

THE ROLE OF AZERBAIJAN IN THE NON-ALIGNED MOVEMENT THROUGH THE LENS OF INTERNATIONAL LAW AND SECURITY

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Abstract: This research paper is an attempt to explain the role of Azerbaijan in the Non-Aligned Movement through a rarely used perspective or lens of international law and international security. In a scholarly discourse on Azerbaijan's ascension to the full membership in the Non-Aligned Movement, there are two distinct camps that argue either from the perspective of the non-relevance of the Non-Aligned Movement in the contemporary international community and subsequent low significance of Azerbaijan's move or from the perspective of the theory of international relations and present it as a foreign policy adjustment or a continued strategy. This study departs from the continued (albeit adjusted) relevance of the Non-Aligned Movement as a subject of international law and seeks to complement the existing theories proposed by the international relations scholars with an alternative view based on Azerbaijan's paradigmatic perceptions of international law and international security. By taking an alternative viewpoint, this paper utilizes a multidisciplinary angle to tackle so far only narrowly researched topic.

Key words: Azerbaijan, the Non-Aligned Movement, international law, security.

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Introduction

'History has shown that non-alignment is an idea that evolves but does not fade.'

Manmohan Singh, former Prime Minister of India

When Azerbaijan joined the Non-Aligned Movement on the 25th of May 2011, only three other post-Soviet states (Belarus, Turkmenistan and Uzbekistan) had full membership in the organisation. For many researchers and specialists in the Caucasus and post-Soviet studies, as well as for policy analysts, the move to formally advance from the observer status to a full membership seemed sudden and contextually peculiar, especially if taken through the perspective of the pragmatist view of Azerbaijan's foreign policy (Makili-Aliyev, 2013). An attempt was made to quickly connect and understand this rise in the perspective of the development of Azerbaijan's relations either with its larger regional neighbours (Russia and Iran) or with the United States and the West in general. Such views, however, if analysed in a larger context, reveal their relative shallowness, for they tend to largely ignore the development of Azerbaijan and its foreign policy both prior to the event, as well as its follow-up (Strakes, 2015, pp. 2-4). As the year 2021 comes with the 60th anniversary of the Non-Aligned Movement, it seems appropriate to mark this event with a more comprehensive analysis that will explain the role of Azerbaijan in the Non-Aligned Movement, especially as it is the state that currently chairs this forum. This study is an attempt to shift the perspective on Azerbaijan and its participation in the Non-Aligned Movement from the strict confines of foreign policy analysis to adapt a zoomed-out view that covers the positioning of Azerbaijan during the years of its independence from the Soviet Union taken through the lens of international law and international security. The underlying hypothesis is that the basis for Azerbaijan's stance that led to the adoption of non-alignment as its principled position and subsequent ascension to the Non-Aligned Movement lies not within this state's considerations regarding its foreign policy or international relations in general, but in Azerbaijan's perceptions regarding international legal order and understanding of international security. This study's aim is not to evaluate such perceptions or the stance of Azerbaijan with regards to its membership in the Non-Aligned Movement. Rather, it aims to analyse how Azerbaijan's paradigmatic perceptions of international law and international security are related to its concept of non-alignment and its role in the Non-Aligned

Movement. In order to come to overall conclusions, this study will analyse the contemporary relevance of the Non-Aligned Movement and the position of Azerbaijan in relation to non-alignment. It will then proceed to the discussion of international legal considerations and perspectives on international security as the general perceptions of Azerbaijan shaping its participation in the Non-Aligned Movement.

