

NIKOLAY HOVHANNISYAN

THE KARABAKH P R O B L E M

THE THORNY ROAD TO FREEDOM
AND
INDEPENDENCE

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NIKOLAY HOVHANNISYAN

THE KARABAKH PROBLEM

THE THORNY ROAD TO FREEDOM AND INDEPENDENCE

Second, revised edition

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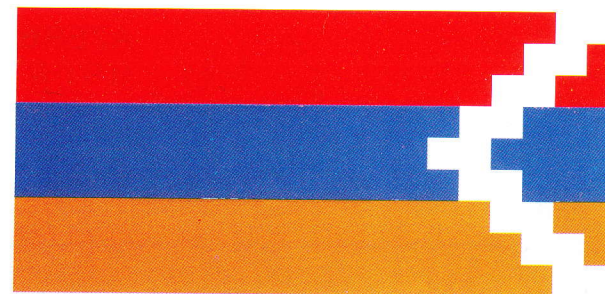
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In this second, revised edition structural changes are introduced and the framework of the questions under discussion is widened as compared with the first edition of 1999. The attention is focused on the reasons of forcibly attachment of Karabakh to Azerbaijan, to a state, which did not exist in history as a state until 1918, and which was a violation of self-determination right of Karabakh Armenians. The author emphasized the importance of new approaches to the resolution of Karabakh conflict taking into account new political, military and legal realities. It also underlines the lawful right of this ancient Armenian native land for union with motherland Armenia or for state independence.

In a special chapter the author reviewed and evaluated several variants of the Karabakh conflict resolution, proposed by different international organizations, policy makers or scholars, including the last suggestions made in the framework of the OSCE Minsk group.

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Flag and State Emblem (Coat of Arms) of NKR



NAGORNO-KARABAKH REPUBLIC (ARTZAKH)

Location	North-Eastern area of the Armenian Highland
Emergence	September 2, 1991
Territory	4,400 sq. km
Population	160,000
Capital	Stepanakert (55,000)
Status	De facto independent state
Head of State	President
Governmental form	Presidential Republic
Legislative body	National Assembly
Administrative division	5 provinces – Askeran, Hadrut, Martakert, Martuni, Stepanakert, 2 cities – Stepanakert, Shushi
Official Language	Armenian
Religion	Christianity, Armenian Apostolic Church
Currency	Armenian Dram
Frontiers	Armenia, Iran, Azerbaijan

Map of Nagorno-Karabakh Republic (Artsakh)

INTRODUCTION

THE FIRST ETHNOPOLITICAL CONFLICT IN THE EX-SOVIET SPACE

One of the prevalent features of the contemporary world is the phenomenon of ethnic and ethno-political conflicts. These conflicts had intensified with the demise of colonialism in Asia, Africa and Latin America, with the end of the Cold War and the collapse of the Soviet Union and Yugoslavia. Many nations and ethnic groups were involved in these processes and numerous centers of ethno-political conflicts emerged throughout the world. American professor Ted Robert Gurr, summarizing the results of his long-term research on "Minorities at Risk project", has concluded that a total of 233 sizable ethnic groups, which had been targets of discrimination and/or were organized for the purpose of political assertiveness, have already or may become active in ethno-political conflicts¹. His opinion is shared by Barbara Harff².

After the collapse of the Soviet Union Transcaucasia became one of the dangerous zones of the ethno-political conflicts and they are among "those on which global attention has been fixated in recent years"³. The well known Transcaucasian ethno-political conflicts are composed of Nagorno-Karabakh, Abkhazia and South Ossetia.

Most researchers and scholars dealing with this area's conflicts concentrated their attention first of all on the Nagorno-Karabakh conflict.

Among these researchers are M. Halperin and D. Scheffer⁴, P. Goble⁵, J. Nichol⁶, N. Fraser, K. Hipel, J. Jaworsky and R. Zuljan⁷, R. Lapidoth⁸, Sh. Avineri⁹, T. Gurr, B. Harff, C. Migdalovitz¹⁰, E. Herzig¹¹ and many others.

