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INTRODUCTION: WHY INTERNATIONAL LAW?

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The summer of 2008 will go down in history as a turning point in international relations – as momentous as the attacks of 9/11, or even as the fall of the Berlin Wall in 1989. Russia ended its period of long retreat and asserted her power over a much weaker neighbor. A few weeks later, Western states were forced to take on a level of public debt not seen since the end of World War II in order to save their financial systems from collapse. It is too soon to tell what the political, economic

and strategic repercussions of these events will be in the long term, but a tentative assessment can be advanced.

The era of the sole superpower – assuming it ever existed – is over. True, the incompetence of the Bush administration may well be undone by its successor, and Russia may end up regretting its summer adventure now that its political and economic costs are becoming more obvious. But economic reality has now caught up with the US and the West. Those who went on arguing that the ideas of economists in Chicago had changed the economy forever; that the US economy would remain the strongest despite the loss in manufacturing power and the huge trade deficit; that financial power alone would sustain American economy primacy; that weaknesses in manufacturing and trade would not sooner or later bear on its financial position; well, they have been proven dramatically wrong, as investors the world over are, for the first time, considering a run on the dollar, and as American financial dependence on foreign capital has now reached levels not seen by a world superpower since the British Empire in its dying days. That crisis should follow hubris has its logic too.

It would be a mistake to assume that the US, and the West, are now irreversibly on the path to decline; the US in particular has proven its pessimists wrong more than once. But it is probably safe to prepare oneself for a different world in the next decade from the one we have known in the last.

Why – one may ask – these general considerations to introduce a discussion on international law?

The theoretical answer is that context is always relevant to law: it guides its present interpretation and application, and shapes its future course – more so in the case of international law.

The practical answer is that, in a world characterized of shifting power relations, inter-state conflicts are ever more likely to end up before international institutions, courts or tribunals. Suffice it to look at the aftermath of the Georgian-Russian war: proceedings were brought in the International Court of Justice and in the European Court of Human Rights, and a request to open an investigation was made in the International Criminal Court. Both sides have hired their peaceful armies of lawyers to advise, and to prepare and argue these cases. The statement that the laws fall mute in the midst of war is no longer true – if it ever was.

States like Azerbaijan, facing protracted and unresolved conflicts and threats to their territorial integrity, can only ignore international law to their peril. Even powerful countries like the US have had to come to terms with the costs of the illusion of a rapid military solution to a conflict. For small countries with powerful neighbors – as the Georgian case shows – that illusion can beget tragic strategic mistakes. No one is suggesting that international law can offer an easy and rapid solution, but, strategically, it can provide a more effective way of managing a long-term dispute. Indeed, many such disputes have been the object of extensive litigation, the Cyprus question for example on various aspects of which the European Court of Human Rights and, more recently, English courts have been called to rule.

One lesson that states should have learned by now is that, notwithstanding the weaknesses in the enforcement of international law, the rulings, indictments or convictions of international courts and tribunals are here to stay. The political and

diplomatic processes will take their course – as they should for solutions can only come from politics – but will seldom, if ever, negate those pronouncements. It is therefore better to participate actively in these proceedings and to put one's best case forward, whether as claimant or respondent; and it is certainly wise for states to equip themselves to devise a legal strategy for managing their disputes. Many already do so. Those that do not put themselves at a disadvantage.

The recent financial turmoil will also inevitably lead to litigation, not only between private companies but also between states, and between companies and states. The United Kingdom has already threatened legal action against Iceland. Having embarked upon so many nationalizations, Western countries now risk being sued by foreign investors under investment treaties, which they originally concluded to protect their own investments against the risk of expropriation, discrimination and unfair treatment abroad.

Azerbaijan is both a recipient of foreign investments and the country of nationality of foreign investors. It has concluded bilateral investment treaties with various countries, including the USA, the UK, Germany and France, and is being sued by some foreign investors in the International Centre for the Settlement of Investment Disputes. The same treaties can however also be relied upon to protect Azerbaijani investments abroad – an important objective for a country with a sovereign wealth fund steadily growing in size.

The pieces that follow have to be read against this short analysis of the background. They analyze three aspects of international law and litigation of great relevance to Azerbaijani foreign policy and diplomacy: the question of the independence of Kosovo, on which the International Court of Justice will soon advise; the law on recognition of states and governments, which is central to many international disputes; and the conduct of proceedings in the European Court of Human Rights. It is not by any means an exhaustive list of relevant international law questions, but only a tastings menu on the subject. The authors are extremely distinguished scholars and practitioners in the field.

