocities perpetrated in the immediate aftermath.

A subsequent report of the events prepared by the Haganah intelligence officer read that "The conquest of the village was carried out with great cruelty. Whole families – women, old people, children – were killed... Some of the prisoners moved to places of detention, including women and children, were murdered viciously by their captors".¹¹

The official account written in 1961 by Lieutenant-Colonel Netanel Lorch, who had fought in the war and was later head of the Military History Division of the Israeli General Staff, described how the attackers "massacred hundreds of villagers, took the rest prisoner and paraded them proudly through the streets of Jerusalem".¹²

There were also reports of cases of rape, robbery and demolition of houses. The surviving inhabitants of Deir Yassin either fled or displaced by the Jewish troops. The argument between the scholars of the Middle East conflict history on the exact number of those killed has not been completed until this date and, according to different sources, estimates may vary from 100-120 to 250 persons.

The atrocities were condemned by the Haganah command, the Jewish Agency and chief rabbis of the Jewish community. However, this step failed to mitigate the enormous negative effect of the Deir Yassin massacre. In many cases the news of this massacre broke the morale of and caused panic among both Arab Palestinian fighters and civilian population, making them flee in advance of the Jewish forces. Most famous examples include the evacuation by the Arab population of the cities of Haifa and Jaffa in the face of the Jew-

¹⁰ Benny Morris, 1948: A History of the First Arab-Israeli War, (Yale 2008), pp.118-120

¹¹ Ibid

¹² Martin Gilbert, Israel: A History. 60th Anniversary edition, (London, 2008), p. 169

ish offensive operations on April 21-22 and on April 25-28, 1948 respectively. Terrorized by the stories about the Deir Yassin massacre the Arab population feared to face the similar fate and offered almost no resistance, instead choosing evacuation and other means to escape. In April-May 1948 some 250,000-300,000 Arabs left their homes in Palestine.

Further Israeli offensives in October 1948 had the same effect: massive Arab flight. General Moshe Garmel, the Israeli commander in the north, wrote of villagers who left in panic, dropping their belongings along the sides of paths. "Suddenly, every object seems to them petty, superfluous, unimportant as against the chasing fear and the urge to save life and limb".¹³

Many sources demonstrate that even if the expulsion of the Palestinian Arab population was not the deliberate target of the Israeli side, the Israeli leaders well understood the military efficiency of breaking the enemy's morale. "What do you think about the fact that we are expelling Arabs?" a Palmach commander asked a comrade after a fighting near the town of Jenin. His friend answered. "We are not expelling them, they are running away".¹⁴

The "Announcement on the Deir Yassin affair issued by the Irgun read that "Deir Yassin had promoted "terror and dread among the Arabs in all the villages around; ... a panic flight began that facilitates the renewal of Jewish road communications ... between the capital and the rest of the country".

Menachem Begin, the Irgun leader, who denied that a massacre had taken place, was later to argue that "the legend [of Deir Yassin] was worth half a dozen battalions to the forces of Israel. Panic overwhelmed the Arabs." In summarizing the Arab flight to the end of June 1948 the Haganah intelligence

service pointed to Deir Yassin as a "decisive accelerating factor".¹⁵

On the basis of the facts mentioned above a conclusion can be drawn that the massacre of Deir Yassin played a role in ensuring an Israeli victory in the Independence War of 1948-49 and launching the first (and the largest) wave of Palestinian displacement thus creating one of the fundamental problems of the Middle East conflict – a problem of Palestinian refugees. This is one of the key problems, which still cannot find its effective solution and therefore continue to impede the final settlement of the Israeli-Palestinian conflict.

Bosnia and Herzegovina: 1992

The break-up of the former federal Socialist state of Yugoslavia resulted in the largest conflict in Europe since the end of the World War II. The Belgrade leadership of Yugoslavia tried to reverse the secessionist course of the constituent Yugoslav republics and keep them under the traditional dominance by Serbia. To this end the regime of President Milosevic fought a brief war with Slovenia in 1991 and helped to create a break-away region of Krajina carving out a large part of the territory of **Croatia**.

However, the most intensive conflict took place in Bosnia and Herzegovina (BiH), which also saw the gravest violations of the international human rights law and the international humanitarian law in 1992-1995.

When it comes to the atrocities perpetrated in BiH during the conflict the notorious massacre of Srebrenica is usually the first to come to one's mind. However, one has to recall that an act of genocide was committed in Srebrenica in July 1995, i.e. less than 4 months prior to the conclusion of the Day-

¹³ Benjamin Lieberman, *Terrible Fate: Ethnic Cleansing in the Making of Modern Europe*, (Chicago 2006) p. 259

¹⁴ *Ibid*, p.258

¹⁵ Benny Morris, *1948: A History of the First Arab-Israeli War*, (Yale 2008), p. 128

ton-Paris peace accords, which finally put an end to the fighting in BiH. Thus the events of the earlier periods can sometimes be overshadowed by the Srebrenica massacre, while they too had a great impact on the overall situation.

Throughout its history BiH had a mixed population. According to the last Yugoslav census of 1991, Bosnian Croats made up 17 percent, while the Bosnian Serbs 31 percent of the population at that time. Bosnian Muslims constituted the largest ethnic group of BiH with 44 percent of the population. As far as the political goals are concerned, the Bosnian Muslims were the major force behind maintaining the unified state of Bosnia and Herzegovina, while Serbs and Croats pushed for the BiH partition along the ethnic lines between Serbia and Croatia.

Aware of the superiority of the Bosnian Muslims in demographic terms the extreme nationalist faction of the Bosnian Serbs launched a campaign aimed at intimidation and harassment of the Muslims population, especially in the mixed localities and regions. Since Bosnia and Herzegovina declared independence in April 1992 the Bosnian Muslim population became under intense pressure on part of the Serbian forces to leave their homes and flee elsewhere.

A whole range of tools and methods were exploited to this end. Bosnian Muslims were rounded up and detained, robbed of valuable belongings and personal documents, sent to the concentration camps, beaten and tortured. On numerous occasions massive summary executions of civilians were conducted. Rape and sexual assault were widely applied to the Muslim women and girls (evidences and testimonies compiled by the ICTY – the UN-established International Criminal Tribunal for the former Yugoslavia).

In the spring of 1992 the Serbian radio announced that “ethnic cleansing was in progress”. In of the first cases Serb paramilitary forces attacked the town of Bijeljina in north-east Bosnia on April 1. At this point the Serb paramilitaries were proud of their achievements: they wanted attention. Thus the American photojournalist Ron Haviv was able to follow the notorious Serb force known as the Tigers, in what their commander Arkan, a former bank robber, described as a mission “to liberate this city of Muslim fundamentalists”. There Haviv witnessed murders of Muslim civilians and managed to take a number of shocking photographs.¹⁶

It has to be noted that the ethnic cleansing against the Muslims was not an independent enterprise of the Bosnian Serbs – to the contrary, during the entire course of conflict they received direct instructions and various assistance from the Belgrade regime of President Milosevic. An entire military and security machine of the former Yugoslavia was put on service of the Bosnian Serbs while the Muslims only had loosely organized and poorly trained and equipped militia groups.

The harassment and terror helped the Serb forces to drive the Bosnian Muslims out of a broad swath of northern and eastern Bosnia, and from the region south of the Bosnian capital city of Sarajevo. As Serbian forces established control across most of northern Bosnia they pushed out a steady stream of refugees, about a thousand a day in late summer of 1992, via the central Bosnian town of Travnik. By the fall of 1992 the Serb project of ethnic cleansing in these areas of BiH was almost complete, with 2 million Bosnians, the vast majority of them Muslims, fleeing their homes.

Trying to summarize the events on the ground the journalist Ed Vulliamy stated that the war was more about the opponents’

¹⁶ Benjamin Lieberman, *Terrible Fate: Ethnic Cleansing in the Making of Modern Europe*, (Chicago 2006), p. 309

civilian population than it was about their armies. "Very little of what happened in Bosnia can be described as war between armies. We like to use the term refugees, meaning a side-effect of war between armies, but in this conflict the refugees were the raw material, its *raison d'être*, that was the whole point: the removal of the population was what the war was all about".¹⁷

Based on the facts listed above one can come to finding that the intimidating and violent tactics employed by the Bosnian Serbs at the outset of the conflict in 1992 caused a large-scale displacement based on an ethnic principle (ethnic cleansing) and created mono-ethnic areas, facing almost no resistance by the terrorized civilian population of Bosnian Muslims. This, in turn, fueled the rising confrontation between the BiH communities and resulted in the intensification of the hostilities and prolongation of the conflict until active foreign intervention in late 1995. More than 200,000 people (mostly civilians) lost their lives, some 2 million were displaced. The new state of Bosnia and Herzegovina, created by the peace accords, is faced with many internal problems and cannot survive without international protection and assistance to this date.

Conclusions and recommendations

The massacre of Khojaly was an exemplary case of massive violations of human rights when in fact the war crime was turned into a war tool, and helped a side to the conflict achieve its strategic goals. Several factors had to be place for this scenario to realize:

- lack of central administration and law-enforcement (in early 1992 the Soviet Union ceased its existence while the newly-established Republic of Azerbaijan was not able to enforce its sovereignty over its entire territory)

lished Republic of Azerbaijan was not able to enforce its sovereignty over its entire territory)

- the inaction on part of the International Community. This was mainly caused by a lack of knowledge, interest and/or capacity to intervene in the conflict. At that point in time the international media was mainly focused on the stories of the ongoing conflicts in former Yugoslavia and Somalia. Many international and regional actors pursued other goals in their national agendas. When combined these factors in a certain way contributed to the feeling of impunity and continuation of grave violations of human rights of the Azerbaijani population.

Today, almost two decades after the events in Khojaly, civilians continue to suffer in numerous conflicts around the world. In fact, as noticed by many competent observers and scholars, it is mostly and primarily civilians who bear the burden of suffering in the conflict situations. This state of affairs will not substantially change until and unless there is a concerted action on part of the international community with regard to the following issues:

- enforcement of the norms and principles of international human rights law and international humanitarian law in times of armed conflicts;
- monitoring of observation by the conflict sides of such norms;
- improved education for the military and security services (as well as general public) regarding the international human rights law and international humanitarian law;
- cooperation in the fields of investigation of the crimes committed and bringing to justice those responsible.

¹⁷ Norman M. Naimark, *Fires of Hatred: Ethnic Cleansing in Twentieth-Century Europe*, (Harvard, 2002), p. 175

Acknowledgment of Armenian Terrorism by an Armenian Author

(Book Review: Markar Melkonyan. *My Brother's Road: An American's Fateful Journey to Armenia*)

Hikmet Hajiyev *

A book on Armenian terrorism is not and should not be a new and surprising phenomenon for anyone. There is more than enough factual information contained in web-sites, books and booklets on Armenian terrorism, which claims for thousands of lives.

However, the memoir in which Markar Melkonyan discusses the career of his brother Monte, is significant not only because it opens a window to the hidden world of Armenian terrorism, but perhaps even more so because it represents a rare Armenian acknowledgement of Armenian terrorism, war crimes and crimes against humanity in the occupied territories of Azerbaijan. The author's descriptive style that takes the reader to a murky and taciturn life of terrorist Monte is useful to get his, if not complete, but at least comprehensive life picture that may pave the way to investigate yet unknown other crimes committed by him.

The memoir is also unique, at least I can claim, in acknowledging Armenian terrorism and the grave war crimes committed in the occupied territories of Azerbaijan. Of course, acknowledgement of Armenian terrorism and killing of innocent civilians is not a direct goal pursued by the author. However, his attempts to mount his brother to the peak of "national heroism" tempt him to blame others rather

than his own brother for all his wrongdoings.

Motivations justified by myths

Monte Melkonyan was born on 25 November 1957 in the United States, California, Visalia in an Armenian family of a farmer. As a typical diaspora Armenian, he apparently grew up with feelings of hatred and revenge against Turks. Since the very early days of his juvenile life he had been manipulated by his parents and diaspora relatives to determine his lifelong mission of terrorism as following: "For me, everything was simple and logical that it was even mathematical: diasporan Armenians live outside Armenia because the genocide took place, and they were obliged to leave the country. Today, they can't go back because of the Turkish government.....Therefore, our nation should carry out an armed struggle over there, in order to achieve any tangible rights. And every Armenian patriot, including me of course, should go and participate in that struggle"¹.

At the University of California he started his studies as a mathematics and history double major, but after excelling in four higher math courses, he transferred to an individualized major in Ancient Asian history and archeology. His intention was to finish education as soon as possible and to join the life of terror.

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¹ Markar Melkonyan: *My Brother's Road: an American's fateful journey to Armenia*; I.B.Taurus&Co Ltd. London-New-York NY 2005/2007 pp. 39-40

Following internal political instabilities in Turkey in the 1970s, he believed that sooner there would happen the socialist revolution in Turkey, and therefore Armenians would come together to claim their territorial "rights" from Turkey.

With these views in mind, student activist Monte restored Armenian Students' Association (ASA) as the initial step towards organizing Armenian terrorist band. Yes, a terrorist band. Once being a student activist and co-founder of student associations during my university studies, it is beyond my intention to defame a student organization as terrorist. However, it is enough to take one example from the inaugural ceremony of ASA. Recalling the first meeting of ASA Judy Sanonian wrote in the second issue of ASA newsletter: "Who can forget what was, for most of us, our first glimpse of Monte, passing out Xeroxed bomb literature at the first ASA meeting. You have to admit, it made an impression"².

Following ASA inauguration in 1977, an improvised bomb shattered the door and broke windows of history Professor Stanford J. Shaw's residence. Author of two-volume "History of the Ottoman empire and Modern Turkey", Prof. Shaw described the wartime "genocide" of Armenians as a myth concocted by "Entente propaganda mills and Armenian nationalists". No one injured, however, the blast was the price the Professor should pay for writing the historical truth and objectivity.

"Oriental Express"

In April of 1978 Monte arrived in Beirut. He did not receive a warm welcome. Fellow Armenians in Lebanon suspected that he was a CIA or KGB agent, or the agent of some other nefarious groups. In his autobiographical Self-Criticism referred in the book, he wrote "...it was a little difficult to gain the confi-

dence of some Armenians [in Lebanon]".

It was difficult, but not a little. Suspicions and lack of confidence towards him, indeed, were not groundless. Why should someone trust a twenty year-old young American-Armenian, who left everything and came to Lebanon with the purpose of opening an Armenian terrorist training camp in Ainjar, an Armenian village in Lebanon's Bekaa Valley? One would be naïve to trust that there was not an "invisible hand" behind these leftist oriented gentlemen, who dared to come to Lebanon in the height of the civil war. Dashnak party, which had chosen the path of maneuvering between the actors of the civil war, east and west, did have particular suspicions on Monte, who admired Engel's Socialism and Lenin's Imperialism.

Chilly welcome disappointed young Monte. But time was ripe for Iran. Persia was boiling in the storm of revolution. Perhaps the "invisible hand" instructed young terrorist to go to Iran in order to seek possibilities for Armenian revolt in the trembling country.

