

SSN

Model United Nations

2021



UNITED NATIONS  
**SECURITY COUNCIL**



**AGENDA**

*The situation in the  
Nagorno-Karabakh region*



## LETTER FROM THE EXECUTIVE BOARD:

Greetings delegates,

We consider it our pleasure to serve as your Executive Board for the United Nations Security Council at SSN Model United Nations, 2021. The UNSC shall discuss the Situation in the Nagorno-Karabakh region.

We will aim to explore the fundamental causes of the war and understand the reason for its continued existence. This committee will follow UNA-USA rules of procedure. However, this does not prevent it from exercising Article 30 of the UN Charter, which gives the Security Council the privilege to adopt its own RoP in certain situations.

We hope this is a good learning session, for both, the Executive Board as well as the delegates present. This document should only serve as the starting point for your research; you are all well and truly welcome to deliberate on aspects you think are pertinent to the agenda that this document may have overlooked.

We expect everyone to research to the best of their capabilities for us to have meaningful discussions on the agenda. Feel free to contact us for any queries.

We look forward to seeing you all at the Conference virtually!

**Ayush R**

President of the UNSC

**Karthika Ellangovan**

Vice-President of the UNSC





## ***Introduction to the issue:***

After the breakdown of the Soviet Union in the 90's there existed a few conflicts built on the bedrock of ethnicity and self-determination due to the fact that several states that fell under the blanket of the Union, found themselves as independent entities and each decided to stake claim to certain regions that they felt should belong to them. As we dive into the four conflicts under the purview of the discussion, it is important to know two things: the first being the term Frozen conflicts. The second, being the role of the OSCE in mediating and mitigating these conflicts.

The term “protracted conflicts” (also known as ‘frozen conflicts’ in most cases) has over the years, come to mean the ongoing separatist conflicts on territories previously under The Union of Soviet Socialist Republics in which the international community is playing a role in trying to resolve: Karabakh (involving Azerbaijan), Abkhazia and South Ossetia (involving Georgia), Trans-dniestria (involving Moldova) and Crimea + Eastern Ukraine. Though these conflicts are more often than not grouped together, they differ vastly from each another. For example, there is no interaction between the Karabakh Armenians and Azerbaijanis, due to the fact that the front line is heavily mined and depopulated, made impassable yet however on average each year, about 50 people are killed near the line of contact even in the absence of wider hostilities. At the other end of the spectrum, Trans-dnestrans and Moldovans interact in daily life, they travel through lands controlled by the other side. However, there has been virtually no violence near the de facto boundary since 1992. Resolving these conflicts represents a core function of the OSCE. Several of its bodies have been established over the years with the conflicts at the very crux of their mandates. For example, the mandate of the OSCE Mission to Moldova focuses on settlement of the Transdniestria conflict.



The OSCE has been looking into the Karabakh conflict since 1992 while the Minsk Group has been the main negotiating forum since 1994. However, since 1996, a personal representative of the Chairman-in-Office has been on the ground in the region.

### ***The historical conflict and current situation in Azerbaijan (with Armenia):***

The Nagorno-Karabakh Autonomous Region (also referred to as the NKAO) occupied the South-Eastern portion of the lesser Caucasus and covered an area of 4,388 square km. The territory of the region stretched for 120 km from north to south and for 35-60 km from east to west. In the year 1988, The Armenians who were majority in the region of Karabakh, openly laid claim to the territory of the Nagorno-Karabakh Autonomous Oblast (NKAO) of the Soviet Socialist Republic of Azerbaijan. Both sides claim the ownership of the region and to make matters inherently more complex, several historical factors have been written and interpreted differently by both parties. Even today, Armenians are not considered as indigenous people of the South Caucasus. According to a Caucasian anthropologist, I.I. Pantukhov (from the 19th century), Armenians, who have covered a centuries-long thorny roads from Europe (Balkan) to Asia Minor (Turkey, Anatolia) including the Caucasus, have always attempted to “Armenianize” the territories, states, tribes and ethnic groups along the way. According to Azerbaijan’ narratives, from 4th century B.C to 8th century A.D-the territory of Nagorno-Karabakh was one of the provinces of Caucasian Albania. And the people who lived in Caucasian Albania should not be confused with European Albania. This ancient state existed on the territory of modern Azerbaijan till 8 A.D. Karabagh also was part of different Muslim states which replaced one another in Azerbaijan after its occupation by the Arabs.