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THE KOSOVO QUESTION

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On 8 October 2008, the General Assembly of the United Nations adopted resolution 63/3 requesting the International Court of Justice to "render an advisory opinion on the following question: Is the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo in accordance with international law?"

The legal basis for the advisory jurisdiction of the International Court of Justice is in Article 96 of the United Nations Charter, which empowers the General Assembly and the Security Council to request opinions from the Court "on any legal question," while other organs of the UN and specialized agencies may do so only in

respect of "legal questions arising within the scope of their activities" when "so authorized by the General Assembly." Chapter IV of the Statute of the International Court of Justice and Articles 102-109 of its Rules contain specific provisions on advisory proceedings.

Since 1946 the Court has rendered 25 Advisory Opinions, including some on important political issues such as South-West Africa (Namibia); Western Sahara; the legality of nuclear weapons; and the consequences of the Wall built by Israel in the Occupied Territories.

Dismissing the relevance of these pronouncements by the Court would be uninformed – and ill-advised. However justified the criticism that the enforcement of international law is in some cases exceedingly slow, a pronouncement of the International Court of Justice becomes an inescapable part of the political landscape. It may not be given immediate effect, but a definitive political solution, if and when it is found, is not going to renege on it: South Africa's attempt to create a *fait accompli* in Namibia failed; Morocco's continued occupation of Western Sahara is still unrecognized, and diplomatic initiatives to end the stalemate have always proceeded on the basis of the legal findings of the Court; and the Israeli Wall has come under attack in Israel's own courts.

There can be little doubt that, because of the legal and political significance of the Kosovo question, the Court's Advisory Opinion will become a landmark in modern international law. States and international organizations will seek permission to submit written statements to the Court, possibly in even greater numbers than for the Advisory Opinion on the construction of the Wall by Israel in the Occupied Territories. Strictly speaking, the Court is not obliged to grant permission to intervene to any state or international organization that wishes to do so, but its practice indicates that, particularly in a case of such great resonance and significance as Kosovo, it will accede to any such request.

The Kosovo Opinion has the potential to affect any state confronting a secession, although it is probable that the Court will try to avoid a definitive ruling on the law governing secession. States intervening in favor of the legality of the Kosovo declaration are likely to underplay its impact on other secessionist claims, emphasizing its exceptional and even unique nature. Some of those intervening against it may still opt for a similar strategy, encouraging the Court to adopt a very narrowly-focused pronouncement. Other states may however submit that the similarities between Kosovo and other secessions are such that any answer given by the Court will have wide and dangerous repercussions the world over – a risky strategy, perhaps, the aim of which would be to frighten the Court into a conservative position.

Interestingly, the question itself mentions neither secession nor recognition by other states; nor does it more generally request the Court to consider the legal consequences of the secession. It focuses instead on the compatibility with international law of the declaration of independence by the "Provisional Institutions of Self-Government of Kosovo." The premise of the question is that those Provisional Institutions were an international legal person subject to international rights and duties. The determination of the specific rights and duties of such a *sui generis* entity is not however an easy task, and much argument is likely to turn on this point.

A variety of approaches to the legal question put to the Court in this case is thus possible. No doubt many states are at present reflecting on it, receiving advice from lawyers in their foreign ministries and outside in order to weigh the pros and cons of making a written submission to the Court, and, if so, to decide which particular submissions would accord with foreign policy and national interest.

Is there a risk that the Opinion of the International Court of Justice could have a negative impact on Azerbaijani interests in Nagorno Karabakh? The risk is there, but probably it is not significant. The Court is likely to be very sensitive to states' concerns about secessions, and keen to preserve the principle of territorial integrity. Nevertheless, much depends on how the relevant parties choose to articulate their case, and what written submissions are received by the Court. Moreover, while the risk may be limited, what is at stake is of fundamental importance.

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EUROPEAN CONVENTION ON HUMAN RIGHTS AND THE JURISDICTION OF THE EUROPEAN COURT OF HUMAN RIGHTS

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The European Court of Human Rights ("the Court") has jurisdiction under the European Convention of Human Rights ("the Convention") in two types of cases: claims brought by one Contracting State against another ("inter-State cases"), and claims brought against a Contracting State by an individual or group ("individual applications").