"We don't need any more fighters at the front"³ responded Abdul Rahman Ghassemlou, high ranking leader of Kurdish Democratic Party in Iran when Monte mentioned that he was from the United States. Nevertheless, Monte and his entourage enjoyed a better reception from Komala, an organization dedicated to autonomy in Iran for Kurds and from its leader Ezzedin Hosseini, who promised to provide arms and training to Armenians. However, new revolutionary government strengthened the central power and crushed all armed separatist movements. Therefore, the Armenian uprising in parallel to the Kurdish one in Iran did not go beyond dreams.

Now, he had no other option except returning to Lebanon. In Lebanon, young career

² p.37

³ p.61

terrorist impatient for killing could not go unnoticed from the attention of ASALA - "Armenian Secret Army for Liberation of Armenia". Describing his brother's recruiting process to ASALA, the author provides further details about the ASALA and its founder Hagop Hagopyan. According to the author, his original name was Harootyoon Takooshian, born in the late 1940s in Mosul, Iraq. At the age of sixteen he had joined a small Palestinian group called "Abtal Al-Auda" and then Popular Front for the Liberation of Palestine, PFLP. With the recommendation and financial aid of one of the co-founders of the Fatah movement Hagop created "Armenian Secret Army".

It is apparent that uneducated and poor Hagopian could not create such a nefarious organization as ASALA on his own initiative, whose terror operations covered Europe, Middle East, United States and later on occupied territories of Azerbaijan. ASALA's affiliation with the Soviet Union and Armenia SSR KGB is now an open secret. By activating ASALA the "invisible hand" represented by the Armenian SSR KGB was hankering to play ever more active role in the theatre of operation of the Middle East through the services of different organizations for geopolitical considerations.

Culmination of terror

In the beginning of 1980's ASALA was in the peak of its might after numerous terrorist operations, some of which were implemented directly by Monte.

On October 3, two bombs exploded in Milan, one at a Turkish-owned shop and another at the Mandadori Press office. On the same day, his colleague Alec exploded Hotel Beau-Site in Geneva.

The author with the sense of pride writes about "apply pressure" operations on Swiss authorities to release his brother's terrorist col-

league Alec from the custody. The book called "A Critique of Armenian Armed Action" quoted by the author Monte "lists a total of eighteen bombings and attempted bombings" against Swiss Government. Therefore, after a hasty trial, Swiss officials expelled Alec from Switzerland.

Another example of "apply pressure" fact provided by the author is the Italians' alleged negotiations with the ASALA on "ceasefire". Author writes, "in mid-January 1981, Italian officials has asked a Fatah official named Hael Abdulhamid to help negotiate a "ceasefire" with the Secret Army. The Italians send word that they were prepared to support Armenian demands for Turkish recognition of the genocide, in exchange for a Secret Army pledge to desist from bombings in Italy".⁴

As a continuation of his terror actions, he desired to explode Turkish trade ship in France in the margin of Turgut Ozal's visit to Paris. However, enough was enough. Now time was to stand before the justice. In 1985 at last he was captured by French Police at the Brasserie Le Zeyer on Rue d'Alesia in Paris.

Markar Melkonyan happily writes that in spite of the prosecution's best efforts, Monte was not convicted of plotting to sink the Turkish ship. Instead, he was convicted of entering France illegally and possessing a falsified US passport and illegal handgun. Shamelessly, Monte himself considered a six year composite sentence "more insulting than anything else".

Armenia at last and terror against Azerbaijan

With the direct involvement of Levon Ter-Petrosyan and Khachig Stamboultzian, one of the leaders of the pro-independence movement in Armenia, an invitation was sent to the Soviet Embassy in Bulgaria for the name of Timothy Sean McCormick. This was Monte

⁴ p.92

Melkonyan hiding under the name of Timothy.

After warm welcome at Yerevan airport by Armenian SSR KGB officer Armen, he placed in the KGB rest home in Hrazdan River Gorge and Dilijan to receive further instructions and to reestablish new form of relations. Now Monte under the name of Simon was registered at Yerevan Ethnology Institute as a researcher.

Within a short period of time the master of terror and killings was successful in creating "Aramo" and "Arabo" killing units composed of ASALA members and sympathizers. "...If you give them half chance, they'll "do" an Azeri-village- they'll kill everyone in sight, men, women and children"⁵ he said in a conversation with his brother. Garadagli village demonstrated that Monte was absolutely right in describing killing the "potential" of his units. More than fifty Azerbaijani captives had been butchered at Garadagli. One of the members of Monte's group Shram Edo, dousing several wounded Azerbaijani soldiers with gasoline, tossed a match to burn them alive.

Garadagli was followed by the Khojali massacre. It was terrorist Monte, who had made reconnaissance and intelligence operations around the city and had identified points of attack against the city and its population. Only a narrow exit path from the city towards Agdam covered by the cross fire of "Aramo" and "Arabo" death units had also been chosen by Monte "skillfully" to ensure full extermination of civilians.

Expert on killing innocent civilians, Monte Melkonyan had killed 25 more civilians in the Zulfugarli tunnel during occupation of Kalbajar. These cases are only visible signs of invisible and insidious death iceberg of Armenian terrorism.

Despite unsuccessful attempts of the author to depict his immoral and vandal brother with the colors of innocence and morality, all these killings have only one name- crimes against humanity!

Beginning of the end

During the occupation of Agdam and continuation of the policy of crimes against humanity, in the village of Merzuli terrorist Monte and his four associates came across an Azerbaijani BMP-1 armored personnel carrier. Terrorist Monte was killed in an exchange of fire.

"...Monte's figure lying on his right side ten meters away, a few steps behind the staff car. He was not moving".⁶

"Soldier of fortune", as once described by FBI, and a criminal against humanity that killed Turks, Israelis, Swiss, French, Italians and, massively, Azerbaijanis had been liquidated forever.

Epilogue

Markar Melkonian with the sense of regret writes that his brother's desire for Armenia "without corruption and just" did not come true so far. Inhabitants of Nagorno-Karabakh decreased up to 65.000 and more than million of Armenians emigrated from Armenia. And the country continues to sink deeper into the bog of corruption.

"Kechal Sergey, close associate of Monte, who kidnapped Azerbaijani Seyid and cut his throat in Yerevan next to the grave of ASALA member, after the ceasefire had been promoted to the high ranks of Armenian National Security Ministry".⁷

Monte Melkonyan is dead, but unfortunately Armenian terrorism and its vanguard ASALA is not. It has just transformed into another shape.

In the example of Kechal Sergey(s), closer affiliations between Armenian political, military and security circles and ASALA demonstrate that the Republic of Armenia is the continuation of ASALA and Armenian terrorism in the new millennium.

⁵ p.189

⁶ p.264

⁷ p.215; p.303

The Law of Self-defence under the Un Charter

*Azad Cafarov**

Introduction

In order to better understand and find appropriate reasoning of the necessity and proportionality of self-defence, one should look into, even from the view of general contours, the scope of self-defence and abstract situations of its application. Article 51 of the UN Charter¹ states:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

While this provision responds to many questions and contains many elements vis-à-vis self-defence, it does not provide a definition of self-defence as such. What is clear is that this Article supplements Article 2(4)² re-

quiring that “all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations”. Under the Charter scheme, therefore, in the case of unilateral state action, the proportionality equation involves an assessment of the forceful actions against the legitimate goals of the use of force, namely self-defence³. It is also worth mentioning that to define the scope of self-defence that has no fixed meaning⁴ and differs on case-by-case basis one has to necessarily determine what constitutes an armed attack that gives rise to the right to use force.

Self-defence against an armed attack

Another difficulty that we may face in our search for elements descriptive of a definition of self-defence is that “there is nothing in the travaux préparatoires of the Charter to indicate the meaning to be ascribed to the phrase “armed attack”⁵. The ICJ in the Nicaragua Case⁶ considered the meaning of an “armed attack”. The Court made the conclusion that there was general agreement concerning the

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¹ Available at: <http://www.un.org/aboutun/charter/>

² Ibid.

³ Judith Gardam, *Necessity, Proportionality and the Use of Force by States*, Cambridge University Press, 2004, at 142.

⁴ According to Y. Dinstein, the expression “self-defence”, as used in Article 51 or in customary international law, is by no means self-explanatory. See Yoram Dinstein, *War, Aggression and Self-Defence*, Second edition, Grotius Publications, Cambridge University Press, 1994, at 213.

⁵ Judith Gardam, *Necessity, Proportionality and the Use of Force by States*, Cambridge University Press, 2004, at 143.

⁶ *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, available at: <http://www.icj-cij.org>

acts amounting to an armed attack. It is interesting that “no definition, however, was provided as to what constitutes this accord⁷ by the Court. Meanwhile, the Court noted that it is “necessary to distinguish the most grave forms of the use of force (those constituting an armed attack) from other less grave forms”⁸. Thus, one may follow the logic of the Court that an armed attack is the grave form of the use of force. According to the finding of the Court, besides regular armed forces, the term armed attack also encompasses actions of irregular armed forces across the border as contained in Article 3(g) of the 1974 General Assembly Definition of Aggression⁹: The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.

In the Tehran case¹⁰ of 1980, the ICJ used the phrase “armed attack” when discussing the takeover by Iranian militants of the US Embassy in Tehran and seizure of the Embassy staff as hostages in November 1979. The allusion to an “armed attack” is particularly significant in the light of the ill-fated American attempt in April 1980 to bring about the

rescue of the hostages by military means. It has to be mentioned that “the legality of the rescue mission was not an issue before the Court”¹¹. The Judgment reflected the American position that “[military operational] mission had been carried out by it “in exercise of its inherent right with the aim to extricating American nationals who have been and remain the victims of the Iranian armed attack on [their] Embassy”¹².

It would be also appropriate to address the issue of acts that are the constitutive elements of aggression. In fact, “aggression” per se cannot replace an “armed attack”, which is a requirement for the exercise of self-defence. Firstly, because Article 3 of the Definition of Aggression contains wide range of acts to be qualified as aggression, and they need additional elements to amount to an armed attack¹³. Secondly, with regard to an armed attack referred to in Article 51, aggression’s determination is based on the consequences of the acts and their gravity¹⁴. Furthermore, the travaux préparatoires of the definition indicate that the terms “aggression” and “armed attack” were not regarded as synonymous by the negotiating states. Nor was it intended that the definition of aggression, either directly or by analogy, provide an interpretation of armed attack for the purposes of Article

⁷ Ibid., at 143.

⁸ Rein Mullerson, *Self-defence in the Contemporary World*, pp. 14-25, in the *Law and Force in the New International Order*, edited by Lori Fisler Damrosch and David J. Scheffer, Published under the auspices of the American Society of International Law.

⁹ UN GA Resolution 3314 (XXIX) 1974, available at: www.un.org

¹⁰ *United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran)*, available at: www.un.org

¹¹ Yoram Dinstein, *War, Aggression and Self-Defence*, Second edition, Grotius Publications, Cambridge University Press, 1994, at 196.

¹² *United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran)*, Judgment, paragraph 32, at 18, available at: www.un.org

¹³ According to Y. Dinstein, “...only a special form of aggression amounting to an armed attack justifies self-defence under Article 51”. Thus, proceeding from this standpoint one may conclude that in fact an “armed attack” is larger by its scope than “aggression”. Due to this very conclusion it is impossible to accept Dinstein’s view that “an armed attack is [...] a type of aggression” ((See Yoram Dinstein, *War, Aggression and Self-Defence*, Second edition, Grotius Publications, Cambridge University Press, 1994, at 183).

¹⁴ In the preamble part, Article 3 of the Definition of Aggression refers to Article 2. The latter states: The First use of armed force by a State in contravention of the Charter shall constitute prima facie evidence of an act of aggression although the Security Council may, in conformity with the Charter, conclude that a determination that an act of aggression has been committed would not be justified in the light of other relevant circumstances, including the fact that the acts concerned or their consequences are not of sufficient gravity.

51¹⁵. We also should not forget that based on Article 39, the only body to determine an act of aggression is the Security Council¹⁶. It seems that differentiation of the terms of aggression and armed attack at the time of negotiations on the elaboration of the definition of aggression was reasonable enough: self-defence by its nature should not spare the chance “until the Security Council has taken measures necessary to maintain international peace and security” and should not be dependent on the determination of a certain act. Nevertheless, several of the specific cases of the use of armed force listed in Article 3 of the 1974 General Assembly Definition of Aggression as amounting to aggression within the meaning of the definition may, in the right circumstances, amount to an armed attack¹⁷.

Anticipatory self-defence

Although “...anticipatory self defence was a customary right prior to the Charter”¹⁸, it is one of the most controversial questions with regard to self-defence. The basis for the argument in favour of the legality of anticipatory self-defence is that States faced with a perceived danger of immediate attack cannot be expected to wait the attack...¹⁹ According to R. Kolb, anticipatory self-defence is “... directed against an attack which has not yet been launched, but whose launch is imminent”²⁰. Nevertheless, States have been hesitant to recognize its legality. During the discussion

on the Draft Articles on the international responsibility of States, most States noted that self-defence is only justifiable against an actual armed attack²¹.

To touch upon the distinctive characteristics of the anticipatory self-defence we will refer to concrete cases.

Sinai and the Suez Canal (1956)²² conflict started with the announcement by Egypt of the nationalization of the Suez Canal Company, owned by France and the United Kingdom. This caused the concern of Israel since Egypt had been obstructing the passage of ships destined for Israel through the Canal. Additionally, frequent fedayeen raids against Israeli territory occurred from Sinai and Gaza. On October 29, 1956, Israel invaded the territory of Egypt in the Sinai Peninsula.

Israel invoked self-defence as the justification for its forceful action against: i) the raids of armed bands (fedayeen); ii) blocking the shipments destined for Israel through the Suez Canal; iii) threats of use of force by Egypt. The most interesting thing was that Israel asserted that the “long and uninterrupted series of encroachments ... constitute in its totality the essence and the reality of an armed attack”²³.

However, while Israel’s justification of its use of force in Egypt as self-defence against the fedayeen attacks was found unacceptable, the threat that the fedayeen posed to the security of Israel was recognized and certain measures were taken by the United Nations²⁴.

As few other examples of anticipatory

¹⁵ Judith Gardam, *Necessity, Proportionality and the Use of Force by States*, Cambridge University Press, 2004, at 145.
¹⁶ Article 39 of the UN Charter states: “The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security”.
¹⁷ Simma, *The Charter of the United Nations*, at 670, in Judith Gardam, *Necessity, Proportionality and the Use of Force by States*, Cambridge University Press, 2004, at 145.
¹⁸ Ian Brownlie, *Use of force by States*, p. 257; and C.H.M. Waldock, *The Regulation of the Use of Force by Individual States in International Law*, (1952-II) 81 *Recueil des Cours* 455 at 497-9, in Judith Gardam, *Necessity, Proportionality and the Use of Force by States*, Cambridge University Press, 2004, footnote 34, at 146.
¹⁹ Stanimir A. Alexandrov, *Self-defence Against the Use of Force in International Law*, Kluwer Law International, 1996, at 149.
²⁰ Robert Kolb, *Self-Defense and Preventive War at the Beginning of the Millennium*, Springer-Verlag, 2004, at 123.
²¹ See UN Doc. A/C.6/35/SR.48-59.
²² Stanimir A. Alexandrov, *Self-defence Against the Use of Force in International Law*, Kluwer Law International, 1996, at 150-153.
²³ *Ibid.*, footnote 147, at 151.

self-defence the Six Day War²⁵, the Israeli air strike against the Iraqi reactor in 1981 and the Cuban missile crisis of 1962 can be pointed out. Despite all these and other examples, where the states referred to self-defence as preventative action against the anticipatory use of force (or more concretely, as in the case of Israel's justification, an armed attack), "nevertheless, to date, the fiction is generally maintained in practice that a right of anticipatory self-defence is not available to states"²⁶.

