UNIWERSYTET JANA DŁUGOSZA W CZĘSTOCHOWIE
Gubernaculum et Administratio 2(28)/2023, s. 95–111

http://dx.doi.org/10.16926/gea.2023.02.07

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On the role of the Collective Security Treaty Organization (CSTO) and ensuring security and support for Armenia as its signatory during the ongoing armed conflict with Azerbaijan

Abstract

The article describes the conflict between the Republic of Armenia and the Republic of Azerbaijan, two Caucasian states with the so-called the region of Nagorno-Karabakh, which is part of Azerbaijan, inhabited and ruled for many years by Armenians. In addition to a more detailed approximation of the background of the conflict and the current role of international organizations in its resolution, the article discusses the circumstances of the creation and history of the Collective Security Treaty Organization (CSTO), which was established, among other things, to prevent and resolve conflicts among its signatories, including Armenia and Azerbaijan. The article makes a legal classification of Azerbaijan's aggression against Armenia as a violation of the OBUZ treaty regulations and presents the legal consequences of this. It also contains a negative assessment of the current role of CSTO in settling the conflict between Armenia and Azerbaijan and a negative assessment of the Treaty's real capacity to fulfill its functions, especially in the light of the current international situation and the current political situation in Armenia.

Keywords: Collective Security Treaty Organization, Armenia, Azerbaijan, Nagorno-Karabakh, Military alliance in the Caucasus, OSCE.

Admission

The conflict between the Republic of Armenia and the Republic of Azerbaijan, two Caucasian states over the so-called Nagorno-Karabakh region, which

belongs to Azerbaijan and has been inhabited and ruled by Armenians for many years, began in 1988 and ended in 1994. The war caused the displacement of hundreds of thousands of people and the death of tens of thousands. In 1994, a ceasefire was signed, but the conflict remained unresolved. Over the years, there have been sporadic outbreaks of violence. In mid-2020, this conflict escalated again, despite peace talks involving the OSCE Minsk Group over the disputed region. In 2021, Azerbaijan's armed forces invaded the territory of Armenia itself outside the disputed Nagorno-Karabakh, making attempts to penetrate deep into the country. On December 12th, 2022 Azerbaijan blocked the only road connecting Nagorno-Karabakh with Armenia and the outside world, i.e. the so-called Lachin Corridor. As a result, Armenia, a member of the Collective Security Treaty Organization (Treaty, CSTO), requested assistance and an adequate response from the Treaty for the violation of Article 1 of the Treaty.

The aim of this article is to outline the background of the conflict, taking into account the involvement of international organizations in its resolution and the circumstances of the creation and history of the CSTO. The central point of the article is an attempt to assess the nature of Azerbaijan's aggression against Armenia in the light of the provisions of the CSTO treaty and to describe the legal consequences resulting from it. The article also attempts to assess the current role of the Treaty in resolving the conflict between Armenia and Azerbaijan and the real ability of the Treaty to fulfil its functions, especially in the existing international context and taking into account the current political situation in Armenia.

1. The course of the conflict

For decades there has been a dispute in the Caucasus between Armenia and Azerbaijan over the area of Nagorno-Karabakh. The Nagorno-Karabakh region located *de jure* in Azerbaijan has been inhabited and controlled by indigenous Christian Armenians for years. The peak of the escalation of this conflict falls on the 1980s and 1990s when the international community tried to de-escalate the conflict and work out a lasting and effective solution between the two countries under the leadership of the so-called OSCE Minsk Group (OSCE), created by the Organization for Security and Cooperation in Europe in 1992. This group was established to mediate and resolve conflicts between the countries. The members of the OSCE Minsk Group are United States, France and Russia[1].

After the collapse of the Soviet Union, Armenians living in Nagorno-Karabakh declared their independence, and with the help of the OSCE Minsk Group, an agreement was signed in 1994 between the governments in Baku and

[1] A. Miarka, *The roots of the velvet revolution in Armenia*. In T. Kubin, J. Łapaj-Kucharska, T. Okraska (eds.), "*Around the theoretical and practical aspects of international relations*", University of Silesia Publishing House, Warsaw 2020.

Yerevan. Unfortunately, this agreement did not resolve the conflict in any way, but only froze it for several years[2].