Inter-State cases have been relatively rare: there have been less than 25 claims since the Court was established in 1959 and only two have resulted in final judgments by the Court. They generally fall within three categories: first, where the applicant State represents or is closely connected with a group of persons whose rights are being infringed either in the territory of another State or within its own territory but by another State (examples include applications by Ireland against the United Kingdom in respect of the treatment of prisoners in Northern Ireland, and Cyprus against Turkey in respect of the treatment of persons in Northern Cyprus); secondly, where the applicant State seeks redress for one or more of its own citizens whose rights have been violated by another State (examples include a claim by Denmark against Turkey that one of its citizens had been tortured by the police); and, thirdly, claims by States that are generally concerned with human rights violations in another state (examples include claims by Norway, Denmark, Sweden and the Netherlands against Greece following the imposition of martial law and the exercise of emergency powers in the late 1960s).

Most recently, in August 2008, Georgia commenced proceedings against Russia arising out of this summer's conflict within the territory of Georgia. Georgia applied for interim measures of protection and the Court ordered that Russia should refrain from taking any measures which may threaten the life or health of the civilian population within Georgia.

The great majority of claims received and determined by the Court have been individual applications. These are claims brought by an individual or group claiming to be a victim of a violation of rights guaranteed by the Convention for which the Contracting State is responsible. In order to bring such a claim, the individual or group must establish, among other things, that it is truly the victim of the alleged violation of rights, that it has exhausted any available and effective domestic remedies, that the complaint is not substantially the same as any previous complaint, and that the complaint has not been submitted to any other procedure of international investigation or settlement. Some 20 or so complaints of this sort against Azerbaijan have resulted in final judgments by the Court.

For both sorts of cases, the responsibility of a Contracting State both extends to and is limited under Article 1 of the Convention to violations of human rights occurring "within its jurisdiction." This concept of jurisdiction is primarily territorial in scope, that is, it is limited to the physical territory of the State concerned. A State has both negative and positive obligations to protect Convention rights within its jurisdiction: not only must it not perpetrate violations of Convention rights itself or through its agents and authorities, it must also take action to prevent non-state actors from perpetrating violations within its jurisdiction.

In exceptional circumstances, however, a State may be held responsible for acts performed and/or which produce effects outside its territory. Thus, where a State exercises physical control over foreign territory (whether it does so lawfully or unlawfully), it is under an obligation to secure, within such territory, the rights set out in the Convention. Similarly, where persons who are in the territory of one State are found to be acting under another State's authority or control (whether directly or officially, or indirectly or informally), then the second State may be responsible for their acts. For example, the Court has found Russia responsible for certain conduct of authorities of the so-called Moldavian Republic of Transdniestria even though that conduct occurred outside the territory of Russia and within the territory of Moldova.

There is a presumption that a State's jurisdiction extends to all of its territory. However, and again in exceptional circumstances, a State may not be held liable for violations of rights that occur in areas of its territory within which it is prevented from exercising normal authority by the presence or conduct of forces of another State or separatist forces whether or not they are allied to a foreign State. The Court will, though, enquire closely into the true extent of the State's ability to exercise control within such an area and it has held that even though a State's effective control may be very limited, it is nevertheless under a positive obligation to extend its authority throughout all of its territory. It has done so especially where the competing authority is neither allied to a foreign state nor has separatist tendencies, as was the case with a complaint it upheld against Georgia arising out of acts within the Ajarian Autonomous Republic.

When it confirmed to the Court that it had ratified the Convention, the Republic of Azerbaijan declared that "*it is unable to guarantee the application of the provisions of the Convention in the territories occupied by the Republic of Armenia until these territories are liberated from that occupation.*" The Convention does not itself permit declarations of this sort and the Court will not, in general, recognize them. If the Court received a claim against Azerbaijan concerning events within the territory the subject of the declaration, the Court will investigate the facts and reach a conclusion as to whether Azerbaijan has "jurisdiction," and therefore is potentially

responsible, for allegations of mistreatment on the basis of the principles already discussed.

Jurisdiction is also important in one further sense: the Convention is binding on a Contracting State only in respect of matters or events that occur after its entry into force for that State. The Convention entered into force for Azerbaijan on 15 April 2002. Accordingly, the Court does not have jurisdiction over claims brought against Azerbaijan in respect of matters or events arising prior to this date. Many of the individual applications brought against Azerbaijan have been dismissed, without consideration of their merits, on this basis.