In 18th century Karabakh turned into an independent Karabakh Khanate. During this period Russia started her Grand strategy as a part of expansionism policy which included here:

- 1) center-driven expansionism (geography and geopolitical factors played a dominant role),
- 2) mercantile interest
- 3) religious factor which Russia believed that the best way to strengthen provinces occupied by Russia was to increase Christian population (especially Armenians) and decrease Muslims.



At the end of 18th century two Armenians: Josef Argutinsky and Ivan Lazarev used this situation and reached high level in St. Petersburg's circle intended their aim to establishment Armenian state with the capital in Erivan to Potemkin. At the same time, the target region was specifically Karabakh, under the thought process that Armenia might be easily restored and in a short time many Armenians can flow in and create "Great Armenia" expanding their state at the expense of the territories of Eastern Turkey and Azerbaijan.



As a result of Russia's expansionism policy, Karabakh khanate's independence couldn't last and all entities in the region, including the Karabakh khanate had come under the rule of Tsarist Russia. According to Kurekchay Treaty (1805), Karabakh khanate ended its independence. Later on, Russia applied "divide and rule" policy to the South Caucasus which played decisive role in the nations' fate. The 2 treaties: Gulustan Treaty (1813) and Turkmenchay Treaty (1828) are the major agreements which prove the dividing of the South Caucasus between Russia and Persia. After the Turkmenchay Treaty, Russian empire instigated massive deportations of Armenians from Turkey and Iran and settled them in Karabakh. According to the Russian scholar N. Shavrov by the end of 19th century, of the 1.3 million Armenians living in Transcaucasia, more than 1 million were resettled civilians by the Russians. Close to 150,000 Armenians were resettled in the territories of Karabakh and Iravan khanates by Russia in the short span of 17 years during 1813-1830.

Apart from these Armenians, who were resettled officially, a great number of Armenians settled in the region unofficially; hence the total number of settlers considerably exceeds 200,000. Therefore, the population of Nagorno-Karabakh consist of Armenians in majority. After the resettlement, Armenians started to slowly erase all monuments, mosques and tried to ruin everything in Karabakh which belonged to the Azerbaijani people's identity. The idea, it is believed was to try and clean the past to show the world that they were the indigenous people of Nagorno-Karabakh. The beginning of the 20th century was marked with bloody clashes between Armenia and Azerbaijan. A key event was the July 5, 1921 decision of Caucasus Bureau on Nagorno-Karabakh which gave rise to serious controversies. The Bureau decided to retain the Nagorno-Karabakh region within Azerbaijan which nullified the Armenian's claims to the region. According to this decision: "Taking into account the necessity of national peace between the Muslims and the Armenians, the economic relations between upper and lower Karabakh and permanent relations of upper Karabakh with Azerbaijan, Nagorno-Karabakh shall be retained within the Azerbaijan SSR and broad autonomy shall be given to Nagorno-Karabakh with Shusha city as an administrative center."





(MFA. Department of analysis and strategic studies, 2017, UN Doc: A/64/475-S/2009/508, p-176)

The Armenians denied Stalin's decision which they felt was in favor of Azerbaijan and saw it as a political decision made by Stalin who wanted to establish better relations with Turkey, which coincidentally, had a good relationship with Azerbaijan. (Nagorno-Karabakh crisis, 2000) Contrary to Azerbaijan's narratives, Armenians also argue that NK has always been historically part of Armenia for several thousands of years; however, they accept that NK was annexed by Tsarist Russia according to Gulustan and Turkmençay Treaties. Armenians also rejected any settlement of Armenians from Persia and Turkey. (karabakh,2011) According to the first argument one has to immediately ask: Did the Armenian state itself exist for "several thousand years" in order that Nagorno-Karabakh could be part of it for "several thousand years?"