Self-defence and pre-emptive war²⁷

Pre-emptive war as in the form of self-defence or more simplistically pre-emptive self-defence is hardly differentiable from the anticipatory self-defence. However, one may draw some slight distinctive lines. From the outset, it could be underlined that pre-emptive self-defence cases demonstrate that states try to benefit from it without any justification on the ground at all, while the anticipatory self-defence²⁸ cases refer to some justifiable reasons at certain point.

While there may be some uncertainty as to whether use of force against imminent attack may be justified as legitimate self-defence, practice has clearly illustrated that there is no right of pre-emptive self-defence²⁹.

In fact, in most of the cases when the states justified their forceful actions by self-defence and they made it in a pre-emptive manner, this latter has mainly turned to be the reprisal, "... which was an action inconsistent with the purposes of the United Nations"³⁰.

Let us focus on the "accumulation of events" theory, as an argument frequently instrumentalised in favour of pre-emptive self-defence. According to this theory, states would be entitled to attacks accumulated over the time when it was not in position to respond to each of them separately³¹.

The ICL has drawn a line between armed reprisals and self-defence. As from the standpoint of the ICL, reprisals are always punitive rather than defensive. Based on this distinction, the use of force in response to "an accumulation of events" would qualify as reprisal³² rather than as self-defence³³.

As Ago pointed out, "the action needed to halt and repulse the attack may well have to assume dimensions disproportionate to those of the attack suffered"³⁴. It is difficult to argue that the use of force against an "accumulation of events" aims at repelling the attack. The UN SC has condemned pre-emptive attack on several occasions. This is the best confirmation of the above-mentioned conclusion.

²⁴ Ibid., at 152.

²⁵ According to R. Kolb, "the example sometimes given for a case where anticipatory self-defence holds good, namely the case of Israel and Egypt in 1967, illustrates the problem, since the exact facts and the existence of imminence is sometimes disputed, even by US authors". See Robert Kolb, *Self-Defense and Preventive War at the Beginning of the Millennium*, Springer-Verlag, 2004, footnote 41, at 124.

²⁶ Judith Gardam, *Necessity, Proportionality and the Use of Force by States*, Cambridge University Press, 2004, at 147.

²⁷ As to our analyses, the simplistic definition of the pre-emptive self-defence together with its distinctive elements was better formulated by R. Kolb: "There is ...a form of purported self-defence which seeks to counter diverse future threats, which have not yet fully materialized and which are certainly not imminent (but which, it is claimed, may become so if no action is taken)".

²⁸ Cases in the previous sub-section might be good example for that.

²⁹ Stanimir A. Alexandrov, *Self-defence Against the Use of Force in International Law*, Kluwer Law International, 1996, at 165.

³⁰ GA, 20th session, Six Committee, 886th mtg. (December 1, 1965), para. 42, in Stanimir A. Alexandrov, *Self-defence Against the Use of Force in International Law*, Kluwer Law International, 1996, at 167.

³¹ United States (in case of bombing Libya in 1986) and Israel have made this argument on numerous occasions

³² According to the Declaration on Principles on International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the reprisals are prohibited: "States have a duty to refrain from acts of reprisal involving the use of force". See Annex to the UN GA Resolution 2625 (XXV), 24 October 1970.

³³ Stanimir A. Alexandrov, *Self-defence Against the Use of Force in International Law*, Kluwer Law International, 1996, at 166.

³⁴ Ibid., footnote 219, at 167.

“Imminent threat requirement”: still need temporal standard?

It is important to note “...that the legality of pre-emptive force as a legal concept is not codified in the UN Charter, even though the principle has been recognized by international legal bodies as customary international law”³⁵.

While going deep into the background of the imminent threat requirement one should necessarily refer to the classic definition of imminence given in the famous Caroline incident and governing the use of pre-emptive force. In that case, protesting the incident of British crossings into the US territory, US Secretary of State D. Webster argued that to claim the legitimate self-defence, the British must have had “necessity of self-defence, instant, overwhelming, leaving no choice of means, and no moment of deliberation”.

The Caroline standard was relied on by the IMT at Nuremberg, by the ICJ in the Nicaragua decision³⁶, and by the ICJ in its advisory opinion on the use of Nuclear Weapons³⁷. Now, after all, it would be difficult to make conclusions as to the relatedness of the imminence to self-defence under the Charter, to self-preservation, which was the concept of XIX century, or to the pre-emptive military force.

According to Rockefeller, “[T]here exists general agreement that pre-emptive military force is acceptable under customary international law if the threat is imminent³⁸”. R. Kolb states that “...such a mode of self-defence,

which is more precisely to be termed preventive war, cannot in any way be fitted into the system of the Charter with its rules on the peaceful settlement of disputes ... and exclusive powers of the Security Council to take action in order to face threats to world security. Generalised pre-emptive self-defence would obviously mean re-introducing an individual right to force ... position of XIX century...”³⁹

It seems that the Caroline standard was used with regard to legitimate self-defence under the Charter and not the pre-emptive self-defence, which is against the Charter regime. Furthermore, the real issue here is not traditional (temporal) imminence at all, but rather necessity; imminence being merely a measure of necessity. Then another issue to look into would be the characteristic of such imminence within the context of necessity.

In fact, time constraint is critical in terms of exhaustion of all viable non-forceful measures before recourse to use of force.

Theoretically speaking, the standard we are analyzing legitimizes the use of pre-emptive military force only when the state attacked is left without the time for the options other than use of force. Such a definition, however, assumes a “time gap”. That is, the difference in time between the point at which a state becomes aware of the forthcoming attack and the point at which the impact of that attack is felt. Under the current standard, a state may use pre-emptive force only when this “time gap” is sufficiently small⁴⁰.

³⁵ Mark L. Rockefeller, The “Imminent Threat” Requirement for the Use of Pre-emptive Military Force: Is it time for non-temporal standard? *Denver Journal of International Law and Policy*, Volume 33, Number 1, Winter 2004, Pages 131-149, at 133.

³⁶ Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), available at: <http://www.icj-cij.org>

³⁷ Legality of the Threat or Use of Nuclear Weapons, ICJ, Advisory Opinion, available at: <http://www.icj-cij.org>

³⁸ Mark L. Rockefeller, The “Imminent Threat” Requirement for the Use of Pre-emptive Military Force: Is it time for non-temporal standard? *Denver Journal of International Law and Policy*, Volume 33, Number 1, Winter 2004, Pages 131-149, at 133.

³⁹ Robert Kolb, *Self-Defense and Preventive War at the Beginning of the Millennium*, Springer-Verlag, 2004, footnote 41, at 124.

⁴⁰ Mark L. Rockefeller, The “Imminent Threat” Requirement for the Use of Pre-emptive Military Force: Is it time for non-temporal standard? *Denver Journal of International Law and Policy*, Volume 33, Number 1, Winter 2004, Pages 131-149, at 139.

As seen, the requirement for imminence is meant to assure the necessity of an act. Therefore, we may also agree that imminence “has no significance independent of the notion of necessity”⁴¹. According to Professor Richard Rosen imminence is, but one component of necessity and when the two conflict, imminence should yield necessity, since the “purpose of making an inquiry regarding imminence is to determine if an action was necessary”⁴².

Thus, we may see the importance of temporal standard of imminence as a component of necessity that exists in the practice. Meanwhile, we may agree with the possible non-temporal standard of imminence, which would bring more clarity and less susceptibility. “A new, non-temporal standard ... would be more precise than the existing standard, thus less subject to exploitation”⁴³ as Nazi defendants at Nuremberg alleged they were acting in “self-defence”.

Preventive use of force against non-state actors

This issue is of particular interest after 11 September 2001 and due to the views expressed right after this event took place, which argued that the notion of armed attack could be extended to activities of non-state actors without a link to a State. These views

were beyond the stand that “traditionally, most commentators made the assumption, which was supported by State practice, that an armed attack could only emanate from a State and that activities carried out by non-state actors would have to have a clear link to the behaviour of a State to be considered relevant in the context of self-defence”⁴⁴.

The Security Council while addressing the attacks of 11 September did not qualify them as an armed attack in the meaning of Article 51. In the meantime, “the Security Council accepted the reports of the United States and the United Kingdom on the military actions against Afghanistan as reports according to Article 51 UNC[harter]”⁴⁵. Nevertheless, one should mention that state practice regarding acts by non-state actors is not homogenous to characterise them as armed attacks as such.

There is a view that since neither Article 2(4) nor Article 51 of the UN Charter refers in an explicit way to the state involvement, non-state actors may also be considered to realize an armed attack in the meaning of self-defence. It seems to us that this conclusion is enough complicated and causes many questions and doubts.

The first issue might be the possibility for non-state actors to be addressee of Article 2(4) or more precisely of Article 51 in order for these actors to be the authors of an armed attack for the purposes of self-defence.

⁴¹ Richard A. Rosen, On Self-Defence, Imminence, And Women Who Kill Their Batterers, 71 N.C.L. Rev. 371, 380 (1993), in Mark L. Rockfeller, The “Imminent Threat” Requirement for the Use of Pre-emptive Military Force: Is it time for non-temporal standard? Denver Journal of International Law and Policy, Volume 33, Number 1, Winter 2004, Pages 131-149, footnote 89, at 143.

⁴² See Richard A. Rosen, supra note 59, at 193.

⁴³ Mark L. Rockfeller, The “Imminent Threat” Requirement for the Use of Pre-emptive Military Force: Is it time for non-temporal standard? Denver Journal of International Law and Policy, Volume 33, Number 1, Winter 2004, Pages 131-149, at 145.

⁴⁴ Here we have to mention that UN Charter as binding document for States also defines certain undertakings in Article 51. Thus, it is hardly acceptable to agree that an “armed attack” referred to in that Article 51 might have relation to non-state actors without the states involvement or linkage to them. It has also to be noted that while the acts listed in Article 3 in the Definition of Aggression are not but might be in a certain special form amount to an armed attack, they could be brought as an example of linkage of an act (of aggression) to the state while having taken place by non-state actors, as M.Krajewski intends to articulate referring to Article 3 of Definition. See Markus Krajewski, Preventive Use of Force and Military Actions against Non-State Actors: Revisiting the Right of Self-Defense in Insecure Times, Pages 1-26, at 19, Baltic Yearbook of International Law, Volume 5, 2005.

⁴⁵ Markus Krajewski, Preventive Use of Force and Military Actions against Non-State Actors: Revisiting the Right of Self-Defense in Insecure Times, Pages 1-26, at 20, Baltic Yearbook of International Law, Volume 5, 2005.

Even partial international legal personality of individuals in human rights law and international criminal law does not seem convincing since they are only for the purposes of being a right holder (including a right to claim against states within the international mechanisms) and to carry the criminal responsibility for international crimes. So far, we would stick to the overwhelming view that “[g]enerally, only states and international organizations have been accepted as subjects of international law”⁴⁶.

It should be noted that the Security Council, amongst others, in the context of Kosovo and acts of terrorism, has also addressed groups and individuals. But we have to articulate that this was by means of authority within Article 39 and with a view to refer to acts of terrorism and other acts as threats to international peace and security rather than armed attacks in the meaning of Article 51⁴⁷.

Another doubt arises as to the scope of self-defence against non-state actors once we accept the possibility of an armed attack by non-state actors. The most important element that comes into play in the context of this issue is the territorial sovereignty of the host state. It should be mentioned that elements of self-defence would also change once self-defence against non-state actors turns into reality: while exhausting all possible peaceful means before recourse to force the interaction with the host state on the peaceful settlement will be one sub-element of necessity that we generally described within the scope of self-defence. That will differentiate such self-defence from the one that we have observed in the practice of states until today.

Thus, as in the form of a general example for similar cases, “based on these considerations, it must be concluded that the US military actions against Afghanistan were not justified by the exercise of the right of self-defence, if a clear link between the Taliban regime and Al Qaida could not have been established”⁴⁸.

To make the final point on this issue we have to state that self-defence against non-state actors is not acceptable. Thus, it would be inappropriate to discuss the preventive self-defence against non-state actors. As we already discussed the preventive self-defence cannot in any way fit in the system of the UN Charter.

Conclusion

After the adoption of the UN Charter, the new legal order came into existence. The main pillar of that order was the prohibition of the use of force. Thus, the only possible way of the use of force was the exceptional circumstances of self-defence. This necessitated the clear-cut elaboration of the elements of self-defence.

The need was that not to create a rule on the basis of exception. In order to avoid the daily-based cases of “self-defence” giving rise to arbitrary argumentation and misapplication by the states seeking benefit, the strict requirements were needed to avoid all possible references under the general title of self-defence. Thus, self-defence being the right of states requires verification that the resort to force was really the last means after exhaustion of all other peaceful ones.

⁴⁶ I. Brownlie, *Principles of Public International Law*, (6th ed., Oxford, 2003), p. 702, M. Shaw, *International Law*, (CUP, Cambridge, 1997), pp. 788-789, in Markus Krajewski, *Preventive Use of Force and Military Actions against Non-State Actors: Revisiting the Right of Self-Defense in Insecure Times*, Pages 1-26, at 22, *Baltic Yearbook of International Law*, Volume 5, 2005.

⁴⁷ See UN SC Resolutions 1199 (1998), 23 September 1998, 1368 (2001), 12 September 2001.

Markus Krajewski, *Preventive Use of Force and Military Actions against Non-State Actors: Revisiting the Right of Self-Defense in Insecure Times*, Pages 1-26, footnote 86, at 24, *Baltic Yearbook of International Law*, Volume 5, 2005.

⁴⁸ Markus Krajewski, *Preventive Use of Force and Military Actions against Non-State Actors: Revisiting the Right of Self-Defense in Insecure Times*, Pages 1-26, footnote 86, at 24, *Baltic Yearbook of International Law*, Volume 5, 2005.

Nüvə Proqramı ətrafında ABŞ - İran Qarşıdurması Müasir Mərhələdə

Elman Nəsirov *

Nüvə texnologiyaları və materiallarından dinc məqsədlərlə istifadə imkanlarına malik İranın uranın yüksək zənginləşdirilməsi nəticəsində bu prosesin hərbi komponentlərinə də malik olmasının mümkünlüyü perspektivi son illər ərzində ABŞ-İran qarşıdurmasını daha da kəskinləşdirmişdir.