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RECOGNITION OF STATES AND GOVERNMENTS IN INTERNATIONAL LAW

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After the break-up of the former Soviet Union and the former Socialist Federal Republic of Yugoslavia in the early 1990s the topic of recognition in international law lay dormant for several years until in February 2008 it was revived, perhaps not unexpectedly, with the unilateral declaration of independence of Kosovo and the controversy about its recognition as a sovereign and independent State by some 51 States (as of 15 October 2008). The topic recently gained further prominence when in August 2008 the Russian Federation recognized the statehood of Georgia's breakaway regions of South Ossetia and Abkhazia; a move followed so far only by Nicaragua.

These developments have again raised interest in the question of a possible recognition of the "Nagorno-Karabakh Republic" and its government by foreign States. This article briefly sets out some of the general principles of recognition of States and governments in international law.

The term "recognition," when used in the context of recognition of States and governments in international law, may have several different meanings. It may indicate the recognizing State's willingness to enter into official relations with a new State or government, or manifest its opinion on the legal status of a new entity or authority, or both. The subject has been complicated by the introduction of several variants of the term. Distinctions between "*de facto* recognition," "diplomatic recognition" and "*de jure* recognition" may be traced back to the secession of the Spanish provinces in South America in early 19th century. Like "recognition," these terms can be given meaning only by establishing the intention of the authority using them within the factual and legal context of each case. Recognition is a unilateral act performed by the recognizing State's government. It may be express or implicit. There is probably no other subject in the field of international law in which law and politics are more closely interwoven. However, that does not mean that recognition, in the sense of expressing an opinion on the legal status of an entity or authority, is a purely political act that is within the discretion of the recognizing State. Recognition, if unfounded in law (such as premature recognition) and backed by

State activity, may constitute an internationally wrongful act which gives rise to State responsibility. Recognition of States must be distinguished from recognition of governments, each form having its own theories and practices.

Recognition of States

The question of the legal effect of recognition of new entities claiming to be "States" has been characterized for over a century by the "great debate" between the "constitutive" and "declaratory" schools of thought. While the former contends that a State only becomes a State by virtue of recognition, the latter - which is now widely accepted - argues that a State is a State because it is a State, that is, because it meets all the international legal criteria for statehood. In the first case recognition is status-creating; in the latter it is merely status-confirming. International lawyers and States do not always distinguish clearly between the requirements for recognition of an entity *as* a State (the criteria for statehood) and the requirements for recognition *of* a State, that is, the preconditions for entering into optional or discretionary - diplomatic, political, cultural or economic - relations with the entity (the conditions for recognition). While the former are prescribed by international law, the latter may vary from State to State.

In his *Allgemeine Staatslehre* (General Theory of the State), published in 1900, Georg Jellinek developed the doctrine of the three elements of statehood, according to which a State exists if a *population*, on a certain *territory*, is organized under an effective *public authority*. Although some authors have criticized this definition as treating the State as a purely factual phenomenon, it is still the definition most commonly found in State practice. There are usually two requirements regarding the element of "public authority": internally, it must exercise the highest authority, that is, it must possess the power to determine the constitution of the State (internal sovereignty); externally, it must be independent of other States (external sovereignty). Independence of other States refers to legal, not factual, independence; that is, the State must only be subject to international law, not to the laws of any other State. The *capacity to enter into relations with other States* which is mentioned in the definition of "State" found in Article 1(d) of the Inter-American Convention on Rights and Duties of States (Montevideo Convention) of 26 December 1933 and which has also been used in statements by various governments is not a generally accepted element of statehood; it is merely a condition for recognition, as it is a consequence of, and not a precondition for, statehood. Attempts in the literature to supplement the classic factual criteria for statehood by criteria of legality regulating the creation of States (the prohibition of the use of force or apartheid, the right of self-determination) have not been successful.

The "Guidelines on the Recognition of New States in Eastern Europe and in the Soviet Union," adopted by the EU Member States' Ministers for Foreign Affairs on 16 December 1991 make recognition dependent on the fulfillment of certain minimum standards of the rule of law, democracy and human rights, guarantee of minority rights, respect for the inviolability of existing boundaries, acceptance of all relevant commitments with regard to disarmament, and recourse to arbitration. Those, and similar guidelines adopted at the time by the United States and Japan, lay down value- or interest-led political conditions for "Recognition *of New States*," i.e. preconditions for entering into discretionary relations, and do not catalogue any new criteria for statehood. On the contrary, they assume the statehood of the entities which are to be recognized.