Shortly after the conclusion of the agreement, in September 2020, Azerbaijan attempted to take over the Nagorno-Karabakh area and displace the Armenian population. These actions escalated again into a full-scale war. After weeks of heavy fighting, hundreds of civilian casualties, hostage detention of soldiers and inhumane treatment of prisoners of war, Azerbaijan took control of Nagorno-Karabakh and seized its territory. In connection with these actions, on the night of November 9, 2020 to November 10, 2020, Russia intervened in this matter and a trilateral agreement for a ceasefire was signed between Armenia and Azerbaijan, with Russia as the guarantor of peace[3].

A year later, in 2021, despite the conclusion of the above-mentioned ceasefire agreement, the Azerbaijani armed forces attacked the territory of Armenia itself, this time outside the disputed Nagorno-Karabakh, making attempts to penetrate deep into the country, explaining these actions as preventive, aimed at counteracting the military threat to Azerbaijan's sovereignty. To this day, Azerbaijani troops occupy parts of the Armenian territory, which was not a disputed area.

Azerbaijan's next actions began on December 12, 2022, when Azerbaijan blocked the only road connecting Nagorno-Karabakh with Armenia and the outside world, i.e. the so-called Lachin Corridor. In connection with the blockade of the corridor, many goods began to be shortaged, gas supply was cut off, public institutions were closed, and Armenia was already talking about a humanitarian crisis. The main goal of these actions is to force Armenia to open the so-called Zangezur corridor, connecting the main territory of Azerbaijan with the Azerbaijani exclave of Nakhichevan and Turkey[4]. In connection with these actions, the Prime Minister of Armenia accused the Russian peacekeepers of failing to fulfill their functions resulting from the conclusion of the trilateral peace agreement, in which Russia was supposed to be the guarantor of security and peace.

Apart from Russia, the European Union has been involved in the so-called Armenian Azerbaijani issue for years. The European Parliament, which for years has been issuing various resolutions on the ongoing conflict, calling for peace and end to hostilities and the rendition of Armenian prisoners of war, which it describes (in its resolution of May 20th, 2021 on prisoners of war captured during the recent conflict between Armenia and Azerbaijan) as subjected to inhuman or degrading treatment by Azerbaijani troops (a so-called "Trophy Park" has

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[2] Voytyuk O., *European Union actions towards Armenia conducted within the framework of the European Neighborhood Policy and the Eastern Partnership Program*, Katowice 2020.

[3] W. Górecki, *Blockade of the Lachin corridor. Nagorno-Karabakh introduces food ration cards*, https://www.osw.waw.pl/pl/publikacje/analizy/2023-01-17/blokada-korytarza-laczynskiego-gorski-karabach-wprowadzakartki-na, [accessed: 27.01.2023].

[4] Ibidem.

been opened in Baku on the initiative of the Azerbaijani President Ilham Aliyev, featuring Armenian military equipment and caricatured mannequins depicting Armenian soldiers and officers with their helmets and uniforms. The trophy park also became a place of school education for Azerbaijani youth).[5]

The Eastern Partnership, composed of EU foreign ministers and foreign ministers of the eastern countries, i.e. Armenia, Azerbaijan, Georgia, Moldova and Ukraine, and which aims to deepen political ties, economic integration and security, stability, prosperity, democracy and the rule of law in Eastern Europe and the South Caucasus, has also tried to prevent the ongoing conflict, which, however, turned out to be ineffective[6]. The actions taken by the European Union within the framework of the European Neighborhood Policy have also proved ineffective in resolving the conflict.

The European Court of Human Rights is also involved in the Nagorno-Karabakh conflict, having received complaints from Azerbaijan and Armenia about captured citizens[7]. Azerbaijan filed a lawsuit against Armenia with the International Court of Justice in The Hague, which was rejected. The reason for the dismissal of the lawsuit was the untrue events revealed in this case[8]. The actions of the human rights NGO Human Rights Watch, despite many resolutions and reports issued on this issue, have also not helped to alleviate the conflict.

In connection with the recent actions of Azerbaijan undertaken in September, Armenia, as a member of the Collective Security Treaty Organization, requested assistance and the use of the mechanisms provided for in the Regulations on the procedure for responding to crisis situations of the Collective Security Treaty Organization of December 10, 2010. [9] . The Collective Security Treaty Organization has not been and has not yet been able to agree on adequate support for Armenia. The Secretary General of CSTO, Stanislav Zas of Belarus, argued that both the resolution and the declaration on assistance to Armenia have a high degree of readiness, but it will be necessary to introduce a number of amendments to them, recognizing it as "a completely natural effect of the fact that in any international organization there is no unanimity between member states"[10].