The contemporary relevance of the Non-Aligned Movement

The contemporary relevance of the Non-Aligned Movement as an organisation and a subject of international law and international relations is, naturally, a complex question that attracts a multitude of perspectives and different opinions and analyses. This study due to its limitations cannot seek to explore this question in-depth and only limits itself to positioning its own view to provide a reader with the perspective it takes on the Non-Aligned Movement. Such a perspective serves as a background for subsequent analysis of Azerbaijan in relation to the Non-Aligned Movement. The 1955 Bandung Conference is widely seen as a normative basis for the creation of the Non-Aligned Movement in 1961. The creation of this forum of developing states within the framework of loosely defined organisation can be seen from two different historical perspectives. On the one hand, the creation of the Non-Aligned Movement cannot be viewed separately from the context of the fallen colonial system and the independence movements in Africa, Asia and Latin America. The Non-Aligned Movement certainly played a special role in the decolonisation process and self-determination of peoples in many parts of the world. One of the indicators of such a strong connection to the decolonisation process can be seen in the Bandung Conference, which attracted post-colonial leaders of newly independent states that had a clear “third-world perspective” and needs in mind. During the preparatory conference to the Belgrade Summit in Cairo in 1961, the focus was exclusively on post-colonial agenda with the list of issues that included support of self-determination, national independence and the sovereignty and territorial integrity of States; non-adherence to multilateral military pacts and the independence of non-aligned countries from great power or block influences and rivalries; disarmament; rejection of the use or threat of use of force in international relations; non-interference into the internal affairs of States and peaceful coexistence among all nations; socioeconomic development and the restructuring of the international economic system; international cooperation on an equal footing; the strengthening of the United Nations;

the democratization of international relations; the struggle against imperialism in all its forms and manifestations; the struggle against colonialism, neocolonialism, racism, foreign occupation and domination; and, finally, opposition to apartheid (Ministry of External Affairs of India, 2012). On the other hand, the concept of the non-alignment central to the Non-Aligned Movement itself is certainly connected to the emergence of the bipolar world and rivalry between the NATO and the Warsaw Pact states. The usual explanation accounts for the position that the less developed newly emergent states of the "Third World" have found themselves in between two military blocks hostile to each other. Their unification in a movement is understood as a demonstration of their unwillingness to align themselves with either of the blocks and instead to direct their efforts towards peace and non-interventionism. The Non-Aligned Movement was seen as providing the platform for states that would like to avoid military pacts with either the US or the Soviet Union. The rationale behind the decision is often explained either by concepts of neutrality or classical realism. Nonetheless, whatever the rationale, the aim has always been to avoid the constraints of a Cold War alliance in one form or the other (Iskandarov et al., 2019, pp. 62-63). In line with this latter perspective, the Non-Aligned Movement is seen as the 'political arm' of the global South, where the 'economic arm' is assigned to the Group of Seventy-seven within the context of the attempts in the UN in the 1960s-1980s to push for global economic reforms and vision promoted by the global South. It is believed that under Cuba's leadership at the beginning of the 1980s the relevance of the movement begins to significantly weaken, especially due to the Cuban attempts to steer the movement into the direction of alignment with the Soviet Union and away from its original position (Cutler, 1997; Cutler 2020, p. 35). After this weakening and then further after the collapse of the socialist block, the relevance of the movement comes under question (Iskandarov et al., 2019, p. 64; Strakes, 2015, p. 2) as it faced a challenge of retaining its relevance in the face of the fall of the bipolar world. With the dissolution of Yugoslavia that assumed the chairmanship of the Non-Aligned Movement in 1989, the crisis deepened. Argentina left, while India, Cuba and Algeria lowered their involvement in the promotion of non-alignment. Moreover, Cyprus and Malta left the movement to join the European Union. The crisis of leadership, which was formerly based on charismatic leaders, has also affected the Non-Aligned Movement as the new leadership in the developing countries progressively relied on state structures rather than authoritarian charisma. Furthermore, the aggression of Iraq against Kuwait in 1991 has negatively affected the positions of the

movement and showcased its inability to mediate between these two states. However, the efforts of Indonesia that chaired the Non-Aligned Movement in 1992-1995 and then Columbia have proven largely successful in reforming the movement and averting its slide to the irrelevance of the Cold War relic (Krilov, 2018, pp. 28-30). Consequently, the Non-Alignment Movement has survived the years after the dissolution of the Soviet Union, while its principles and objectives are considered continuously valid, as the domination in international relations has not lost its strategic edge and continues to pose a threat to the interests of the less developed states. Thus, its contemporary relevance still lies in providing the developing countries with possibilities to select policies and practices in accordance with their national interests, as opposed to those that are determined by organisations or alliances ruled by the major powers (Ministry of External Affairs of India, 2012; Ani, 2012; Krilov, 2018, p. 31).

