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PROBLEMS OF DEVELOPMENT AND NECESSITY OF CREATION OF NATIONAL SOVEREIGN DEMOCRACY IN THE AZERBAIJAN REPUBLIC

ПРОБЛЕМЫ РАЗВИТИЯ И НЕОБХОДИМОСТИ СОЗДАНИЯ НАЦИОНАЛЬНОЙ СУВЕРЕННОЙ ДЕМОКРАТИИ В АЗЕРБАЙДЖАНСКОЙ РЕСПУБЛИКЕ

The article examines the problems associated with the creation of the concept of national sovereign democracy in the process of building a democratic and lawful state in the Azerbaijan Republic for the formation of a secular society in an independent Azerbaijan state, taking into account traditions, mentality, moral, ethical and religious values, the formation over many centuries Azerbaijani people's way of life. The national democracy sovereignty issue is the most discussed problem in political and scientific circles nowadays. The establishment of the institution of national democracy in a sovereign independent state, including Azerbaijan, is one of the priority tasks. Those who are criticising the theory of national sovereign democracy demand that national sovereign democracy being the American and European standard shall be adopted by all countries of the world. The sovereign democracy shall be formed on the basis of history, national traditions and mentality of every nation. Based on these principles the sovereign democracy of each country shall be reflected in the fundamental national legislation.

Key words: *UN – United Nations, OSCE – Organization for Security and Co-operation in Europe, concept of sovereign democracy, European democracy, Azerbaijani people, political system, international arena, Republic of Azerbaijan, sovereign national democracy.*

У статті досліджуються проблеми, пов'язані зі створенням концепції національної суверенної демократії в процесі побудови в Азербайджанській Республіці демократичної та правової держави для формування світського суспільства в незалежній Азербайджанській державі, з урахуванням традицій, менталітету, моральних, етичних і релігійних цінностей, формування протягом багатьох століть образу життя Азербайджанського народу. У наш час питання про суверенну національну демократію є найбільш обговорюваною проблемою в політичних і наукових колах. Створення інституту національної демократії в суверенній незалежній державі, включаючи Азербайджан, є одним із пріоритетних завдань. Той, хто критикує теорію національної суверенної демократії, вимагають, щоб національна суверенна демократія була стандартом американської та європейської демократії, і повинна бути прийнята всіма країнами світу. Суверенна демократія формується на основі історії, національних традицій і менталітету кожної нації. Виходячи із цих принципів, суверенна демократія кожної країни повинна бути відображена в основоположному національному законодавстві.

Ключові слова: *ООН – Організація Об'єднаних Націй, НБСЄ – Рада з безпеки і співробітництва в Європі, концепція суверенної демократії, європейська демократія, азербайджанський народ, політична система, міжнародна арена, Азербайджанська Республіка, суверенна національна демократія.*

В статье исследуются проблемы, связанные с созданием концепции национальной суверенной демократии в процессе построения в Азербайджанской Республике демократического и правового государства для формирования светского общества в независимом Азербайджанском государстве, с учетом традиций, менталитета, нравственных, этических и религиозных ценностей, формирования в течение многих столетий образа жизни Азербайджанского народа. В наше время вопрос о суверенной национальной демократии является наиболее обсуждаемой проблемой в политических и научных кругах. Создание института национальной демократии в суверенном независимом государстве, включая Азербайджан, является одной из приоритетных задач. Тот, кто критикует теорию национальной суверенной демократии, требуют, чтобы национальная суверенная демократия являлась стандартом американской и европейской демократии, и должна быть принята всеми странами мира. Суверенная демократия формируется на основе истории, национальных традиций и менталитета каждой нации. Исходя из этих принципов, суверенная демократия каждой страны должна быть отражена в основополагающем национальном законодательстве.

Ключевые слова: *ООН – Организация Объединенных Наций, СБСЕ – Совецание по безопасности и сотрудничеству в Европе, концепция суверенной демократии, европейская демократия, азербайджанский народ, политическая система, международная арена, Азербайджанская Республика, суверенная национальная демократия.*

The main purpose of this scientific research is the analysis of contradictions and dangerous political and military processes on the international arena. For the sake of globalization some of the largest states create confrontation in the world and, by means of that, new terror acts, war and conflict areas in the small states.

The interference by the powerful countries into the internal affairs of other countries is based on desire of such countries to govern the world from one point and create unipolar world.