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[5] European Parliament resolution of 20 May 2021 on prisoners of war in the aftermath of the most recent conflict between Armenia and Azerbaijan (2021/2693(RSP)).

[6] Ibidem.

[7] Ibidem.

[8] https://www.icjcij.org/advancedsearch?search_api_fulltext=armenia&search_api_fulltext_1=azerbejdzan&search_api_fulltext_2=&case_selection=1&field_document_group_type=All&field_doc_incidental_proceedings=All&field_date_of_the_document%5Bmin%5D=&field_date _of_the_document%5Bmax%5D=&items_per_page=10&sort_order=DESC&page=2 [accessed: 18.03.2023].

[9] https://odkb-csto.org/documents/documents/normativnye_pravovye_dokumenty_podpisannye_v_ramkakh_odkb/#loaded [accessed: 18.03.2023].

[10] K. Kazmierczak, Collective Security Treaty Organization (*ODKB*) unable to agree on support of one of its member states,https://kresy.pl/wydarzenia/bezpieczenstwo-i-obrona/odkb-nie-doszlo-do-porozumienia-w-sprawie-wsparcia-armenii/, [accessed: 04.01.2023].

In light of the above, the Prime Minister of Armenia Nikol Pashinyan refused to sign the final declaration of the CSTO summit, additionally noting that the document omitted the political assessment of Azerbaijan's actions towards Armenia, and the Minister of Defence of Armenia informed the CSTO members of the about the cancellation of this year's military exercises of the Treaty on the territory of Armenia, which are among the "most important military exercises aimed at preparing the forces of the Treaty in the event of a conflict or other destabilizing event in its area"[11].

Concerned about the lack of sufficient assistance from the CSTO, Armenia requested the European Union to send a civilian mission. In response to the call, the Council of the European Union issued a decision on January 23, 2023, to send a civilian mission to Armenia. "The objective of the mission is to contribute to stability in Armenia's border areas, build confidence on the ground and create an environment conducive to EU-supported standardization efforts between Armenia and Azerbaijan" [12]. We will only be able to assess the effects of this mission in the next two years.

2. Legal background

2.1. History of the CSTO

In 1991, after less than seventy years of functioning of the Union of Soviet Socialist Republics, mainly due to the use of an incorrect management model and economic inefficiency, the USSR collapsed. The collapse of the Soviet Union fundamentally changed the balance of power of its Union Republics, and also affected the political and geopolitical situation of the world [13] . The leaders of Ukraine, Russia and Belarus established the Commonwealth of Independent States (CIS) in place of the USSR, and the remaining countries of the former Soviet Union were invited to participate in the Community. These actions led to the replacement of the armed forces of the USSR with the armed forces of the Commonwealth of Independent States, which were to deepen cooperation between these countries for their security[14].

Therefore, on May 15, 1992, the leaders of the six countries: Armenia, Kazakhstan, Kyrgyzstan, Russia, Tajikistan and Uzbekistan signed in Tashkent the Collective Security Treaty of the signatories of the Commonwealth of Independ-

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[11] Armenia filed a complaint against Azerbaijan in Strasbourg, https://studium.uw.edu.pl/armenia-zlozyla-skarge-przeciwkoazerbejdzanowi-w-strasburgu/, [accessed: 26.01.2023].

[12] Statement by Brussels.

[13] S. Hovhannisyan, *Russia's attitude towards the Caucasus*, "Studies in Legal Studies. Miscellanea" 2015, no. 5.

[14] M.P. Sadlowski, *Collective Security Treaty Organization. Legal and institutional aspects of functioning*, Torun 2017.

ent States, commonly known as the Tashkent Agreement. Subsequently, Azerbaijan, Georgia and Belarus joined the Tashkent Agreement. The Tashkent Agreement entered into force on April 20th, 1994[15]. In April 1999, six of them (with the exception of Azerbaijan, Georgia and Uzbekistan, which in the meantime withdrew from the agreement) signed a protocol on the extension of the CIS Collective Security Agreement.

In practice, the Commonwealth of Independent States as an international organization turned out to be ineffective during its functioning, moreover, it did not develop any effective tools that would allow for deepening of the cooperation between its signatories. This was due, among other things, to the fact that the countries of the former Soviet Union after its collapse had not yet gained real state independence, which prevented them from completely cutting themselves off from Russia, which is why they voluntarily participated in the same organizational structures in different formulas[16]. This balance of power was very beneficial for Russia because it caused further dependence on it of the countries of the former USSR, which gave Russia the opportunity to maintain and pursue its interests (this is also explained by Russia's initiative in creating ESL).[17] In other words, "the Russian Federation perceives the CIS area as an area of its vital interests, within which it undertakes numerous actions to regain or maintain its influence"[18].