Positioning Azerbaijan in relation to Non-Alignment

The ascendance of Azerbaijan to the full membership in the Non-Aligned Movement has been a clear formal embrace of the concept of non-alignment by this state. However, non-alignment as a concept was already previously integrated into Azerbaijan's vision of development, albeit informally. This may explain why the local scholars in Azerbaijan tend to understand non-alignment in classical terms of non-involvement in the conflict between third states and/or military alliances or blocks (e.g., Gurbanov, 2020, p. 9). At the same time, the scholarship knows several theories that have explained the development of Azerbaijan since its independence from the Soviet Union in relation to the concept of non-alignment. Most such developed theories will be discussed here in order to position Azerbaijan more accurately in relation to non-alignment as a concept. The most common theory revolves around the geopolitical situation in the South Caucasus, where Azerbaijan is the largest and most developed state in terms of economics and power. The geopolitical situation in the South Caucasus is explained as fragile and volatile, thus marked with uncertainty. The region itself is surrounded by larger powers such as Russia, Iran and Turkey (as an extension of the General West) which compete for dominance with various degrees of intensity. At the same time, Azerbaijan's neighbours in the region – Georgia and Armenia – are seen as states that made their geopolitical choices in the opposite vectors towards different power centres. Georgia is oriented towards the General West with ambitions of the North Atlantic Treaty Organisation (NATO) and European

integration, while Armenia is a member of the Collective Security Treaty Organisation (CSTO) and the Eurasian Economic Union which are firmly tied to Russia. In this light, Azerbaijan is seen as a proponent of the 'third way', relying on the bilateral relations built outside the framework of political and ideological constraints. It is then argued that because of the geopolitical situation in the South Caucasus, non-alignment becomes the most beneficial conceptual framing of Azerbaijan's foreign policy, heavily informed by pragmatism. At the same time, it is precisely because of the involvement of pragmatism that this theory ultimately rejects the notion of equidistance from major powers and blocks (that is usually seen as necessary for non-alignment). Instead, non-alignment is treated as a spectrum of different positions, where each state finds a comfortable spot within the parameters of its national interests. For Azerbaijan, reliance on separately built bilateral relations with major powers then becomes this spot of comfort and allows it to maintain its independent foreign policy while simultaneously control its distance from the major powers, without aligning itself with any of them (Iskandarov et al., 2019, pp. 66-69; Gurbanov, 2020, pp. 13-14). Another theory takes an informal realist perspective as a starting point and revolves around Azerbaijan's security problems, especially with neighbouring Armenia. The 'balanced' approach in foreign policy is explained by the hostile environment that Azerbaijan has faced since its independence from the Soviet Union. Armenia and regional powers are explained as ultimately hostile towards Azerbaijan, and in such an environment Azerbaijan's goals to preserve autonomy are synchronized with the possible beneficial resources that Azerbaijan could receive from the constructive engagements with major powers, namely the US, Russia and Iran. Azerbaijan's relation to non-alignment is then explained as deriving from the strategy of survival that was required to mitigate the acute crisis and immediate threats that the state has faced at the beginning of the 1990s. This is supported by the fact that such a strategy is not enshrined or explained in any official document, including Azerbaijan's Constitution. Furthermore, the theory explains that because such a strategy essentially worked (allowing Azerbaijan to gain regional leadership in terms of economics, development and power), this state subsequently developed non-alignment into a foreign policy principle. The intensive engagement of Azerbaijan with the global South during the 2000s is showcased as an indicator supporting such arguments (Strakes, 2015, pp. 3-4; Gurbanov, 2020, p. 16). The informal realist theory presents non-alignment as a conscious choice of Azerbaijan in developing workable strategies to turn the hostile environment into one comfortable for development, and not a