For these scholars the Nagorno-Karabakh conflict was, without question, the first ethno-political conflict in the former Soviet Union. J. Nichol stated that "The first regional ethnic conflict started in 1988 in Nagorno-Karabakh"¹². The same idea is expressed by T. Gurr who noted that "The Cold War was not yet over in 1987, but was winding down: the first distinctively post-Cold War ethnic conflict began the following year in Nagorno-Karabakh"¹³. English researcher E. Herzig, on examining the struggle for independence in Transcaucasia, noted that "The start of the process can be dated to February 1988, when the regional council (Soviet) of Karabakh voted to transfer from Azerbaijan to Armenia, posing the first major nationalist challenge to Gorbachev's policies"¹⁴.

A group of the American researchers – Fraser N., Hipel K., Jaworski

⁴ Halperin M., Scheffer D., with Small P., *Self-Determination in the New World Order*, Washington DC, 1992.

⁵ Goble P., *Coping with the Nagorno-Karabakh Crisis*, The Fletcher Forum of World Affairs, vol. VI, Summer, 1992.

⁶ CRS Issue Brief. *Transcaucasus Newly Independent States: Political Developments and Implications for U. S. Interests*. Updated August 17, 1995. By Jim Nichol. Foreign Affairs and National Defense Division. Congressional Research Service. The Library of Congress, Washington, DC, 1995.

⁷ Fraser N, Hipel K., Jaworsky J., Zuljan R., *A Conflict Analysis of Armenian-Azerbaijani Dispute*, *Journal of Conflict Resolution*, vol. IV, No 4, December 1990.

⁸ Lapidoth R., *Autonomy: Potential and Limitations*, *International Journal of Group Rights*, 00: 1-21, 1993.

⁹ Avineri Sh., *Comments on Nationalism and Democracy, Nationalism, Ethnic Conflict and Democracy*, Edited by Diamond L. and Plattner M. The John Hopkins University Press, Baltimore and London, 1994.

¹⁰ CRS Issue Brief. *Armenia-Azerbaijan Conflict*, Updated August 17, 1995 by Carol Migdalovitz, Foreign Affairs and National Defense Division, Congressional Research Service, The Library of Congress, Washington, DC, 1995.

¹¹ Herzig E., *The New Caucasus. Armenia, Azerbaijan and Georgia*, London, 1999.

¹² Nichol J., *Transcaucasus Newly Independent States*, p. 7.

¹³ Gurr T., *Peoples Against the States*, p. 353.

¹⁴ Herzig E., *The New Caucasus. Armenia, Azerbaijan and Georgia*, p. 11.

¹ Gurr T., *Peoples Against the States. Ethno-political Conflict and the Changing World System*. *International Studies Quarterly*, 1994, No 38, p. 349.

² Gurr T., Harff B., *Ethnic Conflict in World Politics*, Westview Press, Boulder, San Francisco, Oxford, p. 5.

³ Gurr T., *Peoples Against the States*, p. 363.

J., and Zuljan R. in their work had a special chapter, headed "A Short History of the Conflict over Nagorno-Karabakh". In it, they stated that at the end of 1980s and beginning of 1990s, there had been dramatic outbursts of nationalists unrest within the Soviet Union. They noted that "Most disturbances have taken place in the non-Russian republics, located along the periphery of the USSR"¹⁵. On continuing their analysis, the American authors had indicated, that "Of particular interest are the massive demonstrations and violent clashes in the Transcaucasian republics (Armenia, Azerbaijan and Georgia), where the most dramatic conflict has centered around the long standing territorial dispute between the Armenians and Azerbaijanis over the political, socioeconomic, and cultural future of an area called Nagorno-Karabakh, an autonomous oblast falling entirely within the Azerbaijan Soviet Socialist Republic and populated predominantly by ethnic Armenians"¹⁶.

