

## Executive Summary

This memo strongly advocates for the full repeal of Section 907 of the Freedom Support Act (1992), a restrictive provision that prohibits U.S. assistance to Azerbaijan. Initially enacted in response to the Nagorno-Karabakh conflict, Section 907 fails to reflect the evolving geopolitical realities, strategic interests, and the principles of fairness in U.S. foreign policy. Since 2002, waivers have been granted to allow U.S. assistance to Azerbaijan, acknowledging its critical role in advancing American interests. However, a permanent repeal of Section 907 is needed to align U.S. foreign policy with current realities and strengthen bilateral relations with Azerbaijan, a key ally in regional stability, counterterrorism, and energy security.

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### **What is Section 907 of the Freedom Support Act?**

Section 907 of the Freedom Support Act, passed in 1992, restricts U.S. government assistance to Azerbaijan. The specific language of the provision reads:

"United States assistance under this or any other Act may not be provided to the Government of Azerbaijan until the President determines, and so reports to the Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh."

At the time of its passage, Section 907 was influenced by lobbying efforts from the Armenian-American community and was meant to address the ongoing Nagorno-Karabakh conflict between Azerbaijan and Armenia. The law targeted Azerbaijan based on its perceived role in the conflict, following a war that had resulted in significant humanitarian crises on both sides.

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### **History Behind Section 907 and Why It is Outdated and Unjust**

#### **Origins and Legislative Context**

The context of Section 907 lies in the aftermath of the Nagorno-Karabakh War (1988-1994), a brutal conflict between Armenia and Azerbaijan. In the wake of the war, Azerbaijan was portrayed as the aggressor, while Armenia's occupation of large swaths of Azerbaijani territory, including Nagorno-Karabakh, was largely overlooked. The legislation, shaped by intense lobbying from the Armenian-American community, focused exclusively on Azerbaijan, without considering the broader scope of the conflict or the role of other regional actors.

This narrow focus ignored several key facts, such as:

- **Azerbaijan's displacement crisis:** Over one million Azerbaijani civilians were displaced from Armenia and occupied Azerbaijani territories, creating a humanitarian disaster.

- **UN Security Council Resolutions:** Four UN Security Council Resolutions passed in 1993—822, 853, 874, and 884—affirmed Azerbaijan’s sovereignty over Nagorno-Karabakh and surrounding regions and called for the withdrawal of Armenian forces. Section 907 contradicted these international legal principles by targeting Azerbaijan while failing to address Armenia’s occupation of Azerbaijani land.

### **How Section 907 Was Passed**

The Freedom Support Act of 1992, which included Section 907, was introduced by Senator Claiborne Pell and moved through the Senate Foreign Relations Committee. The provision’s inclusion reflected strong lobbying by the Armenian National Committee of America (ANCA) and other groups advocating against U.S. assistance to Azerbaijan.

In 2002, the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act provided a waiver authority for Section 907. This waiver authority allowed the President to bypass the provision annually if doing so was deemed in the interest of U.S. national security. The waiver has been utilized every year since.

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### **Why Section 907 Is No Longer Relevant**

The geopolitical landscape has evolved significantly since 1992. Azerbaijan, a nation that was once embroiled in conflict, has now entered a new era of stability and cooperation with the West, particularly the United States. The 2020 Nagorno-Karabakh war further altered the regional dynamics, with Azerbaijan reclaiming much of its internationally recognized territories. Section 907, therefore, stands as an anachronism—a relic of a bygone era that fails to reflect the current realities of the South Caucasus and the changing global geopolitical environment.

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### **Unfairness of Section 907**

- **Selective Targeting:** Section 907 singles out Azerbaijan, while ignoring the territorial aggression and occupation by Armenia. This imbalance undermines the credibility of U.S. foreign policy, as no similar restrictions were ever placed on Armenia, despite its occupation of internationally recognized Azerbaijani territories.
- **Contradiction with International Law:** The UN Security Council resolutions and other international frameworks call for Azerbaijan’s territorial integrity, yet Section 907 continues to penalize Azerbaijan, thereby contradicting these global norms and principles of fairness.

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### **Azerbaijan’s Role as a Strong Ally of the United States**

Since the early 2000s, Azerbaijan has proven itself to be a vital partner for the United States, particularly in the realms of regional security, counterterrorism, and energy diversification. The partnership between the U.S. and Azerbaijan has been based on shared strategic interests, including:

- **Military and Strategic Support:** Following the tragic events of September 11, 2001, Azerbaijan provided crucial logistical support for U.S. and NATO operations in Afghanistan, including granting overflight rights for military aircraft and helping facilitate the transport of supplies.
  - **Energy Security:** Azerbaijan plays a key role in European energy diversification, particularly through the Southern Gas Corridor and the Baku-Tbilisi-Ceyhan (BTC) pipeline, which significantly reduce Europe's reliance on Russian energy. This strategic energy partnership aligns with U.S. interests in promoting energy security and reducing dependency on hostile actors.
  - **Counterterrorism Cooperation:** Azerbaijan has also been an invaluable partner in counterterrorism operations, intelligence sharing, and combating extremist movements in the broader region.
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### **Balancing Humanitarian Concerns and Strategic Partnerships**

Addressing humanitarian issues, including the displacement of Armenians and preserving cultural heritage, is vital. However, these concerns should not overshadow the broader strategic implications of punitive actions against Azerbaijan. The imposition of sanctions or continued application of Section 907 could alienate a key regional partner and weaken U.S. influence in the South Caucasus.

Instead, a balanced approach—emphasizing diplomacy, targeted humanitarian aid, and fostering dialogue between Armenia and Azerbaijan—would better serve U.S. objectives. Encouraging Azerbaijan's adherence to international legal frameworks, such as facilitating the right of return for displaced Armenians and ensuring the preservation of cultural sites, could be achieved through engagement rather than isolation.

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### **Precedents for Repealing Similar Provisions**

Efforts to repeal provisions similar to Section 907 have historically followed procedural pathways through the Senate and House Foreign Relations Committees. For example:

- **The Helms Amendment** to the Foreign Assistance Act of 1961—which imposed restrictions on foreign aid funding for abortions—has been the subject of multiple legislative attempts at repeal. The Abortion is Health Care Everywhere Act, introduced in the 117th Congress, sought to overturn the Helms Amendment by reintroducing comprehensive reproductive health care provisions through the Senate Foreign Relations Committee.
  - Similarly, a repeal of Section 907 would require legislative action introduced through the Senate Foreign Relations Committee or inclusion in a broader appropriations bill.
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### **Conclusion: Repealing Section 907 as a Path Forward**

The repeal of Section 907 of the Freedom Support Act represents an opportunity to recalibrate U.S. policy in the South Caucasus. By eliminating this outdated provision, the United States can:

- Strengthen its bilateral relationship with Azerbaijan, bolstering cooperation on energy, security, and counterterrorism.
- Demonstrate a commitment to balanced diplomacy that acknowledges the rights and responsibilities of all parties in the Nagorno-Karabakh conflict.
- Advance a more unified and effective approach to addressing the humanitarian and political challenges in the region.

A nuanced, forward-looking policy will allow the U.S. to maintain its leadership role while promoting stability, fairness, and strategic partnerships in a volatile region. We urge Congress to act swiftly and decisively in repealing Section 907 of the Freedom Support Act in recognition of Azerbaijan's critical role as a reliable and valued partner of the United States.