The permanent member states of the United Nations and its Security Council violate the norms and principles of the international law, the fairness rules

and purposes of the United Nations in order to achieve adoption of unfair decisions. Thus, they put in jeopardy international peace and security.

The Article 1of the UN Charter says:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.

3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

Article 2 – The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.

2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

Apparently, the above-mentioned imperative norms of the UN Charter declare the right of sovereign equality and the UN's goals. However, it is extremely surprising that in reality Security Council member states do not fulfill these norms regularly.

We can see it clearly in the case of the Republic of Azerbaijan. Thus, more than twenty-five years the unresolved Nagorno-Karabakh conflict is clear evidence of it. Despite the fact that the UN Security Council adopted four resolutions, these acts, having imperative legal effect, are not enforced up to now. How shall we call it? As result of such violation of the norms of international law, 20 percent of Azerbaijan lands are under the occupation by Armenia with help of pro-Armenia countries and over 1 million people driven from their homes.

In fact, the member states of OSCE Minsk group and members of the Security Council, as the US,

France and Russia, do not try to solve the conflict within the international law. This formally established structure is protecting aggressive Armenia and claim that the conflict should be resolved by mutual agreement of the heads of Azerbaijan and Armenia. How can there be any deal while the aggressor occupied 20 percent of Azerbaijani state, four UN Security Council's imperative resolutions are not implemented, Armenia has grossly violated the norms of international law? For what purpose have been created the international law and international organizations?

Despite all this, Armenia's occupation crimes and violation of international law was not sharply discussed, as well as OSCE Minsk Group co-chair states as Russia, the US, France, did not apply any sanctions against Armenia.

This fact once again confirms that the international organizations and large states, in accordance with their political and economic interests, violate the national sovereignty and interfere small states' internal affairs by imposing their "democracy policies".

While in accordance with the norms of international law, there is a right of self-defense for a country suffering from occupation to defend its territorial integrity and national security, the international organizations, including OSCE Minsk Group co-chair countries, Russia, USA and France prevent Azerbaijan from using a force for liberation of the occupied territories by using all political instruments against Azerbaijan.

These organizations and states unanimously state that the conflict shall be resolved by peaceful means and there is no other alternative. The question then arises: what shall be a form of peaceful means which are highly recommended to us, how should it be implemented and which international law norms should be regulated by?

The large states play the game of democracy, violate our sovereign rights, interfere in the internal affairs of our state, and hence prevent us from becoming a strong state, developing our national sovereign democracy.

They put our country's independence and sovereignty under the risk by keeping us in a dependent situation and aggravating social and political tensions in the country.

Therefore, it is important to develop and implement the concept of sovereign democracy in our country. The idea of sovereign democracy shall be developed in our country. The concept of national sovereign democracy shall be developed by taking into account traditions, mentality, moral, ethical and religious values of our nation.

"Democratic values" brought from foreign countries as "democratic standards" which are in many cases not appropriate to our national values, spirituality, customs, traditions will destroy, in a while, our national sovereign democracy.

Therefore, we shall develop and implement the concept of sovereign democracy in order to ensure our independence in perpetuity.

The preamble of the Constitution of the Republic of Azerbaijan which was adopted on November 12,

1995 by referendum declares that the people of Azerbaijan continuing its centuries-old traditions of statehood, taking into account the principles of the "Azerbaijan's state independence of the Constitutional Act", desirous of the prosperity of all society and everyone, wishing to establish the justice, freedom and security, recognizing their responsibility before the past, present and future generations, using the sovereign rights, declares the following intentions:

- 1) protect Azerbaijan's state independence, sovereignty and territorial integrity;
- 2) provide a democratic system within the Constitution;
- 3) achieve the establishment of civil society;
- 4) build the secular state based on the rule of law as an expression of the will of the people;
- 5) provide living standards of everyone with equitable economic and social rules;
- 6) remain faithful to universal human values, live with friendship in peace and tranquility with all nations of the world, and cooperate to this purpose.

Thus, with such high intentions people of Azerbaijan for the first time have adopted its own national constitution as an independent state. The first independent national constitution of the Republic of Azerbaijan consists of V sections, 12 chapters and 158 Articles and stands along constitutions of the developed democratic countries. Paragraph 1 of the Article 1 of the Constitution states that the only source of state power in Azerbaijan is the Azerbaijani people. Paragraph 1 of the Article 2 of the Constitution sets that in that freely and independently to determine their own destiny and their own form of government is the sovereign right of the Azerbaijani people.