These researchers usually underline the impact of the Karabakh liberation movement on the ethnic processes within the Soviet Union. J. Nichol wrote that the Karabakh conflict was followed by the conflicts in Georgia: "The second started in December 1990 in South Ossetia, Georgia, while the third started in August 1992 in Abkhazia, Georgia"¹⁷. Ethnic clashes in the Central Asian republics and other parts of the former Soviet Union also took place. And we have to agree with E. Herzig, that "the Karabakh issue was the catalyst for the emergence of mass national movement"¹⁸. An interesting idea was expressed by the German professor of the Hamburg university Otto Luchterhandt, who carefully examining this question, came to the conclusion that "The Armenian ethnic group in Nagorno-Karabakh was, and that also deserves to be noted, one of the first to make public its unsatisfied, insulted national concern and made its demands for political revision. Its action was an essential contribution to the initiation of that process which led to the dissolution of the Soviet Union three years later"¹⁹.

¹⁵ Fraser N. and others, *Conflict Analysis of the Armenian-Azerbaijani conflict*, p. 655.

¹⁶ Ibid.

¹⁷ Nichol J., *Transcaucasus Newly Independent States*, p. 6.

¹⁸ Herzig E., *The New Caucasus. Armenia, Azerbaijan and Georgia*, p. 11.

¹⁹ Luchterhandt O., *Nagorny Karabakh's Right to State Independence According to International Law*, Boston, 1993, p. 69.

The Nagorno-Karabakh liberation movement had influenced different countries, particularly in the Eastern Europe. As has mentioned the American researcher J. Nichol, "The ongoing Nagorno-Karabakh conflict has raised ethnic consciousness" among the peoples²⁰. Paul Goble goes much further, when he states that "More than any other problem in the post-Soviet space, the fighting around Nagorno-Karabakh threatens to involve not only regional powers but more distant countries as well"²¹.

All ethnopolitical conflicts were going under the banner of self-determination. Although there are some basic similarities between them, nevertheless, each conflict has to be defined by its own or unique characteristics. American specialists on self-determination issues, authors of a very interesting book – "Self-Determination in the New World Order", are quite right, in stating that "Self-determination movements are decidedly not all alike or even similar to each other"²². They believe that in our changing world a new, modern approach to the problems of self-determination movement and ethnopolitical conflict is necessary: "The international community must respond to this greater complexity not by simply resisting self-determination claims, but by adopting a framework for distinguishing among them and assessing their legitimacy"²³. M. Halperin and D. Scheffer considered that "as a first step toward a modern approach, governments must adopt a broader and less alarmist view of self-determination"²⁴. These scholars accept that the ethnopolitical conflicts and self-determination movements, including that of in Nagorno-Karabakh, have their ethnic, political or cultural background. They are powerful factors which are not only impossible to ignore, but must be taken into account. And M. Halperin and D. Scheffer had formulated the following principles, which constitute the basis for the modern approach to the problem of self-determination and ethnopolitical conflicts. According to their opinion, new approach "may be based on

²⁰ Nichol J., *Transcaucasus Newly Independent States*, p. 6.

²¹ Goble P., *Coping with the Nagorno-Karabakh Crisis*, p. 19.

²² Halperin M., Scheffer D., *Self-Determination in the New World Order*, p. 46.

²³ Ibid, p. 48.

²⁴ Ibid, p. 46.

ethnic, geographic, historical or economic factors”²⁵. Territorial and religious factors should be added to this list too.

The new approach and the above mentioned factors, naturally, open new horizons and non-standard possibilities for the resolution of ethnopolitical conflicts on the base of self-determination right, including in the form of secession, as in the case of Karabakh.

²⁵ Ibid, p. 49.