Əslində İranın nüvə proqramı məsələsi beynəlxalq ictimaiyyəti narahat edən yeni hadisə deyildir. Ölkədə 50 ildən artıq bir müddətdə nüvə proqramı ilə bağlı işlər görülməkdədir və bu prosesi şərti olaraq 2 mərhələdə izləmək mümkündür. Birinci mərhələ sonuncu İran şahı Məhəmməd Rza Pəhləvinin hakimiyyəti illərinə təsadüf edir. İkinci mərhələ isə 1979-cu il İslam inqilabından sonra başlayıb, indiyədək davam etməkdədir.

Bu bir həqiqətdir ki, rəsmi Tehranın nüvə proqramına münasibətdə həm ABŞ, həm də Avropa eyni məqsəd güdürdülər: İranın nüvə silahına malik olmasına heç bir vəchlə imkan verilməməlidir. Fərq bu məqsədə çatmaq yollarındakı müxtəlifliklə bağlıdır. İranla danışıqların iştirakçısı olan dövlətlər - Böyük Britaniya, Fransa və Almaniya problemin həllində çəkəndirmə siyasətinə üstünlük verirdilərsə, ABŞ əksinə, problemin BMT TŞ çərçivəsində əvvəlcə sanksiyalar, nəticəsi olmadığı təqdirdə isə hərbi yolla tənzimlənməsi üsuluna prioritet verdiyini gizlətmirdi. ¹

Əslində problemə yanaşmadakı bu müxtəlifliyin kökünü, zənnimizcə, ABŞ və Av-

ropa dövlətlərinin siyasi mədəniyyətlərindəki fərqlilikdə axtarmaq lazımdır. ABŞ siyasi mədəniyyəti üçün təhlükə mənbəyinin dinc yolla, bu mümkün olmadıqda isə hərbi yolla aradan qaldırılması xarakterikdir. Avropa isə təhlükə mənbəyi ilə barışıb, əsas vəzifəni onun müəyyən çərçivədə saxlanılmasında görür. Avropa uzun əsrlər boyu permanent xarici təhlükə şəraitində yaşadığından müəyyən immunitetə malikdir və həmin vəziyyətdə onun üçün əsas məqsəd təhlükə daşıyıcılarına iqtisadi və siyasi təsir vasitələrini tətbiq etmək hesabına qarşı tərəfi izafi radikal addımlardan çəkəndirməkdən ibarətdir. Avropa dövlətləri cənub sərhədlərinin yaxınlığında böyük müharibənin başlanması riskinə hazır deyillər. Bu, ən azı onların iqtisadi maraqları, xüsusən də enerji təhlükəsizlikləri üçün ciddi problemlər yarada bilər. Qənaətimizin təsdiqi kimi, nüfuzlu ABŞ Sahibkarlar İnstitutunun bəzi statistik göstəricilərini xatırlatmaq yerinə düşər. Qeyd olunan analitik mərkəzin məlumatına görə, 2000-2006-cı illərdə Fransanın, Almanyanın, İtaliyanın və Böyük Britaniyanın İran ilə ikitərəfli ticarət-investisiya əməkdaşlığının səviyyəsi müvafiq olaraq 30,2, 26,1, 23,7, və 12,7 milyard dollar təşkil etmişdir.² Müqayisə üçün qeyd edək ki, üçüncü tərəf vasitəsilə ABŞ-ın İranla reallaşdırdığı müvafiq əməkdaşlığın səviyyəsi isə həmin dövrdə 4,2 milyard dollara bərabər olmuşdur. İran neftinin 40%-ə qədərini alıcısı

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¹ Ананьева Е.А Реконструкция запада. //Международная жизнь, 2005, №3-4, с.21 (с18-31)

² Финансовый крестовый поход./http://www.washprofile.ru

məhz Avropa İttifaqı dövlətləridir.³ ABŞ Konqresi Tədqiqat Xidmətinin məlumatına görə, 2006-cı ildə İrandan ən çox neft idxal edən Avropa ölkələri Yunanıstan (24%), Türkiyə (22%), Belçika (14%), İtaliya (9%) və Fransa (7%) olmuşdur.⁴ Əsasən energetika və telekommunikasiya sahəsində 124 iri Avropa kompaniyasının İranda ciddi biznes maraqları realizə olunmaqdadır.⁵ Elə buna görə də əksər Avropa dövlətlərinin strateji xətti İran probleminin siyasi həlli yoluna əsaslanır. Bu məqsədlə İranın maksimum olaraq danışıqlar prosesinə cəlb olunması, güzəştlər və sanksiyaların tətbiqi imkanlarının harmoniyası, habelə digər diplomatik təsir vasitələrini işlək vəziyyətə gətirilməsi həmin siyasətin mühüm komponentləri sırasındadır. Elə bu məntiqlə 2003-cü il oktyabrın 23-də Avropa İttifaqının üç aparıcı dövləti - Böyük Britaniya, Fransa və Almaniya ilə İran arasında problemin həll edilməsi zərurəti ilə bağlı ilk təmas baş tutdu.

Avropa "üçlüyü"nin İranla apardığı danışıqlar fonunda ABŞ bəyan etdi ki, rəsmi Tehrana qarşı məlum siyasətindən imtina etmək fikrində deyildir və İranın nüvə proqramını BMT TŞ-nin müzakirəsinə çıxarmaq hüququnu özündə saxlayır.⁶ Obyektivlik naminə onu da qeyd edək ki, ABŞ-in, Avropa "üçlüyü"nin və bütövlükdə MAQATE-nin İranın uranın zənginləşdirilməsi siyasəti ilə bağlı təzyiqləri nəticəsiz qalmadı. MAQATE-nin İdarəetmə Şurasının 18 dekabr 2003-cü il tarixli iclasında İran nüvə silahının yayılmaması haqqında müqaviləyə Əlavə protokola imza atdı və bununla da uranın zənginləşdirilməsi prosesini

dayandırdı.⁷ Bu sənəd İranın nüvə obyektlərində daha effektiv və əhatəli təftiş aparılmasını ehtiva etsə də, indiyədək İran tərəfindən ratifikasiya olunmamışdır. Nəticədə iki ölkə arasında mövcud qarşılıqlı müəti nəinki zəifləmiş, bir çox hallarda hətta hərbi müstəviyə keçmə təhlükəsi ilə üzbəüz qalmışdır.

2006-cı il iyulun 31-də BMT TŞ İranın nüvə proqramı ilə bağlı ilk 1696 №-li qətnaməni qəbul etdi. Sənəddə uranın zənginləşdirilməsi və bu sahədə tədqiqatların aparılmasından tam və son olaraq imtina edilməsi, xüsusən ağır suda reaktorun tikintisi ilə bağlı işlərin dayandırılması tələb olundu. Qətnamədə tələbin yerinə yetirilməsi ilə bağlı İrana avqustun 31-dək vaxt verildi. Nüvə proqramı ilə bağlı İrana qarşı tətbiq edilən BMT TŞ-nin ilk qətnaməsində sanksiyalar nəzərdə tutulmamışdı.⁸

Faktiki olaraq İrana xəbərdarlıq mahiyyəti kəsb edən 1696 №-li qətnamənin şərtlərini yerinə yetirməkdən imtina edən rəsmi Tehrana qarşı BMT TŞ 2006-cı ilin 23 dekabrında 1737 №-li qətnaməni qəbul etməklə ilk sanksiyalarını tətbiq etdi.⁹ İrana qarşı məhdud iqtisadi təzyiqlərin nəzərdə tutulduğu sənəddə "İranın nüvə və raket proqramının inkişafına səbəb ola bilən istənilən predmet, material, ləvazimat, əmtəə və texnologiyaların ölkəyə verilməsi, satışı və ya nəqli" qadağan olunurdu. İran üç ay müddətində MAQATE-nin suallarına cavab verməli və uranın zənginləşdirilməsi prosesini dayandırmalı idi. Qadağalar nüvə proqramı ilə əlaqədə ittiham olunan İranın 10 firmasına və 12 fiziki şəxsinə də aid edilirdi.¹⁰

³ Финансовый крестовый поход./http://www.washprofile.org

⁴ Иранский расклад. Коллекция фактов./http://www.washprofile.org

⁵ Yənə orada

⁶ Кузнецов Д.В. Общественное мнение США и Иранская проблема.//США, Канада. ЭПК. 2006, №12, с.113 (109-120)

⁷ Тимебаев Р. Режим ядерного нераспространения на современном этапе и его перспективы. М, ПИР-Центр, 2004, с.85(124с)

⁸ Security Council demands Iran suspend uranium enrichment by 31 August or face possible economic and diplomatic sanctions./http://www.un.org./news/press/docs/2006/sc8792.doc.htm).

⁹ Security Council imposes sanctions on Iran for failure to halt uranium enrichment, unanimously adopting resolution 1737 (2006) /http://www.un.org./news/docs/2006/sc8928.doc.htm

¹⁰ Yənə orada

Hadisələrin sonrakı gedişi göstərdi ki, İran nüvə proqramı ilə bağlı siyasətində məhdud sanksiyaların təsiri altında düzəlişlər etmək niyyətindən çox-çox uzaqdır. 2007-ci il fevralın 11-də İran İslam İnqilabının 28-ci ildönümü münasibətilə keçirilən bayram mitinqində Prezident M.Əhmədinecatın nüvə mərkəzlərində uranın hasilatı və zənginləşdirilməsi işlərinin tam sürətilə aparılması ilə bağlı bəyanatı söylənilənlərə sübut ola bilər.¹¹

Rəsmi Tehranla aparılan danışıqların uğursuz olduğunun əks olunduğu MAQATE-nin növbəti məruzəsi əsasında BMT TŞ İrana qarşı 2007-ci il martın 24-də 1747 №-li ikinci qətnaməsini qəbul etdi. Sanksiyaların kəskinləşdiyini ehtiva edən sənəddə əvvəlki qətnamələrin öz qüvvəsini saxladığı vurğulanmaqla yanaşı, iri dövlət banklarından biri olan "Sepax" da daxil olmaqla İranın nüvə proqramı ilə əlaqədə itiham olunan daha 13 kompaniya və 15 fiziki şəxsin maliyyə hesablarının dondurulması və viza məhdudyyətlərinin tətbiq olunması, silah idxalına və ixracına, habelə bu ölkəyə kreditlər verilməsinə nəzarətin artırılması nəzərdə tutulurdu. Bu qadağalar humanitar yardımla bağlı sahələrə, o cümlədən əvvəl imzalanmış müqavilələrə aid edilmirdi. Bu baxımdan qəbul edilmiş sənəd Rusiyanın Buxəhrdə AES-in tikintisi işlərini yekunlaşdırmasına mane olmurdu.¹²

Prezident M. Əhmədinecatın bu qətnaməyə reaksiyası kifayət qədər orijinal oldu : "BMT TŞ-nın qətnaməsi bir saniyə belə İranın nüvə proqramını dayandıra bilməz...Onlar hətta minlərlə belə kağız parçaları (qətnamələr) qəbul etsələr də, əmin olsunlar, İranda bu məsələ ilə bağlı heç bir dəyişiklik baş verməyəcəkdir".¹³

ABŞ-ın nüfuzlu "Zogby International" kompaniyasının 2007-ci ildə keçirdiyi sorğuların nəticələrinə görə, amerikalıların 59%-i məhz İranı ölkələrinin təhlükəsizliyi üçün əsas təhdid hesab edirlər.¹⁴

Müqayisə üçün qeyd edək ki, həmin siyahıda Şimali Koreya 14%, İraq və Əfqanıstan isə 4%-lik mövqedədir. Konkret olaraq İranın nüvə proqramı ilə bağlı məsələdə respondentlərin cavabı belə olmuşdur: 39% əmindir ki, İran nüvə silahının hazırlanması ilə məşğuldur və təhlükəsizliyini təmin etmək naminə ondan istifadə edə bilər. 28% sorğu iştirakçısının mövqeyinə görə, atom bombası həmin silaha malik olan İsrail və Pakistanla balans saxlamaq üçün İrana lazımdır. Respondentlərin 18%-nin iddiasına görə, İran atom silahını terrorçulara satmaq üçün hazırlayır. ABŞ əhalisinin yalnız 6%-i hesab edir ki, İranın nüvə proqramının hərbi komponentləri olmadığından o, dinc məqsəd daşıyır.¹⁵

Obyektivlik naminə onu da qeyd edək ki, sorğu iştirakçısı olan amerikalılar düz bir il sonra beynəlxalq problemlərin həllində güc tətbiqinə prioritet verən "neomühafizəkarlar"ın siyasi-hərbi kursunu dəstəkləmədiklərini prezident seçkilərindəki mövqeləri ilə sübuta yetirdilər.

ABŞ-da 4 noyabr 2008-ci il tarixində keçirilmiş prezident seçkilərinin nəticəsində Demokratlar partiyasının namizədi afroamerikalı Barak Obamanın qalib gəlməsi növbəti 4 il ərzində rəsmi Vaşinqtonun bütövlükdə xarici siyasət kursunda, konkret olaraq isə İran siyasətində taktiki dəyişikliklərin baş verəcəyini istisna etmir. Bu mövqeni Barak Obamanın seçkiqabağı platformasının xarici siyasət məsələləri ilə bağlı hissəsinin İranda bağlı bölməsi də təsdiqləyir. Obama İranda "açıq di-

¹¹ Ситуация вокруг ядерной программы Ирана в 2007 г./ <http://www.iimes.ru/rus/stat/2008/12-03-08a.htm>

¹² Security Council toughens sanctions against Iran, adds arms embargo with unanimous adoption of resolution 1747(2007)/<http://www.un.org/news/press/docs/2007/sc8980.doc.htm>

¹³ Иран не удержим./http://www.iran.ru/rus/news_iran.php?act=news_by_id&n=1&news_id=45743

¹⁴ Иранский опрос./<http://www.washprofile.org/ru/node/6120>

¹⁵ Иранский опрос./<http://www.washprofile.org/ru/node/6120>

aloq" siyasətinin aparılmasının tərəfdarıdır. O, İrana qarşı hərbi kompaniyanın başlanmasının qəti əleyhdarıdır. Bununla yanaşı, Obama İranın nüvə proqramını dayandırmaq naminə bu ölkəyə qarşı sərt sanksiyaların tətbiqinin tərəfdarı kimi də çıxış edir. Bu mövqe İranın nüvə proqramı ətrafında yaranmış böhranın aradan qaldırılmasına gətirib çıxaracaqmı? ABŞ-ın yeni administrasiyasının İran siyasətində "sərt hakimiyyət" ("hard power") siyasətinin ikinci plana keçməsi və əvəzində "yumşaq hakimiyyət" ("soft power") kursunun önə çıxması fonunda nüvə probleminin həllində keyfiyyət dəyişikliyinə baş verməsi mümkündürmü? Yoxsa artıq gecdir, beynəlxalq siyasətdə İranın nüvə dövləti olması faktını qəbul edib, bu reallığın doğurduğu yeni şəraitin tələblərinə adekvat olaraq addımların atılmasının alternativini yoxdur? Bu və digər mürəkkəb suallara 2008-ci ilin dekabr ayında ABŞ-ın bir neçə aparıcı analitik mərkəzində aparılan müzakirələrdə cavab axtarılmışdır. "Nüvə İranının müvəqqəti şkalası və Qərbin dilemması" adlanan Respublikaçı neomühafizəkarların ən nüfuzlu "beyin mərkəzi" olan Amerika Sahibkarlar İnstitutunun keçirdiyi diskusiyada nüvə silahı üzərində nəzarət üzrə Viskonsin layihəsinin son 20 ildə rəhbəri olmuş professor Harri Milxolinin məruzəsi xüsusi maraq doğurmuşdur. Onun fikrincə, İranın 2-3 ay ərzində nüvə bombası hazırlamaq üçün kifayət qədər aşağı zənginlikli uran-235-ə malikdir. Ekspert MAQATE-nin 19 noyabr 2008-ci il tarixli məruzəsinə əsaslanaraq İranın artıq 425,9 kq aşağı zənginlikli uran istehsal etdiyini və malik olduğu sentrifuqlar vasitəsilə onun 2-3 ay ərzində 3,8 %-ə qədər zənginləşdirilməsi yolu ilə 16,2 kq uran-235 əldə etməsinin mümkünlüyünü qeyd etmişdir.¹⁶ Amerikalı mütəxəssisin

fikrincə, MAQATE-nin noyabr məruzəsi bir daha sübut edir ki, İran ay ərzində 48,3 kq aşağı zənginlikli uran istehsal edir və onun sonrakı zənginləşdirilməsi nəticəsində 1,8 kq uran-235 hasil olunur. Bu, o deməkdir ki, 2009-cu ilin iyun ayınadək İranın 2 atom bombası hazırlaması üçün kifayət qədər hərbi təyinatlı uranı olacaqdır. 2009-cu ilin noyabr ayına qədər isə 3 atom bombasının hazırlanması mümkündür.¹⁷ Professorun fikrincə, İran hal-hazırda atom bombasını hazırlamayacaq, yalnız kifayət qədər hərbi təyinatlı urana malik olduqdan sonra eyni vaxtda bir neçə belə silahı istehsal edəcəkdir.

