



## **Lemkin Institute Statement on Azerbaijan's Noncompliance with February 22nd ICJ Order to Unblock Lachin Corridor**

*Released 12 April 2023*

The Lemkin Institute for Genocide Prevention is outraged at Azerbaijan's blatant disregard for the binding International Court of Justice (ICJ) decision on provisional measures issued on February 22, 2023, which ordered Azerbaijan to ensure free movement of goods and people through the Lachin Corridor. Azerbaijan has failed to comply with this order despite the fact that it has accepted ICJ jurisdiction in the 2021 case on the Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan) and it has been a party to the Convention on the Elimination of All Forms of Racial Discrimination since 1996. The Lemkin Institute is equally concerned with the lack of support from the international community in enforcing ICJ's decisions with viable mechanisms. **The voluntary nature of international law renders it inept when a state decides not to implement the decisions of international tribunals.** The Lemkin Institute strongly advocates for more forceful vehicles to implement those decisions and believes it is in the interest of all states to do so.

On February 22nd, the ICJ issued a decision stating that Azerbaijan shall "take all measures at its disposal to ensure unimpeded movement of persons, vehicles and cargo along the Lachin Corridor in both directions." The February 22nd decision comes after the ICJ issued provisional measures in that same case, on December 7, 2021, ordering Azerbaijan to "protect from violence and bodily harm all persons captured in relation to the 2020 Conflict who remain in detention, and ensure their security and equality before the law; take all necessary measures to prevent the incitement and promotion of racial hatred and discrimination, including by its officials and public institutions, targeted at persons of Armenian national or ethnic origin; and take all necessary measures to prevent and punish acts of vandalism and desecration affecting Armenian cultural heritage, including but not limited to churches and other places of worship, monuments, landmarks, cemeteries and artefacts."

Several weeks later, Azerbaijan has not only still not complied with the Feb 22nd, 2023, order, but has also launched new military actions in addition to remaining in violation of the orders

issued from December 2021 until today. The Lemkin Institute reiterates that ICJ decisions are binding on the parties in a given case, which means that any order the ICJ issues in the case of Armenia v. Azerbaijan is binding on both parties. This means that both Azerbaijan and Armenia must comply with ICJ orders in light with treaties and agreements both sides have agreed to under international law. Thus, Azerbaijan's noncompliance with the ICJ provisional measures is a blatant violation of international law and a flagrant ignorance of Azerbaijan's international obligations.

There have been very little efforts made by the international community to compel Azerbaijan to lift the blockade in the month since the ICJ order. The most high profile statement made was by Anders Fogh Rasmussen, the previous Secretary-General of NATO, who expressed his dismay at the ongoing blockade and warned of a "humanitarian catastrophe," but did not offer much else. The EU international mission charged with monitoring the Lachin Corridor, which has been protested by Azerbaijan, likewise has proved incapable so far of effectively changing the situation, thus far having released only statements that they will report their findings back to Brussels. The EU's South Caucasus envoy, Toivo Klaar, continues his shameful effort to play both sides of the issue.

Let us remember that the blockade started on 12 December 2022, when Azerbaijani civilians claiming to be environmentalists established barricades to protest "illegal mining activities" and the use of the Corridor to transport weapons. In reality, some of the blockaders have connections to the Azerbaijani government and the blockade is more for political purposes than legitimate environmental concerns. These barricades are also a clear violation of the November 9, 2020, Trilateral Peace Treaty signed by Armenia, Azerbaijan, and Russia, which includes provisions providing for free movement along the Lachin Corridor.

Our readers will recall the February 12th statement from the Lemkin Institute expressing outrage at the tepid efforts and ongoing silence made by the international community in forcing Azerbaijan to change its actions. The Lemkin Institute once again reiterates its call for the international community to take action and pressure Azerbaijan to lift the blockade immediately, enact sanctions for the criminal acts of the Aliyev regime, and foster a peaceful environment conducive to a diplomatic solution that adequately protects the rights of indigenous Armenians in Artsakh.

The Lemkin Institute would like to bring to the attention of international policymakers the implications that Azerbaijan's noncompliance with an international tribunal carries for future cases. Any given state not complying with ICJ's decisions, and the decision of any other international court of body to which countries have subjected their conflicts, undermines and defeats the purposes and core principles of the international community. If Azerbaijan successfully gets away with not complying with the ICJ orders, that sets a terrible precedent and

renders international organs useless in future proceedings. Furthermore, ignoring Azerbaijan's violations only invites more violence. The international community risks destroying trust in international institutions if it continues turning a blind eye to Azerbaijan's noncompliance.

The Lemkin Institute demands that meaningful action be taken to bring Azerbaijan into compliance with both the December 21, 2021 provisional measures, and the February 22, 2023, ICJ order to lift the blockade of the Lachin Corridor, that Azerbaijan be sanctioned once and for all for its criminal actions, and that the international community demonstrates respect for the principles it has adopted to end atrocity crimes and endless wars around the globe.