The lack of a common vision for the development of the CIS, the large number of agreements between the members of the Treaty and interstate structures, the lack of institutionalized strong ties among the members of the Community, and thus the formation of regional groupings, have severely weakened the Agreement. Also, the legal acts on the basis of which ESL is based and operates contain a number of legal flaws and problems that block its further development. Legal guidelines and recommendations are not implemented because they are largely declaratory in nature[19].

On the initiative of Russia, which was particularly interested in strengthening the effectiveness of the agreement, a session of the CIS Collective Security Treaty was convened in Moscow and on May 14th, 2002 a decision was made to transform the CIS Collective Security Treaty into a fully-fledged international organization – the Collective Security Treaty Organization, which was registered in

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[15] *Collective Security Treaty Organization, Scientific journal published by the Ministry of Defense*, Yearbook XCII (IV), No. 3, 2010 (662) https://www.academia.edu/9297289/Organizacja_Uk%C5%82adu_o_Bezpiecze%C5%84stwie_Zbiorowym [accessed: 17.01.2023].

[16] Centre for Eastern Studies Eurasia, WNP – Perspectives of integration, https://www.osw.waw.pl/sites/default/files/eurazja_1994_nr_1_2_vol_2.pdf, [accessed: 14.01.2023].

[17] Ibidem.

[18] G. Tutak, *The Role and Importance of the Collective Security Treaty Organization in the Area of the Commonwealth of Independent States*, Zeszyty Naukowe Towarzystwa Doktorantów UJ Nauki Społeczne, Number 22 (3/2018), Lublin 2018, p. 101.

[19] Ibidem, p. 102–112.

the secretariat of the United Nations (UN). On October 7th, 2002, the Collective Security Treaty Organisation Charter and the Agreement on the Legal Status of the CSTO were signed in Chisinau and entered into force on September 18th, 2003. In addition, on December 2nd, 2004 the UN Assembly adopted a resolution granting the Collective Security Treaty Organisation observer status in the UN Assembly. Cooperation between the CSTO and the UN was based on the Memorandum of Understanding concluded on September 28th, 2012. The statutory bodies of the CSTO are: the Collective Security Council, the Council of Foreign Ministers, the Council of Defence Ministers, and the Committee of Secretaries of the Security Council[20]. Internationally the Treaty is also called the "Russian NATO".

2.2. Legal analysis

The basic legal act of the CSTO has undergone changes in recent years, in particular by specifying the procedures for improving the mechanisms for using the Treaty's force capabilities to respond to crisis situations. The revised content of the Collective Security Treaty of May 15th, 1992, dated April 23rd, 2012 [21] (The Treaty), in its provisions, resembles the provisions contained in the United Nations Charter, Although the treaty is now also a military alliance[22]. In terms of ensuring security and support for its signatories, several articles of the Treaty and the so-called strictly military factor deserve special attention.

The first is Article 1 of the Treaty, in which Member States reaffirm their commitment to refrain from the use or threat of the use of force in their relations between States. They undertake to settle any disagreements between themselves and other States by peaceful means. Member States shall not form military alliances or participate in any groupings of states or in actions against another Member State. In the event of the establishment of a system of collective security in Europe and Asia and the conclusion of collective security treaties to that end, to which the negotiating parties are constantly striving, Member States shall immediately enter into consultations with a view to making the necessary amendments to this Treaty.

The second is Article Two of the Treaty, which provides that Member States shall consult each other on all important international security matters affecting their interests and coordinate their positions on those matters. Furthermore, in the event of a threat to the security, stability, territorial integrity and sovereignty of one or more Member States, or a threat to international peace and

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[20] M.P. Sadłowski, *Collective Security Treaty Organization. Legal and institutional aspects of functioning*, Torun 2017.

[21] Collective Security Treaty, dated May 15, 1992 https://odkbcsto.org/documents/documents/dogovor_o_kollektivnoy_bezopasnosti/#loaded [accessed: 18.02.2023].

[22] The Concept of Collective Security of the States Parties to the Collective Security Treaty, [online] http://www.odkbcsto.org/documents/ [accessed: 14.01.2023].

security, Member States shall immediately activate a joint consultation mechanism to coordinate their positions, draw up and take action to assist those Member States in order to eliminate the threat.