CHAPTER ONE

GEOGRAPHIC, ETHNOCULTURAL AND HISTORICAL FACTORS OF NAGORNO-KARABAKH SELF-DETERMINATION MOVEMENT

The scientific explanation of the background of self-determination movement in Nagorno-Karabakh requires a clear and objective understanding of its historical, geographic, ethnic, religious, cultural, political and territorial factors. Without examination of these factors it is impossible to adopt realistic policy for resolution of the Nagorno-Karabakh conflict and to take a fair attitude towards it. We must bear in mind, as states T. Gurr, that “Contemporary conflicts between ethnic groups and states are a part of the heritage of large historical processes”²⁶.

Name of the Area as One of the Factors of Ethnic Belonging

The area of Nagorno-Karabakh was known to the ancient and medieval world by various names. In the Urartian cuneiforms, this region was called Urtekhe-Urtekheni, which manifests an obvious similarity to the traditional Armenian name for the area-Artzakh²⁷.

In ancient Greek historical sources, the area was called Orkhistena²⁸, again deriving from the Armenian “Artzakh”. The name Artzakh and its variations were widely known at that time.

²⁶ Gurr T., Harff B., Ethnic Conflicts in World Politic, p. 15.

²⁷ Kapantzian G., Chetto-Armenica, Yerevan, 1931, p. 104.

²⁸ Strabo, Geography, IV, XI, XI.

The area had also other names – Tsavdek, after the name of the center of the principality of Tsavdek, and Khachen, after a fortress of the same name. Khachen was a common name in the X–XII centuries. As mentioned the XIII century Armenian historian Vardan, “Artzakh is now Khachen”²⁹. Khachen originated from the Armenian word “Khach”, which means “Cross”. It reflects the fact that the inhabitants of the region were Christian Armenians.

Medieval historical sources also mentioned the area as “Little Siunik”, which was one of the Armenian regions, and “Little (Minor) Armenia”³⁰.

The name “Karabakh” was first recorded in two sources of XIV century – Qartlis Tskhovreba (“The Georgian Chronicle”) and in a work by the Persian historian Hamd–Allah Mustafwi of Qazwin³¹. According to the Persian tradition, this region was divided into two parts: “Plain,” which was called Bagh–i Safid (“White Garden”), and “Mountainous,” called Bagh–i Siyah (“Black Garden”). The latter was translated directly by Turks as Karabakh (“Black Garden”).

The Armenians call this part of the region Lernayin Karabakh or Mountainous Karabakh. The name Nagorny Karabakh is a combination of Russian “Mountainous” (Nagorny) with the Turkish Karabakh (“Black Garden”), or Mountainous Black Garden. The Armenians still adhere to their ancient traditional name – Artzakh.

Geographical Factor

Artzakh had always been an integral part of Armenia. It is located on the right bank of the Kura River, which was the geographical and state border between Armenia and Caucasian Albania. All ancient historical sources – not only Armenian, but Greek and Roman sources as well – confirm this reality.

²⁹ Vardan, Geography, Paris, 1960, p. 11 (in Armenian).

³⁰ Идгфний Карабах. Историческая справка, 1988, с. 8

³¹ Там же.

A reliable source of the VII century, Ashkharatzuitz, (“Geography”) confirms that Artzakh according to the administrative division of Armenia was its X province, which consisted of 12 gavars (small regions.). Strabo called Artzakh a “Province of Armenia”. Other sources, including Strabo, Pliny the Elder, Claudius Ptolemy, Plutarch and others, indicated that it occupied the Eastern side of Armenia³².

Hans Schiltberger, a German voyager, who in the XV century had been in Karabakh, stated that “Karabakh is located in Armenia”³³.

Artzakh is a mountainous land with difficult access. P. Goble mentions that “another geographic feature compounding Nagorno–Karabakh's ethnic troubles is the fact that the headwaters of one of the most important tributaries of the river that flows through Baku, the capital of Azerbaijan is located there. Consequently, the group that controls Karabakh will have powerful leverage at the center of the Azerbaijan”³⁴. This is an important remark, indicating the reasons of the latent aspirations of the Azerbaijani powers to keep by all means the Nagorno–Karabakh under their domination.

