

A Resolution Condemning the Genocide of the Ethnic Armenian Population of Artsakh and Calling for the University of California’s Immediate Divestment from the Republic of Azerbaijan and the Republic of Turkey

WHEREAS, on September 19, 2023, the armed forces of the Republic of Azerbaijan launched a large-scale offensive against the ethnic Armenian enclave of Artsakh, which resulted in the forcible displacement of over 100,000 Armenians, almost the entirety of the region’s population.¹

WHEREAS, the current Special Adviser on the Prevention of Genocide to the United Nations Secretary-General issued a statement expressing “alarm over the recent military escalation by Azerbaijan” and noting the “risk of genocide and related atrocity crimes” in Artsakh.²

WHEREAS, on March 7, 2023, the Undergraduate Student Association Council unanimously adopted “A Resolution in Solidarity with the Armenians of Artsakh, and Demanding that UCLA Stand with Armenian Students and Denounce Armenophobia,” standing in solidarity with the Armenians of Artsakh, denouncing Armenophobia and racial discrimination in all its forms, and highlighting the risk of genocide in Artsakh.³

WHEREAS, on August 7, 2023, former Chief Prosecutor of the International Criminal Court, Luis Moreno Ocampo, concluded in an independent expert report that Azerbaijan’s blockade of the Lachin corridor, which created the conditions necessary for the eventual ethnic cleansing of the enclave, constituted the crime of genocide under Article III(c) of the 1948 Genocide Convention.⁴

WHEREAS, Juan E. Mendez, the first United Nations Special Adviser on the Prevention of Genocide, had warned of an urgent risk of genocide against ethnic Armenians in Artsakh.⁵

WHEREAS, ethnic cleansing has been defined as “a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas.”⁶

¹ Faustine Vincent, *Nagorno-Karabakh: Terror and Humiliation for Armenians Fleeing the Separatist Enclave*, Le Monde (Sept. 28, 2023); Patrick Reeve, *Nagorno-Karabakh Enclave Emptied After Entire Ethnic Armenian Population Flees*, ABC News (Oct. 2, 2023).

² Statement by Ms. Alice Wairimu Nderitu, UN Special Adviser on the Prevention of Genocide, on the Situation in Armenia and Azerbaijan (Sept. 22, 2023).

³ A Resolution in Solidarity with the Armenians of Artsakh, and Demanding that UCLA Stand with Armenian Students and Denounce Armenophobia (Mar. 7, 2023).

⁴ Luis Moreno Ocampo, *Expert Opinion: Genocide against Armenians in 2023* (Aug. 7, 2023). ⁵ Juan E. Mendez, *Preliminary Opinion on the Situation in Nagorno-Karabakh and on the Need for the International Community to Adopt Measures to Prevent Atrocity Crimes* (Aug. 23, 2023).

⁶ United Nations Commission of Experts, *Final Report of the Commission of Experts Established Pursuant to*

Security Council Resolution 780 (1992), ¶ 130, U.N. Doc. S/1994/674 (May 27, 1994).

WHEREAS, the forcible displacement of a civilian population constitutes a crime against humanity under international law.⁷

WHEREAS, on September 20, 2023, Genocide Watch, classifying Azerbaijan as currently within stage 9 of genocide: extermination, observed as follows with regard to the Azerbaijani offensive against Artsakh: “The silent genocide has become overt. Azerbaijan has mobilized its military along the borders of Artsakh and Armenia since early September 2023. All-out war would mean another Armenian Genocide.”⁸

WHEREAS, on October 5, 2023, the European Parliament, in a vote of 491-9, adopted a resolution in which it decried Azerbaijan’s assault on Artsakh as “a gross violation of human rights and international law” and considered “that the current situation amounts to ethnic cleansing.”⁹

WHEREAS, on October 6, 2023, the Office of the President of the Undergraduate Students Association Council issued a statement expressing “deep concern for the ethnic cleansing and forcible displacement facing the Armenian civilians.”¹⁰

WHEREAS, in an email sent to the UCLA student body on October 9, 2023, titled “University Statements on Violent Attacks Abroad,” UCLA Chancellor Gene Block noted “violence taking place against civilians in Artsakh (Nagorno-Karabakh),” adding that “[a]ttacks against innocent people anywhere are an injustice.”