The third article of the Treaty, relevant to the topic of this article, is that if "a Member State succumbs to aggression (an armed attack threatening security, stability, territorial integrity and sovereignty), it will be considered by the Member States as aggression (an armed attack threatening security, stability, territorial integrity and sovereignty) against all Member States of this Treaty. In the event of occurrence of the aggression (armed attack threatening the security, stability, territorial integrity and sovereignty) against any Member State, all other Member States shall, at the request of that Member State, immediately render the necessary assistance, including military assistance, to that Member State, as well as provide support with the means at their disposal, in accordance with the right of collective self-defense under Article 51 of the Charter of the United Nations. Member States shall immediately inform the United Nations Security Council of the measures taken pursuant to this Article. In implementing these measures, Member States shall comply with the relevant provisions of the United Nations Charter.

Moving on to the legal analysis, it is necessary to relate the current conflict between Armenia and Azerbaijan to the above regulations and to try to answer the question about the legal consequences resulting from it.

Considering, firstly, Article 4 of the Treaty one needs to notice that it bears a strong resemblance to Article 5 of the North Atlantic Treaty, which provides that:

> The Parties agree that an armed attack on one or more of them in Europe or North America shall be regarded as an attack against them all, and therefore agree that if such an armed attack occurs, each of them, in exercising its right to individual or collective self-defense recognized under Article 51 of the Charter of the United Nations, shall render assistance to the Party or Parties attacked by taking promptly, alone and in concert with other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area. [23]

Both provisions are based on the principle of collective self-defense and are designed to protect their members from external aggression. The role of Article 4 of the Treaty is therefore to guarantee the external security of States and to provide assistance and coordination in the event of an external armed attack. This provision may be considered problematic in the situation described. The conflict between Armenia and Azerbaijan is a conflict between two countries that are part of the CSTO. An attempt to apply this article would entail the necessity to establish the hierarchy between the abovementioned provisions of the Treaty. In particular, it should be decided whether the provision of military assistance to Armenia by signatories but against another signatory takes prece-

[23] The North Atlantic Treaty, https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20000870970 [accessed: 12.06.2023].

dence over the application of Article 1 of the Treaty, which requires the resolution of conflicts between participants in the CSTO by peaceful means. In view of these doubts and difficulties in the application of Article 4 of the Treaty to the present situation, it should be disregarded.

On the other hand, there is no doubt that Article 1 of the Treaty will apply in the present case, in which the Member States undertake not to take action against another participating State and to settle all disputes peacefully between themselves without the use of force or the threat of its use. The commencement of Azerbaijan's military actions against Armenia described above should undoubtedly be considered a violation of the above provision.

The emergence of this crisis situation is also triggered by Article 2 of the Treaty, which imposes on the participating States the obligation to perform joint consultations in order to coordinate their positions and to develop and take assistance measures to eliminate the threat. Responses should include diplomatic action, internal consultations and, in extreme cases, even the suspension or exclusion of a country violating the Treaty. In this context, attention should be paid to the military potential of CSTO. Apart from military protection, CSTO also has units dealing with the terrorist threats, drug trafficking extremism, and removing effects of natural disasters. In addition, the Treaty has so-called Collective Rapid Response Forces, the Collective Operational Response Forces (CORF), the Collective Peacekeeping Forces and the Collective Air Forces, as well as the Crisis Response Center, and therefore it would seem that it is a strong and stable organization that will act quickly and adequately in a crisis situation for its members and bring about the resolution of any conflicts[24].

The potential of CSTO in the Caucasus region is very large. The CSTO, as an organization having the character of a military alliance, has adequate means and forces to achieve its statutory objectives. The organization should constantly take care of the security and territorial defense of its member states through military cooperation and collective action. CSTO member states undertake to make available their military contingents and other resources needed for the effective implementation of the Alliance's objectives. They have armed forces that can be delegated to CSTO operations in the event of a threat or conflict. The armed forces of CSTO member states shall be adequately trained and equipped to face different situations and threats. The CSTO can use these forces to respond to external aggression, ensure regional stability, combat terrorism, respond to natural disasters and support humanitarian action. In addition, within the CSTO alliance there is also a Collective Operational Response Force, which was created to respond in a coordinated way to various types of dangers. The CORF shall consist of military contingents seconded by Member States

[24] G. Tutak, *The Role and Importance of the Collective Security Treaty Organization in the Area of the Commonwealth of Independent States*, Zeszyty Naukowe Towarzystwa Doktorantów UJ Nauki Społeczne, Number 22 (3/2018), Lublin 2018.

which shall be ready to act immediately when needed. Thanks to the above-mentioned means and forces, the CSTO is able to achieve its statutory objectives, which are ensuring security, territorial defense and responding to threats to member states, moreover, as an international organization bringing together member states that cooperate to promote security, democracy, human rights and economic cooperation, it should strive for efficient resolution of all conflicts within the organization.