Another major misconception is related to the terms "enclave", "disputed enclave" and "disputed region". Regarding the Nagorno-Karabakh situation - cannot be applied to an area completely surrounded by the territory of another country. NKAO was part of the Azerbaijan SSR and was surrounded by Azerbaijani territory. Therefore, a part of one country cannot be separated geographically from its main body by the territory of another/ other countries. Since there is no change in the position of Azerbaijan, it considers the region as its undisputed territory and it is internationally recognized as part of Azerbaijan. Thus, the term "disputed" or "disputed region" is not applicable either and Armenians have no right to claim to the territory.



## ***Post the break-up of the Soviet Union:***

Contemporary stage of Armenia-Azerbaijan conflict started before the dissolution of USSR, during period of Mikhail Gorbachev who initiated the Glasnost and Perestroika. On 20 January 1989, the representatives of the Armenian community at the session of the Soviet of People's Deputies of the NKAO adopted a resolution seeking the transfer of the NKAO from the Azerbaijan SSR to the Armenian SSR. Their pretext was that the Azerbaijani government was violating the rights of Karabakh Armenians' self-determination and abusing their human rights and applied a discriminating policy. But, relying on historical data, it should be mentioned that the Azerbaijanis and Armenians lived together peacefully and had very good relations in the past. At the end of 1991 and the beginning of 1992, the claim of "reunification of Nagorno-Karabakh" which adopted by Armenians at that time being part of USSR alongside Azerbaijan and declared its independence in 1992 brought political turmoil and conflict turned into a military phase. (MFA. Department of analysis and strategic studies, 2017, UN Doc: A/64/475-S/2009/508, p-180)

In February 1992, the first armed attack by the Republic of Armenia to the town of Khojaly in the Republic of Azerbaijan resulted in an unprecedented massacre. This bloody tragedy, which would later be known as the Khojaly genocide resulted in the death of 613 civilians, including 106 women, 63 children and 70 senior citizens with approximately 1275 people taken hostage. To this day, 150 people from Khojaly remain missing. Consequently, 20% of the Azerbaijani territory was occupied by the Armenian Armed Forces over the next 2 years including Shusha, Kalbajar, Aghdam, Jabrayil, Gubadly, Fizuli and Zangilan. As a result, more than 20,000 Azerbaijanis were killed and over 1 million were displaced as a result of the large-scale hostilities. The ceasefire was established according to the Bishkek Protocol which was signed on May 5 1994 by representatives of the Republic of Armenia, the Republic of Azerbaijan, Kazakhstan and Russia. However, Armenia has allegedly continued to violate the rule of law.





So far, Armenians deny any kind of involvement in the war between Azerbaijan, reemphasizing that this is the war between Nagorno-Karabakh and Azerbaijan and the conflict will not be solved unless Azerbaijani side accept independence of Nagorno-Karabakh “Republic” which is not acceptable in any case by Azerbaijan.

### ***2020 war and its conclusion:***

In September, Azerbaijan President Aliyev launched the offensive vowing to take back Nagorno-Karabakh and other Armenian-occupied districts. In six weeks of fighting, Azeri forces, backed by Turkey-supplied armed drones and other equipment, cut through Armenian defences and retook territories, including some 40% of Nagorno-Karabakh itself.

Russia, which has a security agreement with Armenia, remained neutral in the early days of the war when Turkey threw its weight behind Azerbaijan. Russia brokered a ceasefire two weeks into the conflict, but it didn't hold. When Azerbaijan defeated Armenian troops and captured territories, Armenian Prime Minister sought Russian help. But Mr. Putin said the security guarantee is for Armenia, not for the Armenians in Nagorno-Karabakh. But Russia was apparently concerned about the rapid change in the status quo and the more assertive security role Turkey was playing in its backyard.

By the third week of October, Russia established small military outposts along the Armenian border, apparently to prevent the conflict spilling into mainland Armenia and also to send a message to Baku. In the same week, Russia conducted a massive air strike in Syria's Idlib against Turkish-backed militants, killing dozens of them, which is seen as Moscow's warning against Turkey.