Recognition of governments

The question of recognition of government normally arises only with regard to recognized States. 1When a State recognizes a new "government," it usually acknowledges a person or group of persons as competent to act as the organ of the State and to represent it in its international relations. The only criterion in international law for the recognition of an authority as the government of a State is its exercise of effective control over the State's territory. States may, however, continue to recognize a government-in-exile if an incumbent government is forced into exile by foreign occupation or the *de facto* government *in situ* has been created in violation of international law. Despite a trend in the literature to the contrary, there is still no rule of general or regional customary international law that a *de facto* government, to be a government in the sense of international law, must be democratically elected. Attempts to introduce such a requirement either by treaty (Central American Treaties of Peace and Amity of 1907 and 1923) or as a matter of national (Tobar, Wilson and Betancourt doctrines) or regional policies (Santiago Commitment to Democracy and the Renewal of the Inter-American System, OAS General Assembly Resolution 1080 of 5 June 1991) have failed.

States may be roughly divided into three groups according to their recognition policy: States (such as the United Kingdom before 1980) that formally recognize governments; States (such as the United States) that generally do not formally recognize governments but do so in exceptional circumstances for political reasons; and States (such as the United Kingdom since 1980, and other member States of the European Union) that formally recognize only States, not governments. That policy is reminiscent of the "Estrada doctrine" according to which States issue no declarations in the sense of grants of recognition in cases of change of regime but confine themselves to the maintenance or withdrawal, as they may deem advisable, of their diplomatic agents. Those States have not completely abolished the recognition of governments, only the making of official statements of recognition. They still have to decide whether a person or group of persons qualifies as the government of another State, especially where there are competing "governments" in the same recognized State or when there is an attempted secession and issues of governmental status and statehood are linked. In the case of the British government, its opinion on the legal status of a claimant may be determined on the basis of the nature of the dealings (non-existent, limited or government-to-government dealings) which it has with a claimant.

Legal effects of recognition in judicial proceedings

The legal effects of recognition differ depending on the forum. While in international and continental European courts recognition has only probative value, in English and American courts an official statement of recognition or non-recognition by the forum government is conclusive evidence as to the legal status of a foreign authority or entity as, according to the "one voice doctrine," in matters of foreign affairs the judiciary and the executive are to speak with one voice. The forum government's position may be introduced in the judicial process by way of a Foreign Office certificate, amicus curiae brief or statement of interest. The question of recognition may determine access to the courts (*locus standi*), privileges and immunities, the legal status of individuals, the right to recover State property in the forum, and the judicial cognizance of foreign legal acts. The traditional (English) common law rule of "non-recognition, non-cognizance," according to which a State or

government that is not recognized as such does not exist in the eyes of the law, has been mitigated by the courts, *inter alia*, by giving retroactive effect to recognition, treating an unrecognized authority as the "subordinate body" of a recognized State, and by giving effect to the laws and legal acts that regulate the day-to-day affairs of the people in an unrecognized State or government.

Non-recognition

The non-recognition of a *de facto* existing State or government may be motivated by political reasons, as in the case of the non-recognition by Western States of the German Democratic Republic as State (1949-19723) or US non-recognition of the Chinese Communist Government (1949-1979). It may also be used as a sanction in response to a violation of a fundamental norm of international law (such as the prohibition of the use of force or racial discrimination), especially when applied collectively, as in the case of the State of Rhodesia (1965-1980). The duty not to recognize as lawful a situation created by a serious breach of an obligation arising under a norm of *jus cogens* is now laid down in article 41(2) of the International Law Commission's Articles on Responsibility of States of Internationally Wrongful Acts (2001). A duty of non-recognition may also arise under a treaty or a binding resolution of the United Nations Security Council.

Non-binding resolutions of the Security Council which in their preamble merely reaffirm "the sovereignty and territorial integrity" of a State and the "inadmissibility of the use of force for the acquisition of territory" [1] may contribute to the establishment of a customary international law duty of non-recognition of the secessionist entity created by force.

Note

[1] See for example S/RES/884 (1993) 1on the conflict in and around the Nagorno-Karabakh region of the Azerbaijani Republic.