It should be stressed that the Treaty is not the only legal basis applicable to the situation in question. As a result of Azerbaijan's attack on Armenia, there was not only a violation of Article 1 of the Treaty, but also a violation of point 8 of the Trilateral Agreement between Armenia, Russia and Azerbaijan, which was concluded to settle the conflict in the Nagorno-Karabakh region[25]. Under this agreement, the release of prisoners of war and repatriation were agreed. Azerbaijan has failed to comply with these provisions by unlawfully detaining Armenian prisoners of war, which is a violation of point 8 of the agreement. In such a situation, there is a need for a response from the international community. International organizations such as the United Nations (UN) should come forward to monitor and investigate human rights violations.

In addition, it should be added that the situation of prisoners of war is also governed by Articles 13 and 118 of the Third Geneva Convention, to which Armenia and Azerbaijan are parties, which provide for the humane treatment of prisoners of war and that prisoners of war must be released and repatriated immediately after the end of hostilities, which was not the case during this conflict[26]. Article 13 of the Third Geneva Convention imposes an obligation on the parties to the conflict to treat prisoners of war humanely, ensuring their fair treatment, medical care, adequate living conditions and protection from violence. Prisoners of war shall not be subjected to torture, cruel treatment or inhuman conduct. Article 118 of the Third Geneva Convention concerns the repatriation of prisoners of war. According to this Article, prisoners of war must be released and repatriated immediately after the end of hostilities, except where the persons concerned themselves express their wish to remain in the country in which they reside. During the conflict between Armenia and Azerbaijan, there was no release and repatriation of Armenian prisoners of war which constitute a violation of the Third Geneva Convention. This is a basis of responsibility on the ground of international law. In addition, legal actions by the international community should be taken to enforce international humanitarian law.

[25] https://web.archive.org/web/20201119193144mp_/http://en.kremlin.ru/events/president/news/copy/64384, [accessed: 12.03.2023].

[26] Geneva Convention relative to the Treatment of Prisoners of War, http://libr.sejm.gov.pl/tek01/txt/inne/1949-3.html [accessed: 12.06.2023].

3. Evaluation attempt

3.1. Political background

Armenia as a member of the USSR achieved significant social, economic and economic successes. During the transformation (after the collapse of the Soviet Union), Armenia stood out exceptionally, which gave it a big advantage over other countries of the former Soviet Union to so-called break out and move forward, and by becoming a member of the UN and participating in other world organizations it gained international recognition. However, over time, these successes began to diminish because it turned out that all the processes, changes and results during the transition period, including an unexpected number of changes, lack of adequate preparation for reforms, insufficient resources needed to carry out the transformations, economic blockade on the part of Azerbaijan and Turkey and, above all, the country's rulers, who committed a number of violations and mistakes, was difficult to bear at one time. The whole transformation, close brotherhood with Russia and the use of the privileges of power by the rulers in order to achieve only their own interests had a huge impact on the stalling of reforms and on the crisis situation in which Armenia finds itself[27].

At this point, one should also pay attention to the political situation of Armenia until 2018 and the lack of trust of citizens in the government at that time. In 1998, the first President of independent Armenia, Levon Ter-Petrosyan, resigned, and his duties as head of state were taken over by Prime Minister Robert Kocharyan, who a few years later was sentenced to prison for violating the constitution together with the Secretary General of the Collective Security Treaty Organization, and his duties were taken over by the new Prime Minister Serzh Sargsyan.

All three rulers were strongly involved in the Nagorno-Karabakh issue, and at the same time had very good relations with Russia, thanks to which Armenia was treated in a 'special' way, which ensured not only security in the Caucasus, but also the readiness of both Russian and Treaty troops to fight in the event of any conflict. Fraternal relations with Russia resulted from the fact that Armenia did not interfere with Russia, was its faithful ally, subordinated itself completely, was a good link with the Caucasus, and through cooperation with the above-mentioned rulers both countries were able to work out for themselves appropriate, although disproportionate, benefits. Close military-political cooperation with Russia brought equally disproportionate, but benefits, to both countries. There were both supporters and opponents of this relationship in the country, but every citizen of Armenia knew that, unfortunately, the basis of Armenia's security (mainly protection against war with Turkey and Azerbaijan) is a military alliance with Russia.