Mr. Putin accepted Azerbaijan's victory (as the ceasefire allows Azeri troops to control the territories they have seized) but prevented a total defeat of Armenia. Under pressure from a decisive Moscow, both sides agreed to cease the operations.

After six weeks of fierce fighting, Armenia and Azerbaijan agreed to end military operations in and around Nagorno-Karabakh in a ceasefire brokered by Russian President Vladimir Putin. Some 2,000 people, including combatants and civilians, are estimated to have been killed in the war. Armenian leader Nikol Pashinyan has described the decision to accept truce as "painful", while Azerbaijan's President Ilham Aliyev, backed by Turkey, has claimed victory. Russia, which has enforced the ceasefire, seems to have reinforced its influence in the South Caucasus.

### ***The" Incident" – Source (BBC):***

In the statement, Azerbaijan's foreign ministry said the Russian Mi-24 was shot down at 18:30 local time "on the Nakhchivan section of the Armenia-Azerbaijan state border". The Nakhchivan Autonomous Republic is Azerbaijan's western landlocked exclave, bordering Armenia, Iran and Turkey. Azerbaijan's foreign ministry said the helicopter had been flying at a low altitude during hours of darkness, and outside "the air defence radar detection zone".

It said that "Russian Air Force helicopters have not been seen in the specified area before".

In the context of these and other factors, "the combat crew on duty took the decision to open fire," the statement said.

The Russian defense ministry said its Mi-24 was shot down by a missile as it was accompanying a column of vehicles belonging to the 102nd Russian military base. It said this happened near the town of Yeraskh. The helicopter lost control and crashed in a mountainous area on Armenian territory.





The Russia foreign ministry later tweeted: "We regard positively the fact that Baku recognized that it was to blame without delay." It also said that Azerbaijan had pledged to carry out a speedy investigation into the incident and those responsible would be punished.

### ***Timeline of events:***

1918 - Independent Azerbaijani Republic declared.

1920 - Red Army declares Azerbaijan as a Soviet Socialist Republic.

1988 - Ethnic strife between Armenians and Azeris escalate leading to the Nagorno-Karabakh region seeking to be a part of Armenia. Amidst the growing tension, Iran and Soviet Union agree to ease restrictions on crossing between country borders.

1991 - Azerbaijani parliament votes to restore independence. In elections boycotted by opposition, Mr Mutallibov becomes president Nagorno-Karabakh is declared as an independent republic region.

1992 - More than 600 Azeri casualties were recorded at the war over Karabakh. Armenian forces break into Azerbaijani territory to create a corridor linking Armenia to Karabakh.

1993 - Armenia launches offensive into Azerbaijani territory around Karabakh. International mediation was tried and failed.

1994 - Armenia, Azerbaijan and Nagorno-Karabakh sign a ceasefire accord.

2008 - The Mardakert clashes witnessed increased hostilities between the Azerbaijani forces and Armenians over the Nagorno-Karabakh region.



2010 - The line of contact dividing Azerbaijan and the ethnic Armenian military forces witnessed a gunfire exchange of snipers and small arms. Both sides accused the other of violating the ceasefire agreement.

Several border clashes were also witnessed during the years 2011 to 2014.

2014 - Border clashes resulted in soldier casualties, according to Azerbaijani authorities. Violence escalated leading to casualties on both sides.

On November 12, the Azerbaijani armed forces shot down a Nagorno-Karabakh Defense Army Mil Mi-24 helicopter over Karabakh's Agdam district.

Sporadic clashes near the border continued during years 2014 - 2018.

2020:

In September, Armenia and Azerbaijan's parliament declared martial law owing to the serious clashes in the Nagorno-Karabakh region. The fighting ended on November 10, with a peace deal brokered by Russia.

2021:

14th January, 2021 the UNSC convened to discuss the situation in the Nagorno-Karabakh region.