Population and the Demographic Factor

The natives of Artzakh have been Armenians from the immemorial times. They are of the same ethnicity, religion–Christianity, cultural heritage and speak the same language, as the people in all other parts of Armenia. The dominant language in this Armenian province is Armenian, a branch of the Indo–European linguistic family. At the beginning of IV century, the Armenians of Artzakh, as those of other parts of Armenia, adopted Christianity, when in 301 it, firstly in the world, was officially declared state religion in whole Armenia.

³² Там же, с. 9.

³³ Иоган Шильтбергер, Путешествие по Европе, Азии и Африке с 1354 по 1427г., перевод со старонемецкого Ф. К. Бруна. Издание, редакция и примечания акад. АН Азербайджанской ССР З. М. Бунятова, Баку, 1984, с. 67. См. Нагорный Карабах, с. 17.

³⁴ Goble P., Coping with the Nagorno–Karabakh Crisis, p. 19.

The ethnic composition of this province has not changed significantly throughout the centuries. Some changes occurred in the XVI–XVIII centuries, when various Turkish and Kurdish tribes penetrated the Artzakh province. They included Turkish tribes djevanshir, demirchi–ghasanli, djinli, shahsevans, kengerlu, Kurdish ashirats Igirmidort (“Twenty four”), Otuz iki (“Thirty two”), etc. Those tribes and tribal unions, which came from Central Asia, Asia Minor and other Eastern territories, did not impact significantly on the demographic situation of Artzakh, which represented at that time a federation of Five Armenian Melikutians (principdoms). The situation had changed, however, by XVIII century, when those tribes had gradually strengthened their positions, having even established their own local khans in some parts of Artzakh. It was, however, the maximum, they could reach. They did not succeed in placing the province under their control and the Armenian Meliks (feudal lords, princes) of Karabakh continued their struggle for liberty and kept their comparative independence, successfully struggling against the Turkish and Persian invasions.

Despite some changes in the ethnic composition and demographic situation of Karabakh, 95% of the population of the province at the beginning of the XX century were Armenians, and only five percent from Muslim tribes. Before the First World War in 1914, 206,768 Armenians were living in Karabakh. There were 224 Armenian villages, 222 acting churches with 188 clergy members³⁵. And it is quite natural, because the Armenians were and are the only native people of the province.

The Armenians were not the newcomers to Karabakh. The newcomers were a conglomeration of Muslim nomadic tribes, who had not common ethnonym. Only afterwards, in the XX century, they were called at first “Caucasian Tartars”, and then “Azerbaijanis”. “Armenia, – states Paul Goble, – is an ancient nation which was fully consolidated at least 2,300 years ago. Azerbaijanis did not exist as a separate people until this century (XX century – N. H.), before which they were simply part of the Turco–Persian world”³⁶.

³⁵ Нагорный Карабах. Историческая справка, с. 19.

³⁶ Goble P., Coping with the Nagorno–Karabakh Crisis, p. 19.

In this case the ethnic dimension, essential to the theory of M. Halperin and D. Scheffer about the new approaches to the problem of self-determination, works against the Azerbaijanis’ territorial claims towards Karabakh and is working in favor of the Nagorno–Karabakh Armenians for their self-determination right in the form of secession from Azerbaijan.

History or Historical Factor

Artzakh, as it was mentioned, had always been an integral part of Armenia, part of various Armenian kingdoms (Yervandits, Artashids, Arshakids, Bagratids, etc.).

When in 387 AD Armenia was divided between Iran and the Byzantine Empire, Artzakh had appeared in the zone of Persian influence. After the liquidation of the Armenian Kingdom in 428, Artzakh was included by the Persian powers into the Albanian Kingdom, which was under the Persia’s domination. This political–administrative division existed until 469, when that Kingdom also was liquidated by the Persians as the Armenian kingdom of Arshakids, and became one of Persia’s provinces under the name “Albania”. Artzakh remained a part of that province.