Further Reading

Talmon, Stefan (2006). *Kollektive Nichtanerkennung Illegaler Staaten* [Collecive Non-Recognition of Illegal States], Tübingen: Mohr Siebeck.

Talmon, Stefan (2000). *Recognition in International Law: A Bibliography*, The Hague: Martinus Nijhoff.

Talmon, Stefan (1998). Recognition of Governments in International Law: With Particular Reference to Governments in Exile, Oxford: Clarendon Press.

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CONCLUDING REMARKS

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The geo-political position of Azerbaijan must be a central consideration in devising a strategy of engagement with international law.

Already integrated in some of Europe's key regional institutions like the Organization for Security and Cooperation in Europe and the Council of Europe, Azerbaijan aspires to even closer links with Europe, but is in the middle of one of the world's most unstable regions, the Caucasus, and borders with another one, the Middle East. The reintegration of its national territory and the maintenance of a safe route for exporting its oil are probably Azerbaijan's most vital national interests. And, while its power may surpass that of its small neighbors, Georgia and Armenia, it will never be greater than that of the three giants at its doorsteps – Iran, Russia and Turkey.

Georgia's strategy was to put all its eggs in the basket of a potential NATO membership. It thought the benefits of this strategy so great that it could overcome its geopolitical challenges with a rapid move into the secessionist regions. It was a tragic miscalculation.

Its post-war strategy was, amongst other things, to go on the offensive in a number of international legal fora: the International Court of Justice, the European Court of Human Rights, and the International Criminal Court. One of these courts might well come down with a ruling that contradicts Georgia's version of events, for example on which country bears responsibility for starting the conflict, and thus deal a potentially fatal blow to whatever is left of Georgia's hopes of joining NATO.

Azerbaijan is in a different position: it has not put all its eggs in a one-strategy basket and, consequently, its legal strategy need not entail such high stakes.

Azerbaijan can draw maximum advantage from the settled jurisprudence, examined above, of the European Court of Human Rights on jurisdiction in the same way as Cyprus did in relation to Northern Cyprus. Neither "the Turkish Republic of Northern Cyprus" nor the "Republic of Nagorno-Karabakh" are parties to the European Convention, but Turkey and Armenia are, and may be held vicariously responsible for breaches of the Convention committed in those territories.

Inter-state proceedings, similar to those brought by Cyprus against Turkey, should also be considered.

As far as recognition is concerned, the key objective in the short term must be to preserve the status quo. It would be a disaster for Azerbaijan if the situation precipitated in a South-Ossetian or Abkhazian way with Nagorno-Karabakh obtaining recognition from a major player like Russia. At present, despite the strength of its legal position, Azerbaijan cannot rely on the safety of a duty of non-recognition

grounded in a decision of the Security Council, and cannot afford to discount the politics of recognition (and non-recognition). It has, in other words, to tread very carefully.

Azerbaijan cannot probably afford to remain disengaged from the legal aspects of the Kosovo question. At the very least it should give very careful consideration to the pros and cons of filing a written submission to the proceedings in the International Court of Justice (the deadline for receiving these submissions is April 2009). It is not just the impact of the Kosovo secession on Azerbaijani interests that requires such an assessment, but also the more general consideration that a young state facing the challenges described above has a lot to gain, in reputational and diplomatic terms, from being an active participant in the main fora of international law when important decisions are taken, and from having its voice heard and case articulated.

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A CHRONOLOGY OF AZERBAIJAN'S FOREIGN POLICY

I. Key Government Statements on Azerbaijan's Foreign Policy

In his second inaugural address, President Ilham Aliyev stresses that "today Azerbaijan has strengthened its positions in the international community" by conducting "a policy based on national interests, national dignity, national consciousness and tolerance." He added that Baku is "interested in the construction of mutually profitable relations with all countries" and said that "the countries which are cooperating with us in the region are satisfied with this cooperation." And in the course of his second term, he added, Baku will seek to prolong and extend "friendly relations with all countries" and expand its activities in international organizations.

With regard to Karabakh, President Aliyev reaffirmed his position that "Karabakh will never be independent. Azerbaijan will never recognize it. Not in five, ten or twenty years, not ever." Azerbaijan "will never give agreement to the separation of his immemorial lands, and we by strengthening our territorial integrity will achieve the return of the occupied territories." "International law and historic justice are on the side of Azerbaijan," he continued. "And as long as our lands remain occupied, there cannot be any talk about cooperation of any kind with Armenia." The president added that he retains hope that the dispute can be resolved by negotiations.