## ***Introduction to International Law:***

First and foremost: To clarify, this part of the document is NOT working of the assumption that the committee has a set time frame. It is to guide the delegates in “International Law” and the various types it exists in. Sensible usage of the knowledge below keeping in mind the status of the laws in the existing timeline of the committee is requested by the Executive Board.

Where does international law come from and how is it made? These are some difficult questions than one might expect and require careful inspection. National law and similar application cannot be bought into an international legal system. Thus the question of “Code of International Law”. International law has no Parliament and nothing that can really be described as legislation. While there is an International Court of Justice and a range of specialized international courts and tribunals, jurisdiction of the abovementioned is simply voluntary and not in any way compelling or enforceable. To clarify, the following is the general assumption of what International law is, there is no fixed category of any kind that lists what is and what is not international law.

Article 38 of the Statute of the International Court of Justice states “Article 38

1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:
  - a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
  - b. international custom, as evidence of a general practice accepted as law;
  - c. the general principles of law recognized by civilized nations;
  - d. subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.



2. This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto.”  
Let’s look at all four in a simpler way.

To be noted: The assumption is that the contesting states will be all UN members as this is to serve as an equal stepping platform for all delegates. Please do note whether your country’s conformity to the law is ensured before going ahead with quoting the convention or law. (Example: DPRK and the Non-Proliferation treaty in 2018). Also we feel no need to illustrate or explain the 4<sup>th</sup> sub clause mentioned above as it seems to be rather self-explanatory.

- 1) International agreements, conventions and treaties: The Non-Proliferation Treaty, the Geneva Conventions, the Vienna Convention on the Law of Treaties so on and so forth. Documents internationally recognized and ratified by nations involved in the conflict. These are subjective to signature and ratification, the difference of which is rather important.
  - a. **The signature to a treaty** indicates that the country accepts the treaty. It commits not to take any actions that would undermine the treaty’s purposes. A treaty is signed by a senior representative of a country such as the president or the foreign minister.
  - b. **The ratification** symbolizes the official sanction of a treaty to make it legally binding for the government of a country. This process involves the treaty’s adoption by the legislature of a country such as the parliament.





2) Customary International Law or Customary Law: These are laws that have come to be due to practice and norm. This law is, although not on paper or signed, considered the most binding of its kind due to the scale of practice. Some examples would include the following:

- a. **The principle of non-refoulement** is the cornerstone of asylum and of international refugee law. Following from the right to seek and to enjoy in other countries asylum from persecution, as set forth in Article 14 of the Universal Declaration of Human Rights, this principle reflects the commitment of the international community to ensure to all persons the enjoyment of human rights, including the rights to life, to freedom from torture or cruel, inhuman or degrading treatment or punishment, and to liberty and security of person. These and other rights are threatened when a refugee is returned to persecution or danger.
- b. **Diplomatic immunity, in international law**, the immunities enjoyed by foreign states or international organizations and their official representatives from the jurisdiction of the country in which they are present. The inviolability of diplomatic envoys has been recognized by most civilizations and states throughout history. To ensure exchanges of information and to maintain contact, most societies even preliterate ones granted messengers safe-conduct. Traditional mechanisms of protecting diplomats included religious-based codes of hospitality and the frequent use of priests as emissaries. Just as religion buttressed this inviolability, custom sanctified it and reciprocity fortified it, and over time these sanctions became codified in national laws and international treaties.



- 3) **The general principles of law recognized by civilized nations:**  
General principles of law are used primarily as "lexicon fillers" when treaties or customary international law do not provide a rule of decision. It has been suggested by scholars that as new treaties and customary law develop to address areas of international concern not previously covered, the significance of general principles will fade as these gaps in international law are filled.

## ***Conclusion:***

If you scrolled down to the bottom ignoring everything mentioned above. Go back up and do some reading. You will need it. This topic was selected by the EB simply because even the time of a pandemic across the world there was a war fought between two nations and it never saw the light of day in our news cycle. We hope that discussions on this topic are fruitful and that delegates stick to their foreign policies and steadily work towards an amicable solution. Additionally, this Guide should be the starting point of your research not the end.





***Good Luck and  
May the Force be with  
you!***