condition dictated by the geopolitical environment itself. One more theory that should be discussed here takes yet another perspective to explain Azerbaijan's positioning in relation to the non-alignment concept. Robert Cutler firmly criticizes neorealist and neoliberal explanations of Azerbaijan's behaviour through 'rational-choice methodology'. The critique is based on the failure to account for small and middle powers and their behaviour generally (setting Azerbaijan as an example). Cutler then bases his explanation of Azerbaijan's position on the 'regime theory' that utilizes a normative approach to certain areas of international relations where specific regimes (or specialized arrangements focused on well-defined activities, resources or geographical areas) (Krasner, 1982, p. 186; Young, 1989, p. 13) allegedly exist. In order to apply the concept to Azerbaijan specifically, Cutler utilizes a concept of 'strategic hedging' to explain the dynamics of Azerbaijan's foreign policy since its independence. Cutler's theory revolves around the understanding of strategic hedging as a mix of co-operative and confrontational elements of Azerbaijan's foreign policy in the geographical regime of the South Caucasus. In his view, the use of strategic hedging created the conditions for Azerbaijan to position itself as a 'middle power'. One of the features of such power is the ability to reduce tensions and limit conflict between major powers (Cutler, 2020, pp. 34-35, 41-42). In line with his logic, such a role of Azerbaijan then naturally benefits from a non-aligned positioning. While these main theories disagree on whether the position of Azerbaijan towards non-alignment is a product of the environment, a rational choice predefined by the challenges or a result of growing relevance, all of them agree that: 1) Azerbaijan is not pursuing static equidistant neutrality when it comes to major powers; 2) Azerbaijan's actions cannot be analysed exclusively within the boundaries of foreign policy or national interest, and 3) Azerbaijan's strategic choices are defined by its development as a state. This suggests that the formalization of Azerbaijan's non-alignment (in the form of full membership in the Non-Aligned movement) has a more paradigmatic nature which cannot be explained only by international relations theorists. Other views, such as international law and international security, may be useful in supplementing this pre-existing theory.

Linking international law and security perceptions of Azerbaijan with its role in the NAM

The Non-Aligned Movement as an international organisation with a very flexible structure has long proven itself to be a subject of international law. The movement continues to operate on the basis of the ten normative

principles proclaimed at the Bandung Conference in 1955. These principles are reaffirmed by each Summit organised by the movement. The Bandung principles consist of: 1) Respect for fundamental human rights and for the purposes and principles of the Charter of the United Nations (UN Charter); 2) Respect for the sovereignty and territorial integrity of all nations; 3) Recognition of the equality of all races and of the equality of all nations large and small; 4) Abstention from intervention or interference in the internal affairs of another country; 5) Respect for the right of each nation to defend itself singly or collectively, in conformity with the Charter of the United Nations; 6) Abstention from the use of arrangements of collective defence to serve the particular interests of any of the big powers, abstention by any country from exerting pressure on other countries; 7) Refraining from acts or threats of aggression or the use of force against the territorial integrity or political independence of any country; 8) Settlement of all international disputes by peaceful means, such as negotiation, conciliation, arbitration or judicial settlement as well as other peaceful means of the parties' own choice, in conformity with the Charter of the United Nations; 9) Promotion of mutual interests and co-operation; 10) Respect for justice and international obligations (Iskandarov et al., 2019, pp. 64-65). The Bandung principles in essence reflect fundamental principles of public international law enshrined in the UN Charter. First of the Bandung principles directly links fundamental human rights with public international law principles of human rights promotion as set out in the Preamble of the UN Charter. The second and third Bandung principles reaffirm the principles of inviolability of territorial integrity and sovereign equality of every state as enshrined in articles 2.1 and 2.4 of the UN Charter. The third Bandung principle specifies that sovereign equality and racial equality should not be affected by the size of the nation. The fourth Bandung principle is a reaffirmation of the non-interference in the affairs of other states proclaimed by article 2.7 of the UN Charter. Moreover, the fifth Bandung principle reaffirms the position of article 51 of the UN Charter that any state can defend itself individually or collectively. However, the sixth Bandung principle rejects the interpretation of the same article 51 of the UN Charter as allowing collective defence in the form of special arrangements, especially if they serve the interests of major powers (NATO and CSTO can serve as examples of such arrangements). This principle also rejects hard power pressures as a tool in international relations. The seventh Bandung principle is a wider interpretation of the public international law principle of non-use of force enshrined in article 2.4 of the UN Charter. It ties the issue to the notion of aggression, which is considered an international crime. The eighth Bandung principle is a wider

interpretation of peaceful settlement of disputes principle of public international law as per article 2.3 of the UN Charter. The possible settlement tools tied to the notion of justice are proclaimed as possible options. The ninth Bandung principle is a more general version of the international cooperation promoted by the United Nations as per article 1.3 of the UN Charter. Finally, the tenth Bandung principle is a reaffirmation of the principles of justice and commitment to the international obligations arising from the Preamble of the UN Charter (UN Charter, 1945, art. 1-2).