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[27] R. Czachor, *Armenia and Nagorno-Karabakh in the Processes of Social and Political Transformation*, Library of the Polish-Russian Institute No. 5, Wrocław 2014.

Between 2014 and 2018, the indignation of Armenian society grew more and more. The actions of the Armenian government, the meta-corruption, corruption and monopolies spreading throughout the country, along with simultaneous increases in the price of electricity and gas, sparked huge protests. It was a time of great public disillusionment with the ruling elite and a time of betrayal of the interests of the entire country. This situation was conducive to the revolution that finally took place.

In the spring of 2018, as a result of mass protests of the public, the President of Armenia Serzh Sakrisyan resigned from office together with the then Prime Minister of Armenia, and thus the irremovable clan was removed from power, and the main leader of the protests, Nikol Pashinyan, came to power, acting as the new Prime Minister of Armenia.

Russia watched the whole process of the great reform with great concern. Russia's concern was justified. Unlike his predecessors, Nikol Pashinyan did not plan close relations with Russia from the beginning of his cabinet, but he wanted Armenia to have only correct relations with Russia and sought to make Armenia an increasingly independent country from Russia. Due to the previous close relationship with Russia, this process must have been long and difficult, posing a threat to Armenia's security. Shortly after the Azerbaijani attack on Armenia, Russia adopted a neutral stance toward the participants of the conflict, explaining that its goal as a guarantor is to maintain its status as a mediator. However, immediately after it came to light that Azerbaijan had used military equipment supplied to it by Russia in the conflict, Russia changed its direction and began to claim that it had special relations not only with Armenia, but also with Azerbaijan. From the very beginning, Prime Minister Pashinyan did not show as much confidence in Russia as his predecessors, and was sceptical about Russian declarations.

3.2. The role of CSTO

Prime Minister Pashinyan believed in the strength of the Collective Security Treaty Organisation, which was supposed to play a significant role in this conflict in helping Armenia as its signatory. However, it soon became apparent that the most important article of the Treaty, Article 1, which stipulates that Member States shall not form military alliances or participate in any groupings of states, as well as in actions against another Member State, had been violated.

On 24 November 2022, representatives of the member states of the Collective Security Treaty Organisation met at the Allies Summit in Yerevan, Armenia. One of the main topics discussed at the meeting was the conflict between Armenia and Azerbaijan, and more specifically the September attack of Azerbaijanis on the undisputed territory of Armenia.

The main assumption and task of the Collective Security Treaty Organization (CSTO) is to respond appropriately to actions threatening the defence and terri-

tory of the CSTO member states and to assist the members of this Treaty during the threat[28]. Despite Armenia's repeated calls for help and support from the Treaty during the armed conflict with Azerbaijan, they remained unanswered.

It was only at the November summit that the signatories of the Treaty tried to adopt a document called: Declaration of the CSTO Collective Security Council and joint actions to help the Republic of Armenia, however, as indicated above, the Prime Minister of Armenia Nikol Pashinyan refused to sign this document, arguing that this declaration is not sufficiently finalized and therefore Armenia is not ready to sign the document in this form[29].

The current reaction of the CSTO should be considered passive and insufficient. Despite the obvious violation of the Treaty and the activation of the obligations of the participants of the CSTO, real help for Armenia from the Agreement did not come.

The only real case of the Pact's response to the problems of its members so far took place in January 2022, when the Agreement accepted a request from the President of Kazakhstan for operational support. The entire forces of the Treaty were brought into Kazakhstan (officially numbering 2,030 soldiers and 250 units of equipment), but after a few days of operation they withdrew, leaving the matter unresolved[30].

There are many reasons for this situation. From the very beginning, the pact could be seen primarily as a tool for Russia to fight Western countries for influence in the Transcaucasian countries. It allowed Russia to influence member states and their foreign or economic policy. In the light of this, the passivity of the CSTO could be seen as a kind of punishment meted out to Armenia for changing the current direction in politics and loosening relations with Russia. Russia has historically played an important role in Armenia's security and economic development, but its influence in the country has also been a source of controversy and concern. It has already been claimed that Armenia's close relations with Russia hindered its own interests, the development of its economy and democratic institutions. But at the same time, it was believed that a reluctant Russia could potentially leave Armenia vulnerable to external threats from hostile neighbors, including Azerbaijan and Turkey.