WHEREAS, in a decision issued on November 17, 2023, the International Court of Justice ordered Azerbaijan to “(i) ensure that persons who have left Nagorno-Karabakh after 19 September 2023 and who wish to return to Nagorno-Karabakh are able to do so in a safe, unimpeded and expeditious manner; (ii) ensure that persons who remained in Nagorno-Karabakh after 19 September 2023 and who wish to depart are able to do so in a safe, unimpeded and expeditious manner; and (iii) ensure that persons who remained in Nagorno-Karabakh after 19 September 2023 or returned to Nagorno-Karabakh and who wish to stay are free from the use of force or intimidation that may cause them to flee.”¹¹

⁷ See *Rome Statute of the International Criminal Court*, art. 7(1)(d).

⁸ Genocide Watch, *Genocide Alert: Artsakh Surrenders to Azerbaijan* (Sept. 20, 2023).

⁹ European Parliament Resolution of 5 October 2023 on the Situation in Nagorno-Karabakh After Azerbaijan’s Attack and the Continuing Threats Against Armenia (2023/2879(RSP)) (Oct. 5, 2023).

¹⁰ UCLA Student Body President (@uclapresident), *Instagram* (Oct. 6, 2023).

¹¹ *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Provisional Measures*, ¶ 69 (Int'l Ct. Just. Nov. 17, 2023).

WHEREAS, various prominent international legal experts have concurred that Azerbaijan's forcible displacement of the indigenous ethnic Armenian population of Artsakh constitutes a serious violation of international law.¹²

WHEREAS, the Republic of Turkey has, through material support for Azerbaijan's activities, aided and abetted serious breaches of international law by Azerbaijan.

WHEREAS, international law clearly imposes an obligation of non-recognition, whereby no State "shall recognize as lawful a situation created by a serious breach" of international law "nor render aid or assistance in maintaining that situation".¹³

WHEREAS, the International Court of Justice has held that the obligation of non-recognition "impose[s] upon ... States the obligation to abstain from entering into economic and other forms of relationship or dealings" with a State engaged in the maintenance of a situation created by a serious breach of international law.¹⁴

THEREFORE, LET IT BE RESOLVED, that the Undergraduate Student Association Council unequivocally condemns, in the strongest possible terms, the ethnic cleansing of the Armenians of Artsakh by the state authorities of Azerbaijan with the assistance of the Turkish state and affirms the right of indigenous Armenians to return to Artsakh and to exercise self-determination in their ancestral homeland.

LET IT FURTHER BE RESOLVED, that the Undergraduate Student Association Council considers that the Azerbaijani assault on Artsakh and the resulting forcible displacement of the region's ethnic Armenian population constitutes a serious breach of international law and that the current situation in Artsakh constitutes an internationally unlawful situation created by a serious breach of international law.

LET IT FURTHER BE RESOLVED, that the Undergraduate Student Association Council, in light of the unlawful situation created by Azerbaijan's ethnic cleansing of Artsakh, demands the University of California system immediately initiate the process of divesting all financial assets owned in whole or in part by individuals and entities associated with or otherwise themselves

¹² See, e.g., David J. Scheffer, *Ethnic Cleansing Is Happening in Nagorno-Karabakh. How Can the World Respond?*, Council on Foreign Relations (Oct. 4, 2023); Agnieszka Klonowiecka-Milart & Sheila Paylan, *Forced Displacement of Armenians from Nagorno-Karabakh: A Response*, *Opinio Juris* (Nov. 6, 2023); Luis Moreno Ocampo, *Current Genocides and the Consistent International Practice to Deny Them*, University of Sao Paulo Innovation on Global Order Project (2023).

¹³ United Nations International Law Commission, *Articles on the Responsibility of States for Internationally Wrongful Acts* (2002), Art. 41(2). See also *Legal Consequences of the Construction of a Wall in the Occupied*

Palestinian Territory, Advisory Opinion, 2004 I.C.J. 136, ¶ 159 (July 9).

¹⁴ *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion*, 1971 I.C.J. 16, ¶ 124 (June 21).

owned in whole or in part by the Government of the Republic of Azerbaijan and the Government Republic of Turkey.

LET IT FURTHER BE RESOLVED, that the Undergraduate Student Association Council, greatly dismayed by the lack of transparency with regard to the University of California system's financial investments, demands the University of California system immediately initiate the process of disclosing all its financial investments involving entities linked to foreign governments, particularly those engaged in serious violations of international law and human rights such as Azerbaijan and Turkey, in the spirit of Article I, § 3(b) of the Constitution of the State of California.