And the re-elected president concluded his inaugural address by asserting that "today Azerbaijan is an independent country in the full sense of the word" (http://www.day.az/news/politics/134411.html).

II. Key Statements by Others about Azerbaijan

Russian Prime Minister Vladimir Putin sends a message to President Ilham Aliyev on the occasion of the latter's re-election in which he says that "your convincing victory in the elections confirms the broad support and trust of the Azerbaijani people to the course you have followed toward the accelerated political and social-economic development of the country and the strengthening of the authority of Azerbaijan in

the international arena." Putin adds that he "is certain that friendly and good-neighbourly Russian-Azerbaijani relations will in the future actively develop in all directions in the interests of the peoples of both countries and the strengthening of regional and international stability" (http://www.day.az/news/politics/133492.html).

The International Crisis Group releases a report saying that Azerbaijan and Armenia continue to have military parity (http://www.crisisgroup.org/home/index.cfm?id=5751&l=1).

III. A Chronology of Azerbaijan's Foreign Policy

31 October

Foreign Minister Elmar Mammadyarov meets with the foreign ministers of Armenia and Russia in Moscow in advance of the November 1 summit meeting among Azerbaijan President Ilham Aliyev, Russian President Dmitry Medvedev and Armenian President Serzh Sargsyan (http://www.day.az/news/politics/134991.html).

30 October

Russian Prime Minister Vladimir Putin sends a message of greetings to Arthur Rasizade on his re-appointment as prime minister (http://www.day.az/news/politics/135007.html).

Milli Majlis Vice Speaker Ziyafat Askerov says that "at the present time, relations between Azerbaijan and NATO are developing on a normal level" (http://www.day.az/news/politics/135008.html).

29 October

Elin Suleymanov, Azerbaijani consul general in Los Angeles, says that "whoever is elected president of the United States, the interest of Washington in expanding cooperation with Baku will be the defining factor in the policies of the White House" (http://www.day.az/news/politics/134855.html).

28 October

The Milli Majlis confirms the re-appointment of Arthur Rasizade as prime minister (http://www.day.az/news/politics/134740.html).

Hulusi Kylydzh, Turkey's ambassador to Azerbaijan, says that Ankara "will open its borders with Armenia after Armenia withdraws its forces from the occupied territories." He added that Turkey has always supported the territorial integrity of Azerbaijan (http://www.day.az/news/politics/134747.html).

Azerbaijan establishes diplomatic relations with the Republic of Zimbabwe (http://www.day.az/news/politics/134723.html).

27 October

U.S. President George W. Bush sends President Ilham Aliyev a message on the latter's re-election as president, expresses his "best wishes" and his hopes for a deepening of bilateral partnership in energy and other areas (http://www.day.az/news/politics/134691.html).

26 October

President Ilham Aliyev tells a reception following his inauguration that "today Azerbaijan is a democratic country" (http://www.day.az/news/politics/134536.html).

25 October

President Ilham Aliyev receives the special representative of the NATO Secretary General for the South Caucasus and Central Asia Robert Simmons (http://www.day.az/news/politics/134496.html).

24 October

President Ilham Aliyev took the oath of office for a second term. Among the dignitaries present were Georgian President Mikheil Saakashvili, Turkish Deputy Prime Minister Jamil Cicek, the chief of the Presidential Administration of Russia Sergey Naryshkin, and the chairman of the executive committee of the Commonwealth of Independent States Sergey Lebedev (http://www.day.az/news/politics/134372.html).

23 October

President Ilham Aliyev receives a delegation of American business executives interested in national security led by Vice Admiral Richard Gallagher, the deputy chief of the US European Command (http://www.day.az/news/politics/134241.html).

Vasily Istratov, Russian ambassador to Azerbaijan, says that all election monitors from the CIS countries who came to Baku concluded that "the elections were conducted in model fashion, and all plan to exchange experience [with Baku] on how to organize elections" (http://www.day.az/news/politics/134229.html).

Kristiina Ojuland, the vice speaker of the Estonian parliament says that Azerbaijan should not view NATO "only as a military organization." Instead, she says, "NATO is an organization based on common values. And if a country like Azerbaijan shares these values, then I consider that there is a place for Azerbaijan in NATO" (http://www.day.az/news/politics/134179.html).