ABŞ-ın BMT-də daimi nümayəndəsi olmuş Con Boltonun fikrincə, həm Prezident C.Buş, həm də yeni seçilmiş Prezident B.Obama İranın nüvə silahına malik olmasını ABŞ üçün yolverilməz hal hesab etsələr də, o artıq hər iki şəxsin mövqeyinə inanmır. Diplomət hesab edir ki, Avropa ölkələri İranın nüvə proqramının qarşısını almaq üçün vaxtında sərt və kəskin iqtisadi və diplomatik sanksiyalar tətbiq etməyi bacarmadılar. İranla bağlanmış müqavilələrdən faydalanmaq istəyi, bu ölkəni təcrid etmək niyyətini üstələmiş oldu. C.Buş administrasiyasında "qırğılar"ın fəal nümayəndəsi imicini qazanmış C. Boltonun mövqeyinə görə, İrana qarşı BMT TŞ-nin tətbiq etdiyi sanksiyaların dövrü onların səmərəsizliyi ucbatından başa çatmış hesab oluna bilər və mövcud reallıqda ən optimal çıxış yolu müharibə variantıdır.¹⁸

Diplomatın fikrincə, ABŞ-ın kəşfiyyat şəbəkəsi İranın bütün nüvə obyektlərinin yerləşmə koordinatları ilə bağlı kifayət qədər dəqiq məlumatlara malik olmadığından, müharibə başlayacağı təqdirdə həmin obyektlərin yalnız bir qismi məhv edilə bilər və bununla da rəsmi Tehranın nüvə proqramının

¹⁶ США способны сделать настоящую бомбу./ Газ. Коммерсантъ, №221 (4038), 04.12.2008)

¹⁷ Yenə orada

¹⁸ Yenə orada

reallaşması ləngidilmiş olar.

Cənab C. Bolton qeyd edir ki, hal-hazırda İsraildə hakimiyyət dəyişikliyi baş verdiyindən, bu dövlətin İrana qarşı müharibəyə başlayacağı real görünür. Beləliklə, "bu gün artıq İran ilə nüvə silahı arasında heç bir real maneə dayanmır";-deyən Amerikalı ekspertin son qənaəti belədir: "İran çox güman ki, nüvə dövləti olacaq. ABŞ bu yarış uduzdu."¹⁹

Obyektivlik naminə onu da qeyd edək ki, ABŞ-da bu mövqeyə alternativ yanaşmalar da az deyildir. Bu yanaşmalara görə, İranın regionda liderliklə bağlı ambisiyaları qəbul edilməli və bu ölkə ilə ilkin şərtlər irəli sürülmədən birbaşa danışıqlara başlanılmalıdır. Bu nəticəyə Barak Obama administrasiyasına xüsusi yaxınlığı ilə tanınan Vaşinqtonun aparıcı analitik mərkəzlərindən olan Brukinqs institutunun (rəhbəri-Stroub Telbot) və Beynəlxalq Münasibətlər üzrə Şuranın (rəhbəri-Riçard Haas) Yaxın Şərq üzrə ekspertlər qrupu gəlmişdir. Ekspertlərin il yarım ərzində regiona çoxsaylı səfərləri "Balansın bərpası: ABŞ-ın sonrakı prezidentinin Yaxın Şərqdə strategiyası" adlı 288 səhifəlik məruzənin hazırlanması ilə nəticələnmişdir.²⁰

Məruzənin İranla bağlı hissəsinin hazırlanmasında iştirak etmiş qeyd olunan mərkəzlərin aparıcı İranşünas ekspertləri Syuzan Malouni və Rey Tekeyin mövqeyinə görə, Obama administrasiyası İranla münasibətlərinə yenidən baxarkən vaxtilə Prezident Ricard Niksonun Çinlə bağlı siyasətində istinad etdiyi prinsiplərə əsaslanmalıdır. Riçard Niksonun və onun milli təhlükəsizlik məsələləri üzrə müşaviri Henri Kissincerin yanaşması ondan ibarət idi ki, güclənməkdə olan Çin dövlətini geosiyasi realıq olaraq qəbul etmək lazımdır. Məruzə müəlliflərinin fikrincə, Nikson administrasiyası Çinlə danışıqlar prosesinə başlamaqla rəsmi

Pekin Vyetnamda və ümumən Şərqi Asiyada sabitliyin təminatında köməklik göstərməsinə nail ola bildi.

Sənəddə göstərilir ki, "İslam Respublikası öz məqsədinə çatmaq üçün müharibəni yeganə vasitə hesab edən hüduzsuz ambisiyalara malik nasist Almaniyası deyildir. İran, hər şeydən əvvəl, Körfəz regionunda bilavasitə öz qonşuları arasında dominantlığa nail olmaq istəyən opportunist dövlətdir. Məhz bu realıqdan çıxış edərək İranın nüfuzlu dövlət statusunun tanınması bu ölkə ilə aparılan danışıqlar üçün model seçilməlidir və bu kontekstdə İslam Respublikasının regionda mümkün təsirlərinin çərçivəsi müəyyənləşdirilməlidir."²¹

Layihə müəlliflərinin fikrincə, nüvə İrani heç də qeyri-sabit hakimiyyətin olduğu və terrorçuların sığınacaq tapdıqları nüvə Pakistanından təhlükəli deyildir.

Sənəd müəllifləri aşağıdakı dörd istiqamət üzrə İranla danışıqların başlanılmasını təklif edirlər: ²²

1. Diplomatik münasibətlər;
2. Nüvə problemi;
3. Fars körfəzi regionunda təhlükəsizlik;
4. Ərəb-İsrail münaqişəsi.

İranşünas ekspertlər hesab edirlər ki, bu istiqamətlərin hər biri öz-özlüyündə müstəqil olmalıdır və onların hər hansı birində uğursuzluğun baş verməsi digərlərinin də eyni aqibəti yaşamasına səbəb olmamalıdır. ABŞ və İran arasında diplomatik münasibətlərin bərpası üçün hər iki tərəf konkret öhdəliklər götürməlidir. Bu istiqamətdə ən mühüm addımlardan biri kimi, ABŞ İrana qarşı tətbiq etdiyi sanksiyaları aradan qaldırmalı və İranın "dondurulmuş" hesablarını açmalıdır. Bu proses tədricən baş verməli və xüsusən rəsmi Vaşinqtonun İranda siyasi rejimin

¹⁹ Yenə orada

²⁰ США способны сделать настоящую бомбу./ Газ. Коммерсантъ, №221 (4038), 04.12.2008

²¹ Yenə orada

²² Yenə orada

devrilməsində deyil, əksinə onunla əlaqələrin bərpasında maraqlı olduğunu təsdiqləməlidir.

İranın nüvə proqramı ilə bağlı danışıqları ABŞ-ın yeni prezidenti çoxtərəfli formata aparmalı və bu zaman Kütləvi qırğın silahlarının yayılmaması haqqında müqaviləyə istinad etməlidir. İranın uranın zənginləşdirməsi prosesi ciddi təhlükəsizlik sistemi çərçivəsində (daimi olaraq MAQATE təftişçilərinin nüvə obyektlərində olması, İranın atom energetikası sahəsində tam şəffaf fəaliyyətinin mövcudluğu) məhdud imkanlar daxilində həyata keçirilməlidir. Bu istiqamətdə danışıqların aparılması prosesi üçün dəqiq zaman çərçivəsinin müəyyənləşdirilməsi də ekspertlərin irəli sürdüyü təkliflərdəndir.²³

Məruzə müəllifləri hesab edirlər ki, həm İran, həm də ABŞ hərbi-siyasi vəziyyətin Əfqanıstanda və İraqda sabitləşməsində maraqlıdırlar. Barak Obama üçün İraqda sabitliyin olması qoşunların 2011-ci ilin sonunadək bu ölkədən çıxarması üçün hava, su kimi vacibdir. İran üçün də ABŞ silahlı qüvvələrinin İraqı tərk etməsi və bu ölkədə müdafiə etdikləri şüəların dominantlığı fonunda legitim hakimiyyət strukturlarının tam olaraq formalaşması olduqca əhəmiyyətli məsələdir. Rəsmi Tehran üçün düşmən hesab edilən Səddam Hüseyin rejimindən sonrakı İraqdan ABŞ başda olmaqla koalisiya qüvvələrinin çıxarılması İranın regionun fəvqəldövlətinə çevrilmək niyyətinin reallaşması üçün olduqca əlverişli şərait yarada bilər.

Dördüncü istiqamət üzrə əsas problem ənənəvi olaraq İran və İsrail arasındakı qarşıdurma ilə bağlıdır. Layihənin iştirakçılarının mövqeyinə görə, ABŞ-ın yeni prezidenti danışıqlar prosesinin əvvəlindən başlayaraq qarşı tərəfə izah etməlidir ki, əgər rəsmi Tehran Vaşinqtonla konstruktiv münasibətlərin

inkışafında maraqlıdırsa, belə olan halda İsrailə qarşı hərbi ritorikadan imtina etməlidir. Belə davranışın mümkün nəticələrinə toxunan Riçard Haasın qənaətinə görə, əgər İran İsrailə qarşı nüvə silahı tətbiq edərsə, bu, ABŞ-ın dərhal adekvat cavab reaksiyasına səbəb olacaqdır.²⁴

Ekspertlər ümid edirlər ki, Obama administrasiyası İranın nüvə dövlətinə çevrilməsinin qarşısını ala biləcəkdir. Onların fikrincə, rəsmi Vaşinqton İranla ikitərəfli danışıqlardan savayı, "altılıq" dövlətləri (ABŞ, Böyük Britaniya, Fransa, Almaniya, Çin, və Rusiya) çərçivəsində də əlaqələrin qurulmasında və inkışafında maraqlı olmalıdır. Rəsmi Tehranın nüvə problemini həll etməyəcəyi və ABŞ ilə əvvəlki kəskin münasibətlərin qorunub saxlanması xəttini davam etdirəcəyi təqdirdə "altılıq" ölkələrinin İrana qarşı daha sərt sanksiyalar tətbiq etməsinin vacibliyi fikri də məruzədə əks olunmuş əsas tezislər sırasındadır. Məruzə müəlliflərinin digər bir maraqlı qənaətinə görə isə, neftin qiymətinin dünya bazarında düşməsi Yaxın Şərq problemlərinin, o cümlədən İran ətrafında yaranmış böhranın diplomatik vasitələrlə həlli imkanlarını artırır.²⁵

Heç şübhəsiz, ABŞ-ın İran siyasətində yaranmış yeni reallıqlar fonunda mərkəzi sual rəsmi Tehranın Vaşinqtonla münasibətlərində dəyişikliklər etməyə hazır olub-olmaması ilə bağlıdır. Hələ ki, rəsmi Tehran nüvə enerjisi ilə bağlı siyasətində ardıcıl kompromissiz mövqe nümayiş etdirməkdədir. Təsədüfi deyildir ki, MAQATE-nin rəhbəri M.ƏL-Baradeyi 2008-ci ilin 6 dekabrında verdiyi bəyanatda etiraf edir ki, İrana qarşı 5 il ərzində tətbiq edilən sanksiya və boykotlar müsbət nəticələrə gətirib çıxarmamış və beynəlxalq agentlik rəsmi Tehranın nüvə proqramı ilə bağlı

²³ США способны сделать настоящую бомбу./ Газ. Коммерсантъ, №221 (4038), 04.12.2008

²⁴ Yenə orada

²⁵ США способны сделать настоящую бомбу./ Газ. Коммерсантъ, №221 (4038), 04.12.2008

çoxsaylı məsələlərin həllində irəliləyişə nail ola bilməmişdir. MAQATE-nin rəhbərinin mövqeyinə görə, İran nüvə silahı hazırlamaq üçün lazım olan komponentlərə heç zaman bu bu günkü qədər yaxın olmamışdır.²⁶ Bu mövqe beynəlxalq ictimaiyyətə ünvanlanmış son dərəcə ciddi siqnal kimi də dəyərləndirilə bilər. Əslində İranın məlum davranışı bu dövlətin regionun fəvqəldövlətinə çevrilmək niyyətlərindən xəbər verir. Bu niyyətin reallaşdırılması üçün İranın uranın zənginləşdirilməsinin həm də hərbi komponentlərinə malik olması həyat əhəmiyyətli məsələdir. Bəs bu məqsədin reallaşdırılması istiqamətində İranın beynəlxalq təzyiqlərə baxmayaraq, təəccüb doğura biləcək inadkarlığının motivlərini necə izah etmək olar? Təhlil etməyə çalışsaq. Zənnimizcə, bu məsələdə aşağıdakı faktorların rolu danılmazdır:

1. Geosiyasi amil. İran geostrateji parametrləri baxımından olduqca mühüm və əlverişli geosiyasi arealda - Yaxın və Orta Şərqi, Qafqazın və Mərkəzi Asiyanın daxil olduğu Qərbi Asiyada yerləşir. Zəngin neft ehtiyatlarına malik Fars körfəzi və Xəzər regionu ölkəsi olması, dünyanın mühüm neft arteriyası sayılan Hörmüz boğazının burada yerləşməsi, habelə Hind okeanına birbaşa çıxışının mövcudluğu dövlətin manevr imkanlarını xeyli artırır. Dünya neft ehtiyatlarının 8 %-nə malik olan, sutkalıq neft hasilatı 3,5-4 milyon barelə çatan (ildə 180-185 milyon ton), sutkalıq neft ixracı 2,3-2,5 milyon barel civarında olan (ildə 125-130 milyon ton) İran hər il təkcə neft satışından 50 milyard ABŞ dolları həcmində qazanc əldə edir.²⁷ İran 15,1 % göstərici ilə qaz ehtiyatlarına görə Rusiyadan sonra dünyada ikinci yerdə durur. Ordu, İran İnkilabı Keşikçiləri Korpusu (İİKK),

“Bəsic” müqavimət qüvvələri və “Kods” xüsusi təyinatlı qüvvələri də daxil olmaqla ölkənin ümumi silahlı qüvvələrinin sayı 1 milyon nəfərə çatır.²⁸ Müqayisə üçün qeyd edək ki, son göstərici Rusiyada azca artıqdır. Hərbi arsenalında 1500-2500 km məsafəyədək uçuşa malik Şahab-3 raketlərinin olması İranı regionun həm də güclü raket dövlətinə çevirmişdir.²⁹

Heç şübhəsiz, sadalanan amillər İranın beynəlxalq təzyiqlərə adekvat reaksiyasında az rol oynamır.