However, the current situation, and in particular the events of recent years in Nagorno-Karabakh and the war between Russia and Ukraine, which has lasted for over a year, require an additional look at the matter. Russia's involvement in the war in Ukraine has certainly reduced Russia's interest in this region of the world. Not without significance is also the weakening of Russia by its involvement in the conflict in Ukraine, which limits its ability to act effectively in the

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[28] S. Olczak, *The Commonwealth of Independent States in the face of the challenges of regional security*, [in:] *The impact of international organizations on the multidimensionality of security*, ed. K. Śmiałek, W. Śmiałek, Warsaw 2016, p. 316–317.

[29] ODKB shaky alliance, https://ukladsil.pl/odkb-rozchwiany-sojusz/, [accessed: 28.01.2023].

[30] Ibidem, p. 113.

region. Not without significance is also the building of new alliances or loosening existing ones. An example is the tightening of relations between Turkey and Azerbaijan, the weakening of Armenia's relations with Iran, which has so far been favorable to it, and Georgia's pro-European orientation. This situation was certainly an opportunity for Azerbaijan to escalate the conflict, especially in the face of too long deadlock in the peace process.

In conclusion, the role of the CSTO in the conflict between Armenia and Azerbaijan should be assessed critically. Passivity and lack of effective action make it necessary to question the ability of this organization to carry out the tasks set before it and to look differently at the real, and not only declared in the treaties, reasons for the establishment and role of this organization.

Summary

The above analysis shows that the lasting and seemingly strong collective security treaty, the so-called "Russian NATO", is falling apart right before our eyes. The conflict between Azerbaijan and Armenia shows that despite the existence of appropriate legal regulations and specific obligations of the parties to the OBUZ, the provisions of the treaty are not respected, and Armenia, as a participant in the Agreement, is unable to obtain real help from its members.

The above situation can be seen as proof of the weakening position of Russia – the current guarantor of OBUZ – not only in Europe, but also in the Caucasus, which is certainly influenced by the war in Ukraine and the changing conditions of the international environment. A weakened Russia means nothing more than a weakened Pact which, in violation of the provisions of the Treaty, leaves its signatory, Armenia, to fend for itself.

Armenia has enormous democratic potential, and the revolution started by Nikol Pashinyan can be seen as a kind of opportunity for the country's rebirth. On the other hand, this revolution also posed a threat to the country's external security by loosening relations with Russia. Currently, Armenia is facing significant challenges resulting from the difficult geopolitical and economic situation. It seems that without the support of a traditional ally and in the face of the ineffectiveness of the OBUZ, Armenia must find new partners and allies to ensure its security and economic development.

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O roli Organizacji Układu o Bezpieczeństwie Zbiorowym (OUBZ), a zapewnieniu bezpieczeństwa i wsparcia dla Armenii jako jej sygnatariusza podczas trwającego konfliktu zbrojnego z Azerbejdżanem

Streszczenie

Artykuł opisuje konflikt pomiędzy dwoma kaukaskimi państwami – Republiką Armenii i Republiką Azerbejdżanu – o tzw. region Górskiego Karabachu, który stanowi część Azerbejdżanu, zamieszkiwaną i rządzoną od wielu lat przez Ormian. Oprócz bardziej szczegółowego przybliżenia tła konfliktu i dotychczasowej roli organizacji międzynarodowych w jego rozwiązaniu, artykuł omawia okoliczności powstania i historię Organizacji Układu o Bezpieczeństwie Zbiorowym (OUBZ), która powołana została między innymi do zapobiegania i rozwiązywania konfliktów wśród jej sygnatariuszy, w tym Armenii i Azerbejdżanu. Artykuł dokonuje kwalifikacji prawnej agresji Azerbejdżanu na Armenię jako naruszenia regulacji traktatowych OUBZ oraz przedstawia konsekwencje prawne z tego płynące. Zawiera on także negatywną ocenę dotychczasowej roli OUBZ w uregulowaniu konfliktu pomiędzy Armenią, a Azerbejdżanem oraz negatywną ocenę realnych zdolności Układu do wypełniania swoich funkcji, zwłaszcza w świetle obecnej sytuacji międzynarodowej oraz obecnej sytuacji politycznej w Armenii.

Słowa klucze: Organizacja Układu o Bezpieczeństwie Zbiorowym, Armenia, Azerbejdżan, Górski Karabach, spór terytorialny, OUBZ.