Paragraph 1 of the Article 7 of the Constitution states that Azerbaijan is a democratic, legal, secular, unitary republic.

The national democracy sovereignty issue is the most discussed problem in political and scientific circles nowadays. The establishment of the institution of national democracy in a sovereign independent state, including Azerbaijan, is one of the priority tasks. Of course, each country has to establish national sovereignty democracy by taking into account the political regime and in accordance with the spirit and requirements of particular state. In accordance with political regime of the Union of Soviet Socialist Republics the socialist people's democracy was existing in USSR. In terms of content and form the socialist people's democracy did not fully comply to the democratic principles. Thus, while democratic principles and rules should be the people's desire and demand, the socialist people's democracy aimed to serve the political regime only. This contradicts the fundamental national democratic traditions.

Those who are criticising the theory of national sovereignty democracy demand that national sovereignty democracy being the American and European standard shall be adopted by all countries of the world. I think such approach is wrong and undemocratic, either from theoretical or practical points of view.

The sovereign democracy shall be formed on the basis of history, national traditions and mentality

of every nation. Based on these principles the sovereign democracy of each country shall be reflected in the fundamental national legislation.

The above mentioned facts once again confirm that the western countries and pro-Western forces prevent formation of national sovereign democracies in the countries.

It is obvious that by promoting the European and American democracy as an ideal democracy the aim of western countries and pro-Western forces is to achieve the acceptance of their terms and conditions by other countries, including the Republic of Azerbaijan. The aim is clear: to make Azerbaijan a vassal state and keep it under their control. Thus, to keep Azerbaijan's independence and sovereignty under constant threat.

Today, the main purpose of ideological, political and anti-Muslim propaganda in international arena is to promote their ideological and political democracy by force and keep control and hegemony over the newly independent countries. There is no single model of democracy that adopted as a standard in the international community. This is fully contrary to the national sovereignty and democracy of the countries. The scientific researches also show that it is impossible to implement from scientific point of view, as well.

There are universal values only which belong not only to Europe, but all people and nations all over the world. As every nation in the world people of Azerbaijan have also its own role in formation of world civilization, culture, science and moral values.

The sovereign national democracy institution being a political mechanism in each country's social and political life needs scientific researches for improvement and further development of a country and society.

We will only be able to identify the form of national sovereignty democracy that society and state needs after such scientific researches. I think that all nations and states of the international community shall respect the sovereign democracies, traditions, national values and religious affiliation of other countries and peoples, demonstrate tolerance and use their best endeavours to create an atmosphere of tolerance.

The Republic of Azerbaijan is one of the countries that are best examples in this respect. The successful internal and foreign politics of the President of the Republic of Azerbaijan related to the establishment and development of national sovereignty democracy prove this once again. Unfortunately, today we are witnessing other cases on the world stage.

In many cases, some of the leading countries in order to achieve their political goals, deny the national sovereignty democracy of other countries. By treating European democracy as an ideal democracy for the national power, they are trying to apply European democracy to the countries by using political pressure and force. They are casting a heavy shadow over national sovereignty democracy right of these countries by creating wrong public opinion on the existence of gross violation of human rights.

In order to prevent such political efforts, we as citizens of the Republic of Azerbaijan have to support

President Ilham Aliyev's foreign and internal policy, to implement his policies by using all means, defend our national sovereign democracy and work for its further development.

We will only be able to ensure our well-deserved place in international arena by developing political, social and economic sides of our life on the basis of the public interests.

However, it should be mentioned that this issue could be a subject of numerous scientific debates, but in any case the most important thing here is that the idea of national sovereign democracy, its essence and content, as well as the capabilities and direction shall serve to the development of Azerbaijani society and state.

Overall, the national sovereign democracy of Azerbaijan shall, from humanistic aspects, serve to the political system of the nation of Azerbaijan, as well as to the social relations, national interests and protection of the rights and freedoms of every citizen.

At the same time national sovereign democracy of our country shall be based on the strength, dignity, unity and trust of Azerbaijani people, being effective mechanism to resist and influence on any counteraction in international arena.