2. Hərbi-siyasi amil. İran İslam Respublikası əslində “böyük şeytan” adlandırdıqları ABŞ-ın hərbi bazalarının yerləşdiyi və ya bu istiqamətdə fəaliyyətin həyata keçirildiyi ölkələrin əhatəsindədir. Daha dəqiq desək, İran qərbdən İraq, şərqdən Əfqanıstan, cənubdan isə Fars körfəzinin ərəb ölkələri ilə əhatə olunubdur. Şimalda Gürcüstan birmənalı olaraq, ABŞ-ın strateji tərəfdaşdır. Fars körfəzinin digər sahilində yerləşən Səudiyyə Ərəbistanı və Birləşmiş Ərəb Əmirlikləri şübhə İranın nüvə dövlətinə çevrilməsi perspektivinə region üçün olduqca təhlükəli bir hadisə kimi yanaşırlar.³⁰ Təsədüfi deyildir ki, Fars körfəzi regionunun nüfuzli elmi-tədqiqat mərkəzi olan Dubay Strateji Araşdırmalar İnstitutunun mövqeyinə görə, Fars körfəzi ölkələri İranın nüvə dövlətinə çevrilməsi və ya bu niyyətin qarşısının alınması naminə onun bombalanması dillemması qarşısında qalarlarsa ikinci halı dəstəkləməlidirlər. Nəhayət, İran terminologiyasında “kiçik şeytan” adlandırılan İsrailin nüvə silahına malik olması rəsmi Tehran üçün birbaşa təhdid hesab olunur və bu dövlətin məlum davranışının vektorunun müəyyənləşdirilməsində xüsusi çəkiyə malikdir.

²⁶ Об изменениях в военно-политической обстановке на Ближнем Востоке и в Северной Африке (1-7 декабря 2008 года.)//<http://www.iimes.ru>

²⁷ Левковская И.А. Нефтегазовый комплекс Исламской Республики Иран./<http://www.iran.ru>

²⁸ Вести из Ближнего зарубежья //Россия и мусульманский мир, 2005, №3, с.153 (с.152-155)

²⁹ Вести из Ближнего зарубежья //Россия и мусульманский мир, 2005, №3, с.153 (с.152-155)

³⁰ Мамед-заде.П.Н. Мусульманские страны о политическом кризисе вокруг вокруг “ядерного досье” Ирана./<http://www.iimes.ru/rus/stat/2006/29-05-06a.htm>

3. Milli-psixoloji amil. İran İslam Respublikası antik dünyanın təxminən yarısına qədərini əsarətdə saxlamış Fars imperiyasının varisidir. Bu baxımdan İran 2500 ildən artıq dövlətçilik ənənəsi olan ölkə olaraq psixoloji baxımdan imperiya təfəkkürünün daşıyıcısı kimi də çıxış edir. Təqribən son altı əsr ərzində İran mənəvi və dini baxımdan dünya şüəliyinin mərkəzi funksiyasını yerinə yetirməkdədir. Bu tarixi reallıqların bilavasitə təsiri altında əsrlər ərzində məğrur və kompromissiz şüə iranlılarının mentaliteti formalaşmışdır. Bu qan yaddaşı və genlərlə nəsilərə ötürülür. Müasir dövrümüzə imperiya millətçiliyinin və şüə əlahiddəliyinin unikal harmoniyasının məhsulu olan fars milli psixologiyası artıq siyasi faktora çevrilmişdir. Bu reallıq İranın məlum kompromissiz davranışını şərtləndirən ciddi amil sayıla bilər.

Elə məhz həmin kompromissiz davranışın bilavasitə nəticəsi olaraq BMT TŞ 2008-ci il 3 mart tarixində İrana qarşı 1803 №-li sayca dördüncü qətnaməsini qəbul etdi.³¹ Qətnamə üç ay ərzində İrana uranın zənginləşdirilməsinin dayandırılması ilə bağlı BMT və MAQATE-nin bütün tələblərini yerinə yetirmək imkanı verirdi. BMT TŞ-nin İndoneziya istisna olmaqla 14 üzvü qətnamənin qəbulunun lehinə səs verdi. Sənəd İrana qarşı tətbiq olunan iqtisadi sanksiyaların dairəsini bir qədər də genişləndirdi. Belə ki, qətnamə İranın raket-nüvə proqramı ilə əlaqəsi olan daha 18 şəxsə və 12 şirkətə qarşı sanksiyaların tətbiqini (xaricə səfərlərə və aktivlərə qarşı qadağalar) nəzərdə tuturdu. Sənəddə həmçinin İranla bağlı şübhəli bilinən yüklərin təftiş edilməsi, xüsusilə də bu ölkə ilə maliyyə əməliyyatları zamanı son dərəcə ehtiyatlı davranılmasının

vacibliyi tövsiyə olunurdu. Bu kontekstdə sanksiyaları pozan banklar olaraq "Banke-Melli"-nin və "Banke-Saderat"-ın adı xüsusi olaraq hallanırdı.³²

Qəbul edilmiş yeni qətnamə İran rəhbərliyinin kəskin etirazına səbəb oldu. Prezident Mahmud Əhmədinəcat qətnaməni "Təhlükəsizlik Şurasının nüfuzuna qarşı atılmış güllə" kimi qiymətləndirdi. Yeri gəlmişkən, onu da qeyd edək ki, hələ qətnamənin qəbulundan bir qədər əvvəl İspaniya qəzeti olan "Elpais"-in müxbirinin "növbəti sanksiyaları nəzərdə tutan sənəd qəbul edildiyi təqdirdə siz nə edəcəksiniz" sualına İran prezidentinin cavabı belə olmuşdu: "Əvvəlki qətnamələrin qəbulu zamanı nə etmişdiksə, indi də onu edəcəyik".³³

Prezident Mahmud Əhmədinəcat ölkəsinin nüvə proqramından belə təzyiqlər nəticəsində imtina etməyəcəyini sonrakı praktiki davranışı ilə də təsdiqlədi. Təsadüfi deyildir ki, İrana qarşı BMT TŞ-nin 2008-ci il sentyabrın 27-də qəbul etdiyi³⁴ ciddi xəbərdarlıq mahiyyətli, lakin Rusiya və Çinin tutduğu fərqli mövqe nəticəsində sanksiyaların tətbiqini nəzərdə tutmayan 1835 №-li beşinci qətnaməsinin taleyi də əvvəlkilərdən seçilmədi.

Beləliklə, apardığımız təhlillər və araşdırmalar İranın nüvə proqramı ətrafında yaranmış böhranın kifayət qədər ciddi və mürəkkəb olduğunu təsdiqləyir. Problemin həllinin konkret universal resepti hələ ki, tapılmayıbdır. Axtarışlar isə davamlı olaraq aparılmaqdadır. Bəs azərbaycanlı tədqiqatçı olaraq biz problemin həlli yolları ilə bağlı hansı mövqeni ortaya qoya bilərik? Zənnimizcə, nüvə proqramı ilə bağlı ABŞ-İran qarşıdurmasının müasir vəziyyəti onun tənzimlənməsinin iki versiyasını mümkündür:

³¹ Security Council tightens restrictions on Irans proliferation-sensitive nuclear activities increases vigilance over Iranian banks, has states, inspect cargo/http://www.un.org/news/Press/docs/2008/sc.9268.doc.htm

³² Security Council tightens restrictions on Irans proliferation-sensitive nuclear activities increases vigilance over Iranian banks, has states, inspect cargo/http://www.un.org/news/Press/docs/2008/sc.9268.doc.htm

³³ Тер-Оганов.Н.К Очередная резолюция Совета Безопасности ООН по Иранской ядерной программе и реакция Ирана./http://www.iimes.ru/rus/stat/2008/10-03-08a/htm

³⁴ Новая резолюция ООН по Ирану подтверждает старую санкции /http:// www.cbc.ca/world/story/2008/09/27/iran-sanctions.html

1) İranın nüvə dövləti çevrilməsi faktı doğura biləcəyi bütün nəticə və fəsadlar nəzərə alınmaqla beynəlxalq birlik tərəfindən qəbul olunur;

2) İran BMT TŞ-nin məlum qətnamələrinin yerinə yetirilməsinə məcbur edilir.

Son variantda problemin həllinin 2 yolu və hər yolun müvafiq olaraq 2 istiqamətini göstərmək olar :

a) "Qoğal":

- Nüvənin zənginləşdirilməsini dayandırmasının əvəzi olaraq İran maliyyə-iqtisadi və texnoloji yardımlarla təmin olunur;

- İranın milli təhlükəsizliyinin qorunmasına beynəlxalq təminat verilir.

b) "Qamçı":

- İran beynəlxalq birlik tərəfindən daimi olaraq kəskin maliyyə-iqtisadi sanksiyalarına məruz qoyulur;

- Hərbi aksiya tətbiq olunur. Bu aksiya da formaca müxtəlif ola bilər.

Zənnimizcə, "Qoğal" versiyası İranla bağlı o qədər də təsiredici sayıla bilməz. İran heç də Şimali Koreya deyildir. İran varlı ölkədir və belə "dilatutmalarla" məğrur iranlıların ipə-sapa yatacaqlarını proqnozlaşdırmaq çətindir. Burada mentalitet məsələsinin də rolu danılmazdır. Yuxarıda qeyd etdiyimiz kimi, müasir İranda fars imperiya millətçiliyinin və şüə özünəməxsusluğunun hibridi siyasi faktor statusuna yüksəlmişdir. Zənnimizcə, İranın ambisiyalılığının və "nüvə inadkarlığı"nın qıllaflanmış motivlərini daha çox məhz burada axtarmaq lazımdır. Hər halda, hələlik İran belə təsir bağışlayır.

Digər tərəfdən, güc aksiyaları da regional, bəlkə də global fəlakətlərə gətirib çıxara bilər. Bu müharibənin hipotetik fəlakətli nəticələri haqqında çox söz demək olar. Beləliklə, bu variantın tətbiq edilməsini də məqbul saymaq olmaz. Bəs onda hansı variant formalaşmış

şəraitdə optimal hesab oluna bilər?

Cavabımız belədir: Davamlı olaraq kəskinləşdirilən maliyyə-iqtisadi sanksiyalar İranın "nüvə proqramı"nın həllində kəsərlə rol oynaya bilər. Fikrimizi əsaslandırmağa çalışaq.

Bu, bir həqiqətdir ki, İran iqtisadiyyatı böhran dövrünü yaşayır. Bunun əyani nümunəsi kimi, 2007-ci ilin yayında ölkədə baş vermiş benzin böhranını qeyd edə bilərik. Nəticədə İran paytaxtında benzin satışının talon sistemi ilə həyata keçirilməsi ölkədaxili sabitliyin pozulması ilə müşayiət olundu. Onu da qeyd edək ki, ölkədə il ərzində 65-67 milyon litr benzin istifadə olunur.³⁵

Böhranın nəticəsi olaraq hökumət benzinin istifadəsi ilə bağlı yeni məhdudlaşdırıcı qaydalar tətbiq etmək məcburiyyətində qalmışdır. Belə ki, yeni qaydalara əsasən avtomobil sahibi ay ərzində yalnız 120 litrdən artıq olmamaqla 1000 reala (10 sent) benzin ala bilər. Bu normadan artıq istifadəyə görə əvvəlkindən bir neçə dəfə baha bazar qiymətləri ilə ödəniş həyata keçirilməlidir.³⁶

İqtisadçılar, o cümlədən İran ekspertləri şübhə etmirlər ki, böhran Əhmədinəcat hökumətinin iqtisadi, o cümlədən nüvə sahəsində yeritdiyi səriştəsiz siyasətin nəticəsində yaranmışdır. Məhz İran rəhbərliyinin "nüvə siyasəti" ölkənin təcridinə gətirib çıxarmışdır.

Bu, hər şeydən əvvəl, iqtisadiyyata mənfi təsir göstərir. 2007-ci ildə ölkədə inflyasiya 16% təşkil etmişdir (bəzi ekspertlər 18-20% qeyd edirlər). Müqayisə üçün bu göstərici 2006-cı ildə 12% olmuşdur. Ümumdünya bankının məlumatına görə İranda işsizlik 30% təşkil edir.³⁷

İranın bank sistemi də ağır böhran içindədir. BMT TŞ-nin 1747 nömrəli qətnaməsi İranın nəhəng "Sepax" bankını dağılma həddinə

³⁵ Сажин.В.И. Иран: ноябрь 2008 года. Экономическая ситуация ./http://www.iimes.ru/rus/frame_stat.html

³⁶ Yenə orada

³⁷ Сажин.В.И. Иран: июль 2008 года. Экономическая ситуация ./http://www.iimes.ru/rus/frame_stat.html

gətirib çıxarıbdır. Bundan savayı, "Melli", "Sədarət" və "Milliyyət" kimi banklar da sanksiyaların nəticəsi olaraq böhran içindədir. Bu prosesin digər dövlət və özəl banklarına yayılacağı da istisna olunmur.³⁸

Artıq Almaniyanın "Deutsche Bank", "Kommers Bank" və Drezden bankı, 3 Yaponiya bankı, habelə dünyanın nəhəng bankları olan UBS və HSBC İrana məxsus hesabları bağlamaq xəttini seçibdir. Neft gəlirlərindən son dərəcə asılı olan İran iqtisadiyyatı üçün belə bank - maliyyə sanksiyaları son dərəcə təsirlidir. Ölkədə qəbul olunmuş 5 illik (2005-2010) plana əsasən, yeni neftayırma zavodlarının tikintisinə 28 milyard dollar civarında xarici investisiyanın cəlb olunması nəzərdə tutulmuşdur.³⁹ Reallıqda isə ildə bir milyard dollar həcmində investisiya daxil olmaqdadır. Deməli, xarici investorlar üçün İranın cəlb olunma səviyyəsi kəskin aşağı düşmüşdür.