22 October

President Ilham Aliyev has a telephone conversation with Russian President Dmitry Medvedev on the organization of a summit meeting in Moscow looking toward the resolution of the Nagorno-Karabakh dispute (http://www.day.az/news/politics/134145.html).

The Azerbaijani foreign ministry expresses its disappointment in the statement of the president of the European Union concerning the presidential elections in

Azerbaijan. The ministry's press office says that the statement, which suggested that the vote was less than fully free and fair, differed significantly from what monitors on the ground had concluded (http://www.day.az/news/politics/134121.html).

Qatar names Sheikh Mubarak bin-Fahad bin-Jassem Al-Tani as ambassador to Azerbaijan (http://www.day.az/news/politics/134086.html).

Fakhraddin Gurbanov, Azerbaijan's ambassador to UK, meets with members of the British parliament to discuss the Nagorno-Karabakh issue and the recent presidential elections in Azerbaijan (http://www.day.az/news/politics/134072.html).

21 October

UNESCO General Director Koichiro Matsuura sends congratulations to President Ilham Aliyev on his re-election (http://www.day.az/news/politics/133947.html).

20 October

President Ilham Aliyev receives departing Belgian Ambassador Frank Girkency (http://www.day.az/news/politics/133871.html).

Omani Sultan Kabus ben Said sends congratulations to President Ilham Aliyev on his re-election (http://www.day.az/news/politics/133883.html).

19 October

Iranian President Mahmoud Ahmadinejad sends congratulations to President Ilham Aliyev on his re-election (http://www.day.az/news/politics/133735.html).

18 October

Azerbaijan marks its Day of State Independence. On October 18, 1991, Azerbaijan declared its independence from the Soviet Union, and itself a successor to the Azerbaijan Republic of 1918-1920 (http://www.day.az/news/politics/133677.html).

President Ilham Aliyev sends congratulations to Turkish President Abdulla Gul on Turkey's election as a member of the UN Security Council (http://www.day.az/news/politics/133702.html).

Polish President Lech Kaczynski and Romanian President Traian Basescu send their congratulations to President Ilham Aliyev on his re-election (http://www.day.az/news/politics/133672.html).

17 October

The U.S. State Department through its spokesman "greets the Azerbaijani people on the occasion of the presidential elections," noting that observers had found "certain improvements in the conduct of the current elections in comparison with previous ones" (http://www.day.az/news/politics/133538.html).

U.S. Deputy Secretary of State John Negroponte telephones President Ilham Aliyev to congratulate him on his re-election (http://www.day.az/news/politics/133695.html).

Carl Bildt, the chairman of the committee of ministers of the Council of Europe, says that "we are satisfied that the elections of the president of Azerbaijan took place in a calm and peaceful way" (http://www.day.az/news/politics/133613.html).

Valdis Zatlers, the president of Latvia, telephones President Ilham Aliyev to offer his congratulations on the latter's re-election (http://www.day.az/news/politics/133595.html).

16 October

Russian President Dmitry Medvedev greets President Ilham Aliyev on his re-election and wishes him "new success" in office (http://www.day.az/news/politics/133440.html).

Russian Prime Minister Vladimir Putin greets President Ilham Aliyev on his re-election (http://www.day.az/news/politics/133492.html).

Ukrainian President Viktor Yushchenko telephones President Ilham Aliyev to congratulate him on his re-election (http://www.day.az/news/politics/133427.html).

Georgian President Mikheil Saakashvili telephones President Ilham Aliyev to congratulate him on his re-election (http://www.day.az/news/politics/133394.html).

Kazakhstan President Nursultan Nazarbayev congratulates President Ilham Aliyev on his re-election (http://www.day.az/news/politics/133463.html).

Tajikistan President Emomali Rakhmon sends a telegram to President Ilham Aliyev to congratulate him on his re-election (http://www.day.az/news/politics/133460.html).

King Abdullah II of Jordan congratulates President Ilham Aliyev on his re-election (http://www.day.az/news/politics/133486.html).

Note to Readers

The editors of "Azerbaijan in the World" hope that you find it useful and encourage you to submit your comments and articles via email (adabiweekly@ada.edu.az). The materials it contains reflect the personal views of their authors and do not necessarily represent the views of the Azerbaijan Diplomatic Academy or the Ministry of Foreign Affairs of the Republic of Azerbaijan.