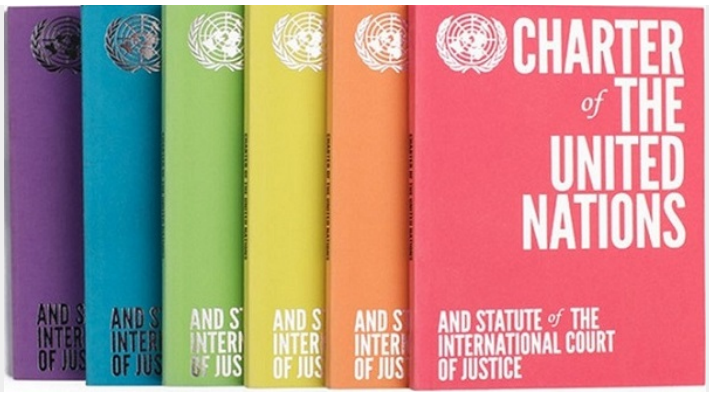
A SEPARATIST ENTITY OR THE BIRTH OF A STATE

Posted on October 30, 2020 by Keghart



Category: Opinions

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By Souren Seraydarian, Vienna, 18 October 2020

Artsakh or Nagorno- Karabakh is described regularly by the western media as a separatist region.

According to the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nation (chapter I art. 1 and chapter IX art.55), all peoples have the right to determine, without external interference, their political status and to pursue their economic, social and cultural development. The right to self determination was confirmed by the General Assembly of the UN in the Declaration of Friendly Relations which was unanimously adopted in 1970 and reflected in resolution 2625 adopted during the 25th session of the UN .

Art. 1, common to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) reaffirmed the right of all peoples to self determination, and lays upon state parties to promote and respect it.

The International Law Commission of the UN has agreed that violation of the right of peoples to self determination is a most serious offense, an international crime, and has thus tacitly admitted that this principle is one of the cases which in contemporary international law can be characterized as *jus cogens*.

During the 20th and 21st centuries many states were formed on the ruins of disappearing empires or states. The disappearance of the Ottoman Empire led to the creation of new states such as Syria, Lebanon, Transjordan, etc. Czechoslovakia and Yugoslavia were formed upon the ruins of the Austro-Hungarian Empire. Six new states were formed following the disappearance of Yugoslavia and a new state was formed in Serbia following the independence of Kosovo.

Similarly, as a direct result of the disintegration of the USSR the peoples of Artsakh made use of their fundamental right of self-determination to establish a state on the ruins of the dissolved union. This state meets all criteria of statehood including a democratic system of government, legislative, executive and judiciary institutions respecting human rights and rule of law. Thus it can hardly be described as a separatist region but rather the formation of a new state to be recognized as a new member of the international community followed by its adherence to the United Nations.

There are no comments yet.