İranın "Pars Oil and Gas Company"nin direktoru Əkbər Torkanın bu yaxınlarda səsləndirdiyi fikirlər də neft sənayesində ciddi problemlərin olduğundan xəbər verir. Onun fikrincə, köklü modernləşmə olmasa İranda hər il neft hasilatı 5% aşağı düşəcək.⁴⁰ Xüsusilə də dünya maliyyə-iqtisadi böhranının bilavasitə nəticəsi olaraq neftə tələbatın kəskin azalması 2008-ci ilin iyul ayında bir bareli 147 dollara satılan "qara qızıl"ın ilin sonunda 40 dollardan da aşağı qiymətə düşməsinə səbəb olmuş, bu isə öz növbəsində büdcə gəlirlərinin 80%-i neftin ixracı hesabına təmin olunan İran iqtisadiyyatı üçün olduqca ciddi problemlər yaratmışdır. Beynəlxalq maliyyə institutlarının mövqeyinə görə, İranda ciddi büdcə kəsirinin yaranmaması üçün ölkənin nefti 90 dollardan

aşağı qiymətə satılmamalıdır.⁴¹

Artıq "Siemens", "Shell", "British Petroleum" kimi nəhəng xarici kompaniyaların İranda öz fəaliyyətlərini dayandırması daha kiçik şirkətlərin də anoloji xətti seçməsinə səbəb olmuşdur.

Almaniyanın kansleri Anqela Merkelin Avropa İttifaqı ölkələrini İrana qarşı beynəlxalq sanksiyaların tərkib hissəsi olaraq bu ölkə ilə ticarət əlaqələrinin məhdudlaşdırması məsələsinə baxılması çağırışını Tehran üçün təhlükəli simptom kimi dəyərləndirmək olar. Təsadüfi deyildir ki, İranın iri partnyorları sırasında 2-ci yedə duran Almaniya 2007-ci ilin birinci yarımilində bu ölkə ilə ticarət əlaqələrini 18% aşağı salıbdır. Britaniya-İran Ticarət Palatasının məlumatına əsasən, 2007-ci il ərzində Böyük Britaniyadan İrana ixracın həcmi 7% aşağı düşmüşdür.⁴²

İranın rəsmi şəxsləri bu vəziyyətlə bağlı ya zahiri təmkinə üstünlük verir, ya da sanksiyaların İran kimi ölkə üçün təsirsiz olduğunu bəyan edirlər. Düşüncülər ki, 12 % həcmində İran neftinin alıcısı olan Cin Xalq Respublikası formalaşmış reallıqda Avropa Birliyini əvəz etmək iqtidarındadır. Lakin bu halda da İranın optimizmi uzunmüddətli ola bilməz. 2007-ci ilin noyabrında ABŞ-ın müdafiə naziri Robert Qeytsin Pekinə səfəri zamanı İran mövzusunun xüsusi müzakirə predmeti olması, bundan savayı Cinin son dövrlərdə Mərkəzi Asiyada, Afrikada və Latin Amerikasında yeni neft yataqlarının istismarında fəallıq göstərməsi onun qeyri-sabit Yaxın Şərq regionu neftindən asılılığı azaltmaq niyyətindən xəbər verir.⁴³

Heç şübhəsiz, Çin də Avropa İttifaqı ölkələri kimi İranda münasibətlərində ABŞ faktorunu

³⁸ Yenə orada

³⁹ Stewart. D. The Middle East today. Georgia State University, 2008, p.87(p244)

⁴⁰ Yenə orada

⁴¹ Сажин.В.И. Иран: ноябрь 2008 года. Экономическая ситуация. /http://www.iimes.ru

⁴² Jacqueline S. Ismael, Tareq Y. Ismael. Government and politics of the contemporary Middle East. Continuity and change. University of Calgary, Canada, 2008, 78p, (400pp)

⁴³ Baxter K, Akbazardeh Sh. US foreign policy in the Middle East. The roots of anti-Americanism. University of Melbourne, Australia, p.109 (208 pp.)

mütləq nəzərə alır. Rəsmi Vaşinqton İranın ticarət-iqtisadi partnyorlarına qarşı antiiran məşinini işə salıbdır. Bu, Tehranın Qərbdə və Şərqdə olan tərəfdaşlarını dərinədən düşünməyə vadar edir. Onlar şox gözəl başa düşürlər ki, İrandan getməklə itirdikləri, ABŞ bazarında qalmaqla qazandıqlarından çox-çox az olacaqdır.

Beləliklə, İranın 2008-ci ildə üzləşdiyi üzücü quraqlığı və deməli, labüd məhsulsuzluğu da bura əlavə etsək, ölkənin mövcud vəziyyətinin, bir qədər yumşaq desək, ürəkaçan olmadığı qənaətinə gəlmiş olarıq. Hətta bu vəziyyətin özündə də İran rəhbərliyinin beynəlxalq təzyiq altında kompromisə gedəcəyi ağlabatan görünür. Belə olduğu təqdirdə, zənnimizcə, İrana qarşı ən effektiv təsir vasitəsi iqtisadi, ilk növbədə maliyyə sanksiyalarının gücləndirilməsi ola bilər.

Davamlı təzyiqlərin İran iqtisadiyyatını tam iflic vəziyyətinə gətirib çıxardığı "X" həddində və bunu ölkə rəhbərliyinin də daha ört-basdır etməsinin mümkünsüzlüyü fonunda artıq məhz "Goğal" problemin həllinin ən optimal yolu ola bilər. Bu vəziyyətdə İrana təklif olunan maliyyə-iqtisadi və texnoloji yardımlar, xüsusilə də mövcud rejimin saxlanılmasına təminatın verilməsi qarşı tərəfin "nüvə inadkarlığı buzu"nun əriməsi ilə nəticələnmə bilər.

Haqqında bəhs etdiyimiz addımlar xaotik, qeyri-mütəmadi, qeyri-sərt və koordinasiya olunmadan həyata keçirilsə, İranın nüvə ambisiyaları keyfiyyətcə yeni mərhələyə keçəcək, belə olduqda isə ABŞ-ın və ya İsrailin əsəbləri tab gətirməyə bilər və regionda dəhşətli müharibənin başlanması labüdləşər. Bu halda mümkünlüyünə böyük şübhə ilə yanaşdığımız müharibə ssenarisi iki versiya üzrə reallaşa bilər:

I versiya - İranın nüvə obyektləri və raket-müdafiə sistemlərinə qarşı məhdud hərbi aksiya;

II versiya - İranın ABŞ silahlı qüvvələri tərəfindən işğalı. Bu variant ən azı ABŞ-ın Əfqanıstanda və İraqda uğurunu təmin etmədiyindən, əksinə rəsmi Vaşinqton üçün olduqca çətin və mürəkkəb problemlər yaratdığından mövcud şəraitdə adekvat addım sayıla bilməz.

Zənnimizcə, müharibə versiyasının qaçılmaz olduğu təqdirdə ABŞ üçün hərbi əməliyyatlar prinsipial olaraq ən azı iki vəzifənin yerinə yetirilməsinə xidmət göstərə bilər:

- İranın nüvə infrastrukturunu və raket-müdafiə sisteminin məhv edilməsi;

- İranın "assimetrik cavab" potensialının minimuma endirilməsi. Başqa sözlə, bu halda ilk olaraq İranın əsas hərbi, siyasi və kəşfiyyat-diversiya obyektlərinin, xüsusilə İran İnkilabının Keşikçiləri Korpusunun və "Hizbullah"ın hərbi potensialının, o cümlədən rəsmi Tehranı müdafiə edə biləcək digər terrorçu qruplaşmaların ləğv edilməsi həyati əhəmiyyətli məsələyə çevrilə bilər.

Hərbi əməliyyatların səmərəlilik əmsalı aşağıdakı komponentlərin hansı səviyyədə reallaşdırılmasından asılı olaraq müəyyənləşə bilər:

-İri miqyaslı hərbi əməliyyatların tək cə İrana qarşı deyil, yüksək koordinasiya səviyyəsində paralel olaraq Yaxın Şərqdə, Avropada və ABŞ-da terrorçu qruplara qarşı aparılması;

-Bu kompaniyanın intensivlik səviyyəsinin kifayət qədər yüksək olması. Başqa sözlə, İran rəhbərliyinin ilk bombalamalardan sonra özünə gələ bilməməsi və assimetrik zərbələrə adekvat cavab vermək halında olmamasının təmin edilməsi .

ABŞ-ın məxfi əməliyyatlar keçirməsi və antihökumət qüvvələrini müdafiə etməsi versiyasını da hesabdan silmək olmaz.

ABŞ-ın İran probleminin həllində həmçinin məşhur "Liviya variantı"na üstünlük verməsi versiyası da hadisələrin ölkədaxili inkişaf trayektoriyasından asılı olaraq mümkündür.

О Мировых Политических Процессах Современности и Приоритетах Политологического Образования

Наталья Стеркул*

В эпоху углубления глобализационных процессов мировая политика становится все более противоречивой и сложной. Изменяется структура и усиливается взаимозависимость, происходящих в мире процессов, явлений и тенденций. Появляются, расширяются и модернизируются организации, союзы, объединения, ассоциации. Идет процесс образования нового мирового порядка, и намечаются контуры его конфигурации. С одной стороны, наблюдается усиление позиций государств и союзов, выявление новых акторов международных отношений и мировой политики, возрастание значимости международных политических институтов, распространение демократии, а с другой, - применение политики двойных стандартов, вмешательство отдельных государств во внутреннюю политику других стран, ограничение суверенитета, интервенции, ужесточение миграционных законов.

Все большую обеспокоенность вызывает усугубляющийся мировой финансовый кризис, который постепенно приобретает всеобъемлющий характер и влечет за собой обострение проблем глобального масштаба. Опираясь на ретроспективный анализ истории мирового развития, следует отметить, что национальная денежная единица США, выполнявшая функцию международной валюты, управлявшая потоками финансового капитала практиче-

ски во всем мире и являвшаяся фактически основой системы свободного перемещения капитала в XX веке характеризуется нестабильностью. Вопрос о смещении всемирного центра концентрации капитала из одной географической точки в другую, т.е. о появлении новой ведущей финансовой силы мира является предметом исследований и обсуждений всего международного научного сообщества.

В этих условиях обострилась необходимость качественного исследовательского анализа происходящих событий в мире политики и, как следствие, появилась необходимость повышения уровня подготовки специалистов в этой сфере. Высококвалифицированные кадры в области международных отношений и политологии являются одним из ключевых условий для успешного противостояния вызовам и угрозам современности.

Идея систематизированного политологического образования по мере своего развития способствовала значительному профессиональному росту политологов. Стали разрабатываться проекты по повышению их квалификации, специализации, обмену опытом. Поднимались и постепенно решались вопросы, связанные с формированием системы политологического образования с последующим селекционным отбором лучших политологов-аналитиков. Это позволяло изучать актуальные политические

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проблемы и тенденции, строить прогнозы на основе методологической базы политической науки. Тем самым расширять и обогащать предмет ее исследования.

В последние годы, количество политологов, занимающихся изучением реалий политики, значительно возросло. Выделились многие исследователи, по праву заслужившие широкое признание и известность. Их работы регулярно публикуются и охотно читаются мировым сообществом. Увеличилось число молодежи, вовлеченной в изучение политических процессов и явлений. Это объясняется расширением институциональных образований, занимающихся подготовкой политической элиты, политологов и государственных служащих, произошедшим в результате обострения интереса к политической науке. В ее рамках выделились некоторые новые направления, стали носить системный характер прикладные исследования, дефицит которых, тем не менее, по-прежнему вызывает беспокойство научного сообщества особенно на постсоветском пространстве. Сложилась научная школа, возрос профессиональный уровень специалистов, участились взаимоотношения между политиками, политологами и некоторыми политологическими учебными центрами, появилась необходимость в расширении масштабов подготовки профессионалов.¹

Западная политология, несмотря на наличие, определенных проблем, шагнула далеко вперед по сравнению с постсоветским пространством, где данная наука в качестве самостоятельной дисциплины начала свое становление и развитие относительно недавно, что обусловлено некоторыми историческими предпосылками и особенностями развития политологической мысли.

На территории постсоветского пространства, остались не решенными многие старые проблемы в этой области, особенно это касается, государственной апатии к проблемам науки. Сохраняется минимальное финансирование правительствами стран потребностей научного сектора, потеряны наработанные научные связи прежних лет, наблюдается резкий отток высококвалифицированных специалистов из научно-исследовательского сектора. Отсутствует механизм практической реализации достигнутых договоренностей в сфере политологического сотрудничества в рамках СНГ. Вместе с тем, следует отметить понимание значимости развития новых образовательных систем в различных областях, создание инновационных альянсов, обмена опытом и идеями в сфере управления образованием и т.д.

С развитием политической науки и расширением политологического образования, обозначились некоторые новые проблемы, тормозящие профессиональное совершенствование специалистов. Уже сейчас ощущаются разные уровни подготовки политологов. Современные исследователи отмечают, что разрыв между ними довольно солиден и труднопреодолим. Это ставит под сомнение, как качество политологической деятельности в настоящее время, так и передачу накопленных ранее знаний новым поколениям.

Наблюдаются тенденции расширения полномочий политологов, что вызывает двойное отношение научного сообщества. Однако, эта проблема неоднородна, поскольку возможности политики все чаще сводятся к использованию политических технологий, т.е. фактически к умению манипулировать общественным мнением. Политические образы чрезвычайно тесно

¹ Многоликая глобализация. Культурное разнообразие в современном мире. Под ред. П. Бергера. (Москва: издательство Аспект пресс, 2004) стр. 2-6.

связаны с определенными ожиданиями и установками. Для того чтобы проанализировать степень востребованности того или иного политика, необходимо изучить идеалы массового сознания и особенности их восприятия различными группами населения в конкретный промежуток времени. Авторитетные заявления, звучащие от имени политологического сообщества на телевидении, зафиксированные на страницах периодической печати очень часто поднимают вопросы о хорошем и плохом манипулировании. В этом контексте мощная инструментальная составляющая профессии политолога становится уязвимой, так как манипулирование противопоставлено требованиям демократического развития. Политик должен мыслить категориями выборов, а государственный деятель – категориями государственных интересов. Особенно важную роль в этом вопросе играют морально-этические качества, которые определяют профессиональную культуру политолога. Залог успешного развития любого общества кроется в сфере реализации системы государственных интересов. Вне понимания этой задачи любой политолог, эксперт, политический консультант продемонстрирует свою профессиональную несостоятельность.