This short analysis illustrates the legalism and firm basis of the Non-Aligned Movement in international law and respect towards its principles. The only notable exception here is the rejection of the notion of “collective defence arrangements” as deriving from the right of the state to collective self-defence. Moreover, such a conclusion is supported by a broader understanding of the aims of non-alignment as maintaining strategic autonomy and flexibility while formally and informally promoting the interests of developing states in political, economic and cultural fields (e.g., Brown, 1966; Crabb Jr., 1964). Consequently, non-alignment rejects sole reliance on power relations between states and assumes that international law should set standards for state conduct in their interactions (Strakes, 2015, p. 6). The grounding of Non-Aligned Movement in the formalistic and wide understanding of principles of international law and restrictive understanding of international security as dependent on international legal norms and right to individual and collective self-defence (not on politically motivated “collective defence” arrangements or measures), resonates starkly with the grounding principles of Azerbaijan’s development of its foreign policy. There is a consensus among scholars that the active participation of Azerbaijan in international organisations is connected not only to its state interests but also its will to uphold international security. At the same time, in building its external relations, Azerbaijan puts forward respect to the principles of sovereignty, independence, territorial integrity and inviolability of international borders of other states. Moreover, the expectations of Azerbaijan in building such relations are that there will be peaceful co-existence and mutual non-interference in internal affairs. Another key principle is the avoidance of any overdependence on any third state in any sphere (Gurbanov, 2020, pp. 10-11; Iskandarov et al., 2019, p. 68). Such a perfect alignment of principles of Azerbaijan’s development of its foreign policy (based on the classical understanding of international law) with the grounding principles of the Non-Aligned Movement made the role of Azerbaijan in the movement predetermined on the paradigmatic level. In this sense, given the positioning of Azerbaijan in regards to non-

alignment as a concept taken together with the shared principles of international law led to a logical ascension of Azerbaijan to the full membership in the movement and then to the assumption of an active role in the development of its agenda that reflects both grounding principles of its foreign policy as well as the Bandung principles of 1955.

Conclusions

While the Non-Aligned Movement has been criticized for its alleged low relevance and ineffectuality as well as for the idealistic agenda that contradicts the realist views of many contemporary scholars, it still remains a relevant subject of international law and international relations, due to its flexible nature and the dedication to the interests of developing countries (small and middle powers) that remain a majority in the international community. Its position that recognizes the principles of international law as equally important for effective international relations as, for example, power considerations, has made it naturally attractive to the small and middle powers that rely heavily on the implementation of the principle of sovereign equality (or second and third Bandung principles). For Azerbaijan, the principles of the development of its foreign policy and its vision of building the relations with the international community reflect the same principles that the Non-Aligned Movement stands for as an organisation (all ground in the principles of public international law). Consequently, in the logical progression of its development, Azerbaijan ascended to full membership in the organisation that declares almost exactly the same principles and values. It then proceeded to take an active role in the organisation that translated into the presidency of 2019-2022. The analysis of the Baku Declaration adopted at the 8th Summit of Heads of State and Government of the Non-Aligned Movement in 2019 reveals the priority areas that Azerbaijan's presidency in the movement chose to focus on. In line with its commitments to the principles of public international law, Azerbaijan directs the attention of organization *inter alia* to: 1) adopting the organisation to current geopolitical realities; 2) unification of its members to address challenges and threats to international peace, security and development; 3) support to the multilateralism in the international community and especially in the United Nations; 4) push for the reform in the United Nations and especially its Security Council to create a more representative organ; 5) strong commitment to the principles of international law concerning friendly relations and cooperation among states, territorial integrity, sovereignty, sovereign equality, political independence and

inviolability of borders; 6) combating terrorism and elimination of weapons of mass destruction; 7) prevention of politicization of peacekeeping operations; 8) sustainable development; 9) climate change; 10) promotion and protection of human rights; and 9) promotion of multiculturalism under the “Baku Process” (Non-Aligned Movement, 2019). The wide range of issues that Azerbaijan is targeting while heading the Non-Aligned movement reflects both its dedication to the aforementioned principles of public international law as well as willingness to continue developing with and within this organisation in line with its chosen position in non-alignment. While coming years will show to what degree such an ambitious agenda was addressed and the role of Azerbaijan in the Non-Aligned Movement will solidify, it already seems clear that such a role was not defined exclusively by the geopolitical situation or foreign policy considerations, but at least also by Azerbaijan’s paradigmatic perceptions of international law and security.

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