



Strasbourg, 23 January 2002  
<cdl\doc\2002\syn-ju-aze2002-01e>

Restricted  
**CDL (2002) SYN-JU 1**  
Or. fr.

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**CONFERENCE ON**  
**“LEGAL FRAMEWORKS TO FACILITATE THE SETTLEMENT OF ETHNO-**  
**POLITICAL CONFLICTS**  
**IN EUROPE”**  
**(Baku, 11 and 12 January 2002)**

**S U M M A R Y**

In co-operation with the Azerbaijani Constitutional Court and as part of the Joint Programme of the European Commission and the Venice Commission for strengthening democracy and constitutional development in central and eastern Europe and the CIS, the Venice Commission organised a conference on “Legal frameworks to facilitate the settlement of ethno-political conflicts in Europe”.

The conference, which was an Azeri government initiative, was held in Baku on 11 and 12 January 2002. In addition to the experts invited by the Venice Commission, it was attended by some 80 delegates, most of them from Azeri State universities and institutions. They included Mr Azimov, Deputy Minister of Foreign Affairs, Mr Mamedov, Minister of Justice, Mr Askerov, Deputy Speaker of the Milli Mejlis (Parliament) and several officials from the Ministry of Foreign Affairs, the Presidential Administration, the Ministry of Justice and the Milli Mejlis.

The conference provided a first opportunity to discuss with the parties most concerned the Commission’s study on the preparation of a general legal reference framework in order to facilitate the settlement of ethno-political conflicts in Europe (doc. CDL-INF (2000) 16), which it had carried out at the invitation of the Italian Chairmanship of the Committee of Ministers.

The Commission had stressed the importance of inviting representatives from European countries affected internally by the disturbing phenomenon of ethno-political conflict. Accordingly, representatives from Moldova (Mr Petcov, Deputy Director of Political Planning in the Presidential Administration), the Federal Republic of Yugoslavia (Mr

Dimitrejevic, member of the Venice Commission, and Mr Djeric, advisor at the Ministry of Foreign Affairs) and Georgia (Mr Kakabadze, Minister for Special Assignments) made a valuable and particularly enlightening contribution to debate.

The conference was therefore an opportunity to consider and learn from past and present legal models for the distribution of powers and responsibilities which have proved successful in a variety of European countries.

Models for the distribution of powers, in the form in particular of specific successful examples of autonomous status, were described by Mr Tuori, the Commission member for Finland. The member for Spain, Mr Lopez-Guerra, spoke on the theme of judicial machinery for the resolution of conflicts between central and regional authorities.

Following the presentations made by two Russian experts, Mr Reshetov and Mr Petrov, there was also extensive discussion on the meaning and implications of the principle of the right to self-determination.

Mr Coppieters, a political science professor from Brussels, shed light on the factors which help to determine the success or failure of models derived from the federalism theory and developed in response to ethno-political conflicts.

Speakers from Azerbaijan used the opportunity to make a concrete presentation of their views on the ins and outs of the Nagorno-Karabakh problem, with a description of the legal, political and historical factors that need to be taken into account in a resolution of that conflict.

The presentation of different legal approaches to the distribution of powers, the sharing of comparable experiences and the atmosphere of constructive dialogue which marked the entire conference all contributed to the success of a shared effort to identify, compare and appraise the different legal techniques which could be employed in drafting a legal model for resolution of the conflict in Nagorno-Karabakh.

The delegation was received on the occasion of the conference by the President of the Republic of Azerbaijan. Mr Alyev expressly thanked the Venice Commission for organising a conference of this sort and for its contribution to the search for legal channels for the peaceful resolution of ethno-political conflicts, a topic which remains extremely pressing in other European countries as well as Azerbaijan. The President agreed with the delegation that economic development could not take hold in the Caucasus without regional political stability and that it was therefore of utmost importance for all parties, with the help if necessary of the international community, to consider all avenues for a peaceful, legal settlement of the Nagorno-Karabakh problem.

G. BUQUICCHIO

Distribution:

Members

Associate members

Observers

Permanent representatives



1.