Опыт стран в частности тихоокеанского региона убедительно свидетельствует, что творческое прочтение западного опыта и его использование с учетом специфики характерной для стран постсоветского пространства является весьма продуктивным. Поэтому, по мнению автора, важнейшим элементом современного политического мышления является культурологическая оценка политологических перемен эпохи. Чувство национальной традиции представ-

ляет собой незаменимую составную часть профессиональной интуиции политолога, обязанного уметь адаптировать понятийный аппарат теории. Современный политолог, как и современный человек, вообще, постоянно пребывает в ситуации на “рубеже культур” перманентного социокультурного диалога. Его творческое напряжение связано с напряжением между двумя полюсами: сферой цивилизационных универсалий – единых пространств современного мира – и сферой нередуцируемой социокультурной специфики. Примкнув к одному из полюсов, исследователь теряет качество накопления собственного опыта, а это ведет к застою творческой личности в научном и в гражданском качестве. В этой связи следует отметить важность изучения динамики институционального и политикокультурного развития, в частности проблему воспроизводства институтов и культурных ориентаций.²

В современном непредсказуемом мире, когда в политике зачастую эмоции берут верх над разумом, а различные идеологические мифы и догмы становятся для некоторых чуть ли не руководством к действию, политологам отводится особая ниша. Роль интеллектуальной элиты в выработке возможных вариантов решения существующих проблем всегда была велика. Сегодня в свете современных угроз и вызовов она выглядит еще значимее. Очевидно, что терроризм и экстремизм, наркотрафик, нелегальная миграция, трансграничная преступность и другие глобальные угрозы в последнее время становятся привычными спутниками жизни международного сообщества и находятся в центре внимания не только спецслужб и политиков, но и всех, кто чувствует свою ответственность за бу-

² М.Авдотьева “Политико-культурный и институциональный подходы к политическим изменениям (воспроизводство институтов и политико-культурных ориентаций)”. Журнал Вестн. Моск. Ун-та. Серия 12. Политические науки, 2006, №3, стр.107.

дущее человечества. Ясно и то, что только силовыми акциями такие масштабные проблемы не решить. Нужен принципиально иной подход в определении основ безопасности современного мира. Его новизна обуславливается, в первую очередь, тем, что в третьем тысячелетии, к сожалению, не просто сохраняется актуальный характер проблем, но и, как мы уже убедились на примере трагических событий в разных странах, имеет место их возрождение в виде новых феноменов, создающих ситуацию геостратегической нестабильности. Осознание масштабности и серьезности этих угроз повлекло за собой необходимость их всестороннего изучения и анализа общественными науками, в том числе и политологией, а также усовершенствования политологического образования.

Непрерывное требование улучшения эффективной подготовки политологов состоит в обеспечении фундаментальности университетского образования. Некоторые ученые отмечают, что для успешного развития научного сообщества политологов важно выработать систему взаимодействия и взаимной поддержки между лидерами политологии – наиболее продвинутыми институтами, группами, отдельными исследователями и преподавателями, чтоб задавать моральный и интеллектуальный тон. Необходимо внедрение в преподавание современных теоретических подходов и приоритетных аналитических моделей. Должна быть усилена поддержка образовательных программ. Рекомендуется включение в учебные программы новых курсов, отражающих специфику нынешнего этапа развития мира политики и политической науки. Это представляется особенно актуальным в свете усиливающегося мирового финансового кризиса, в условиях которого государствам предсто-

ит не только искать пути выхода из обозначившихся экономических проблем, но и попытаться извлечь выгоды из сложившейся ситуации. По мнению аналитиков и экономистов это представляется возможным в банковском секторе и торговле, поскольку ожидается появление новых конкурентоспособных компаний и новых грандов мирового рынка, что неизбежно повлечет за собой смену ведущих игроков в международной системе. Так, у политически и экономически сильных государств появятся шансы закрепить за собой право называться лидерами. В связи с этим, целесообразно отметить, что проводящиеся реформы в сфере образования должны помочь избежать негативных последствий кризиса посредством поддержки государствами создания новых рабочих мест, налогового стимулирования инноваций, переподготовки кадров.

Таким образом, для ответа на глобальные вызовы и угрозы, экономика, основанная на знаниях и, требующая разработки инновационных образовательных программ становится необходимой. В итоговом документе саммита группы восьми "Образование для инновационных обществ в XXI веке" от 16 июля 2006 года отмечается важность поддержки модернизации образования для того, чтоб оно в большей степени соответствовало потребностям глобальной экономики, укрепляло основы демократического общества и уважение к законности. "Образование, совершенствование профессиональных навыков и генерация новых идей являются залогом развития человеческого капитала и основной движущей силой экономического роста и рыночной эффективности, а также источником сплочения всех государств. Развитие глобального инновационного общества зависит от мобильности и интеграции людей, знаний и технологий во всех госу-

дарствах".³ Особое внимание отведено созданию современных эффективных систем образования, а также поощрению политики и инвестиций в сфере образования.⁴

Сегодня на рынке профессиональных услуг востребованы преимущественно новые специальности: политический управленец, советник, независимый эксперт, политический журналист, политтехнолог. Выбрать политологическую специализацию, найти свой профиль в соответствии с традициями университета и особенностями регионального развития – задача не из легких. Особое внимание должно уделяться подготовке политологов-международников, взаимосвязи между характерными для современности пересечениями внутренней и внешней политики. Политологи должны уметь анализировать постоянно меняющуюся реальность и выявлять перспективы последующего развития. В этом контексте вопросы о соотношении теоретических и прикладных основ в политологическом образовании особенно актуальны.

Анализируя мировой опыт, накопленный в этой области, следует отметить, что важными условиями совершенствования учебных курсов и подготовки соответствующих учебных изданий должны стать включение в них современных методических инструментов – кейсов, письменных тестов, тем для самостоятельных работ (эссе), фрагментов хрестоматийных тестов и новейших исследовательских работ. Все они должны составляться с учетом особенностей специализации. Грамотный подход в этом направлении будет способствовать профессиональному росту специалистов не только в рамках стандартных, общепризнанных дисциплин, но и в утвержденных

курсах узкого профиля.

Остро стоит вопрос о языке политологии, который широко используется в СМИ, преподавании, оценках событий государственными чиновниками. Языковой инвентарий является частью данной науки, его правильное использование играет первостепенную роль, особенно при подготовке специалистов.

Таким образом, достижения науки и внедрение передовых технологий открывают невиданные возможности решения главной для каждого государства задачи – обеспечение устойчивого развития и процветания. Основными направлениями в процессе усовершенствования модели политолога должны стать выработка международных основ и форм научного сотрудничества; усиление роли государств при поддержке и стимулировании политологического развития и многостороннего обмена опытом; разработка национальных и межгосударственных программ по политологии; усиление прикладного характера исследовательской базы; повышение эффективности и качества университетских учебных программ.

Создание системы международного сотрудничества политологов является особенно важной для научного сообщества и его будущего. Принимая конкретные меры по усовершенствованию модели политолога на международном уровне, государства добьются значительного повышения конкурентоспособности национальной подготовки специалистов в этой области знаний.⁵ Интеллектуальное развитие, создание специализированных центров, переработка информации на глобальном уровне ведут к интеллектуализации мыш-

³ Документы саммита "Образование для инновационных обществ в XXI веке". Итоговый документ саммита "группы восьми" Санкт-Петербург, 2006, <<http://g8russia.ru/docs/12.html>>

⁴ Там же.

⁵ Г. Рунак, В. Козма "Вклад московского государственного университета им. М.В. Ломоносова в подготовку специалистов Республики Молдова" (Кишинев: издательство USM, 2005), стр. 234.

ления. Это означает, что мышление как социальное явление становится коллективной профессиональной деятельностью мирового сообщества, включающей в себя различные организации, службы, центры. Вместе они образуют единую глобальную сеть совместно работающих коллективов.⁶ Постановка конкретных задач, разработка стратегий и проведение реформ по поднятию уровня профессионализма политологов дадут позитивные результаты. В нынешних условиях исторического развития укрепление интеллектуальной, финансовой и материальной базы в целях создания более динамичной и стабильной образовательной и научной деятельности является чрезвычайно важным.

Структура современной науки все более усложняется и сегодня уже можно выявить стремление многих государств построить унификацию знаний. Доказательством этого является Болонский процесс, суть которого состоит в проведении реформ в системе высшего образования европейских стран. Болонская Декларация по созданию к 2010 году единого европейского образовательного пространства стала основополагающим документом для многих государств желающих модернизировать сферу образования и науки. Это повлекло за собой необходимость широкого общественного и экспертного обсуждения проблем, связанных с этим процессом. Существующие реалии мирового развития привели общественность к пониманию важности совершенствования содержания и организации образовательной системы.⁷

Целостность и единство в сфере обра-

зования способны служить на благо человечеству. Именно поэтому, сегодня уделяется особое внимание сотрудничеству в этой области, разрабатываются стратегии и политики развития образовательной системы, тщательно анализируются проблемы и разрабатываются проекты ее модернизации и на международном уровне.

Республика Молдова уже осуществила первые шаги в направлении создания единого европейского образовательного пространства.⁸ В нашей стране был создан специализированный Центр Университетских Стратегий и Технологий ПРО БОЛОНЬЯ, призванный стимулировать модернизацию высшего образования Республики Молдова; внедрение в высшее образование европейских образовательных стандартов и академических зачетных единиц; применение современных технологий в области науки и просвещения и т.д. Регулярно проводятся семинары, съезды, конференции, исследуется опыт стран, примкнувших к единому европейскому пространству высшего образования. Все это способствует продвижению Болонского процесса и позволяет выявить специфику и проблематику создания общеуниверситетского пространства характерную для нашего государства и менталитета.

В Республике Молдова, как и во многих других странах постсоветского пространства постепенно формируется своя политологическая структура и микросообщество специалистов. Издается учебная специализированная литература, растет количество учебных курсов в этой области.

Нельзя не отметить Молдавский Госу-

⁶ Ю.Васильчук "Фактор интеллекта в социальном развитии человека". Журнал Общественные Науки и Современность, 2005, №1, стр. 69.

⁷ В.Динес, К.Аблязов "Новые перспективы развития российской высшей школы". Журнал Власть, 2005, №9, стр. 65.

⁸ В сентябре 2003 года в Берлине на конференции Министров просвещения европейских стран наше государство получило статус кандидата в члены Болонского Процесса. В 2005 году в Норвегии Республика Молдова была признана полноправным членом данного процесса.

дарственный Университет, где факультет международных отношений, политических и административных наук является одним из основных научных центров в области международных отношений и политологических исследований.⁹ В его рамках функционируют: научно-исследовательская лаборатория социологии и политики; магистратура; докторантура и постдокторантура. Кроме того, в этой области знаний существуют: Институт политических знаний и международных отношений; Молдавский институт международных отношений; Государственная Академия публично-управления при президенте Республики Молдова; Институт публичной политики.¹⁰ Все это свидетельствует о формировании политического сознания – отражении политики социальными общностями и индивидами, о заинтересованности местного правительства вырастить грамотную политическую элиту, повысить компетентность граждан Республики Молдова.

В данном контексте нельзя не затронуть вопрос о Кодексе о науке и инновациях, который был принят в Республике Молдова четыре года назад в период когда в силу сложившейся сложной экономической ситуации в стране звучали идеи о необходимости сокращения расходов на науку. Однако, несмотря на серьезные трудности было принято решение об увеличении затрат на систему образования. Так, впервые в одном своде законов были объединены стимулы для развития науки, инноваций, защиты интеллектуальной собственности. Реформа образования продолжается и сегодня.

В настоящее время в Республике Молдова ведутся дискуссии относительно

необходимости реструктуризации и гармонизации образовательной системы и ее приведения в соответствие с европейскими стандартами. За последние несколько лет различными группами экспертов были выдвинуты разносторонние программы, концепции, разработаны проекты поэтапной модернизации образования. Однако прийти к единому компромиссному решению не удалось. В результате инициативу взял на себя президент страны В. Воронин, сформулировавший пять основополагающих принципов, с помощью которых по его мнению можно успешно осуществлять радикальные преобразования в этой области. Так, к составным элементам реформы образования были отнесены: необходимость прояснения структурной иерархии образования; определение роли науки в процессе подготовки кадров; постепенный отказ от системы обучения на контрактной основе в государственных вузах всех уровней; установление приоритетных областей в образовании на ближайшие 10-15 лет и выделение финансовых средств на эти цели. Данные принципы явились основополагающими постулатами нового Кодекса об Образовании, призванного значительно улучшить качество подготовки кадров.

Первостепенная роль в данном документе отведена концепции социальных инвестиций, суть которой состоит в том, что затраты на образование должны быть направлены на определенные долгосрочные приоритеты особой важности, которые гарантировали бы приумножение профессиональной компетенции общества, устанавливали бы высокие образовательные стандарты и высокий уровень материально-технического обеспечения образователь-

⁹ G.Rusnac, V.Coзма "Elita științifică din Republica Moldova: enunțarea problemei". Învățământul superior și cercetarea – piloni ai societății bazate pe cunoaștere (Chișinău, CEP USM, 2006), Volumul II, p. 27-28.

¹⁰ В.Мошняга "Учебные и академические центры Республики Молдова в области политической науки". Журнал MOLDOSCOPIE (Problemele de analiza politica). Partea XXV (Chisinau: USM, 2004), стр.7-11.

ного процесса. Также, следует отметить, что будут установлены приоритетные для национальной экономики специальности.

Данный проект получил широкую поддержку со стороны Альянса студентов Молдовы, Ассоциации Молодежь Гагаузии, Лиги Молодежи Комратского Университета, Ассоциации студентов Приднестровья (ASTRA). Вместе с тем хотелось бы отметить, что нововведения в сфере образования нельзя рассматривать в отрыве от возможных рисков и сложностей. В первую очередь речь идет о сокращении целого ряда специальностей в ВУЗах, что неизбежно повлечет за собой безработицу среди преподавательского состава. Кроме того, возникают вопросы относительно выработки механизма перевода студентов на бюджетную основу, которые до сих пор были потенциальными контрактниками.

Человеческий потенциал является основным богатством нашей страны. В нынешних условиях развития Республики Молдова, инвестиции в образовательную систему предполагают вложения в человеческий потенциал посредством знаний и науки. Повышение оплаты труда преподавателей, увеличение студенческих стипендий, появление новых возможностей для одаренных детей, инвестиции в человека качественно преобразят образовательную систему.

Таким образом, основными направлениями в процессе гармонизации и модернизации образования должны стать выработка международных основ и форм научного сотрудничества; усиление роли государств при поддержке и стимулировании политологического развития и многостороннего обмена опытом; разработка национальных

и межгосударственных программ по политологии и международным отношениям; усиление прикладного характера исследовательской базы; повышение эффективности и качества университетских учебных программ, среди которых предпочтение должно отдаваться тем, которые вырабатывают умение оценивать управленческую деятельность, ее результативность и эффективность. Обучение, направленное на формирование инновационного мышления, развитие способностей к выбору новых решений и действий, даст позитивные результаты и повысит качество знаний.

Создание системы международного сотрудничества политологов является особенно важным для научного сообщества и его будущего. Принимая конкретные меры по усовершенствованию политологического образования на международном уровне, государства добьются значительного роста конкурентоспособности национальной подготовки специалистов в этой области знания. Постановка конкретных задач, разработка приоритетных реформ и стратегий по поднятию уровня профессионализма политологов принесет свои плоды. Укрепление интеллектуальной, финансовой и материальной базы в целях более динамичной и стабильной образовательной и научной деятельности выглядит вполне реальным и достижимым процессом. Широкое внедрение и развитие традиционных международных связей на двусторонних и многосторонних основах может стать значительным вкладом в расширение научного сообщества. Появятся новые возможности и перспективы, а это всегда вызывает повышенный интерес профессионалов.

MƏQALƏLƏR – ARTICLES – СТАТЬИ