The President of the Republic of Azerbaijan gives special attention to the national sovereign democracy in recent years and pro-Western forces' position on this is ambiguous. They always attempt to apply European democracy only. The question is: whose wishes and desires these forces are trying to fulfill? Why these forces are trying to interfere in internal affairs of an independent and sovereign state? Why and for what reason, European democracy shall prevail over the national sovereign democracy which serves the interests of the Azerbaijani people, traditions, mentality, combining the spiritual and moral values?

Obviously, the basic aspirations of Western political forces are turning the other countries, including Azerbaijan, into a vassal states in order to ensure their interests and aims. Application of the European democracy in Azerbaijan shall be considered as a risk to the independence and sovereignty of our state in the future.

Those who consider no alternative to the European democracy from ideological point of view are fundamentally wrong in this respect.

The concept of national sovereign democracy of Azerbaijan is not limited to the sovereign democracy. This concept is reflecting the basic main principles and cover all important aspects necessary for social development of our country, including social, ideological and economic fields.

Therefore, the concept of national sovereign democracy shall be used in order to be politically and socially competitive enough, as well be able to ensure our well-deserved place in international arena.

National sovereignty and democracy are constitutional legal categories. Therefore, while developing the concept of national sovereign democracy all aspects of constitutionalism theory which are necessary for development of state and society shall be taken into consideration.

In addition it should be mentioned that constitutional, legal, political, social and ideological aspects of national sovereign democracy shall be subject of scientific researches.

Of course, the main focus of the study should be the characteristics of the national sovereign democracy in Azerbaijan. These measures shall not be targeted to restrict human rights and freedoms.

The measures taken will lead to improvement of the state's responsibility in front of society and prevention of negative issues.

Interaction between national sovereignty and democracy from philosophy and political perspectives is also important.

The concept of sovereign democracy shall reflect potential of constitutional system, as well as specifics and interaction of the state and people's power.

The concept of sovereign democracy shall be based on constitutional ideas of each particular state, be implemented by taking into account interaction of such constitutional categories as sovereignty and democracy and specifics of society, state and independent power.

As we can see from this definition the concept of national sovereign democracy shall serve to the political legal regime and national interests of each particular country.

The sovereign democracy is not the theory only, but the practice at the same time.

One of the main problems of a state and society in respect to the formation of this concept is the contradictions which exist between state and society and commitments of the state authorities. More precisely, the moral contradictions affect negatively to the formation of society.

The concept of sovereign democracy shall reflect all the elements associated with human and civil rights and freedoms, even the biological requirements of people.

The implementation of the European democracy by interfering in internal affairs of other countries violates the sovereign rights of the states and contradicts to the interests of citizens of such countries. The following issues attract attention, in particular. The Republic of Azerbaijan being the sovereign multinational country specifically needs sovereign democracy which shall be based on following legal principles:

1) first of all, while exercising of the sovereign rights of the state supremacy of the Constitution of the country and possibility of its implementation shall be kept in the centre of attention;

2) accurate and correct implementation of legal acts based on interests of Azerbaijani people is important while exercising sovereign rights;

3) exercising of sovereign rights on the basis of principle "strict implementation and compliance of national laws" is one of the important conditions;

4) to pay more attention to development of legal acts in accordance with fairness and justice;

5) the implementation of the national sovereign democracy by taking into account the international competitiveness of the state and society;

6) to implement national sovereign democracy in Azerbaijan as unitary state.

The “concept of national sovereign democracy” shall be prepared by taking into account the national culture, national traditions, mentality and behavior patterns of social coexistence of every nation.

I want to emphasize one point more. In order to successfully implement the concept of national sovereign democracy, it is important to create political solidarity in the state and society. The political solidarity shall serve to the interests of the people and democratic activity. Of course, such solidarity shall not lead to the anti-democratic steps. For the realization of a sovereign democratic process the solidarity between the political parties and public organizations, as well as the diversity of political ideas are important.

Political solidarity is a product of public interaction and reconciliation of political parties and social organizations with society.

I think in order to ensure our independence and sovereignty in perpetuity, as well as to avoid risks for our independence and to strengthen it, we could consider “National sovereign democracy” in unitary of Azerbaijan which should be based on our nation’s history, mentality, national ethics, morality, tradition, culture, traditions and lifestyle. The concept of “national sovereign democracy” shall be developed based on national culture, national traditions, mentality and behavior patterns of social coexistence of the nation. If we are strong enough from ideological and political perspectives, our national sovereign democracy should not be a subject of enemies’ interference.

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