During the subsequent centuries, many changes took place in the political destiny of Artzakh, as well as the whole Armenia, which was connected with the foreign invasions, in particular the invasions of various Turkish tribes since the XI century (Seljuks, Oghuzes, etc.).

During the late Middle Ages, in XVII–XVIII centuries, Transcaucasia and the Middle East turned into an arena of bloodshed struggle between the Persian and Ottoman Empires. The central parts of Armenia fell under the yoke of Persia and Turkey, while the Karabakh meliks (princes) succeeded in preserving their comparative independent status. Artzakh, due to its heroic struggle throughout centuries and determination to preserve its ethnic identity and freedom, became a stronghold of the liberation movements of Armenians against the Persian and Turkish domination.

On 24 October, 1813, following the Russian–Persian War, 1804–1813, Russia and Persia had concluded the Gulistan Treaty. According to

the clauses of that Treaty, some territories, as Daghestan, Georgia, Abkhazia, the provinces of Gyanja, Baku, Shaki Shirvan etc., were incorporated from the Persian domination into the Russian Empire³⁷. Some provinces of Eastern Armenia, as Karabakh and Shirak, also were incorporated into the Russian Empire³⁸. Other parts of Eastern Armenia, the provinces of Yerevan and Nakhichevan, were under the Turkmenchai Treaty, united with Russia after the Russian–Persian War, 1826–1828³⁹.

So, as a result of the two Russian–Persian wars the Eastern Armenia, consisting of Karabakh, Yerevan and Nakhichevan provinces, together with the other parts of Transcaucasia, had appeared within the Russian Empire.

The administrative division of Transcaucasia within the Russian Empire had changed many times, until the mid–XIX century, when on December 9, 1867, the Russian Government divided Transcaucasia into five provinces (guberniya) – Kutaisi, Tiflis, Yerevan, Yelizavetopol and Baku. A part of Eastern Armenia was included in the Yerevan Province, which consisted of the Yerevan and Nakhichevan regions (uezds), while the other parts were incorporated into the Provinces of Yelizavetopol and Tiflis. Most of the Nagorno–Karabakh territories were included in the Yelizavetopol Province.

This administrative division remained in force until the collapse of the Russian Empire in 1917.

So it is obvious that Artzakh from the earliest times up to 1918, despite the different foreign dominations and aggressions, remained a part of Armenia and this reality was never contested by any state, organization, power or unbiased specialists. And we can conclude, that the historical, ethnic, religious, linguistic, cultural and political factors testify that Karabakh is an ancient Armenian territory, while the different Muslim, among them Turkish, tribes had appeared in the Transcaucasian and Middle Eastern territories much later and could not change the demographic composition of the Armenian Karabakh and its Armenian territorial, ethnic, religious, linguistic and other characteristics.

³⁷ Дипломатический словарь, т. I, Москва, 1960, с. 417.

³⁸ Там же.

³⁹ Там же, т. III, Москва, 1964, с. 380.

CHAPTER TWO

EMERGENCE OF THE KARABAKH ISSUE

The Azerbaijan's Territorial Claims

The breakup of the Russian Empire in 1917 evoked radical changes not only in the state regime, governmental system and power, but also in the administrative division of Russia. It had catapulted a strong movement among the non–Russian nations to create their independent states. And the Bolshevik government, headed by V. Lenin, was not capable of preventing those processes. On the ruins of the Russian Empire after all there were formed several independent states–Ukraine, Byelorussia, three Baltic states–Latvia, Lithuania and Estonia, three republics in Transcaucasia– Georgia, Azerbaijan and Armenia.

Georgia had declared its independence on May 26, Azerbaijan on May 27 (28) and Armenia on May 28, 1918.

If declarations of independence by Georgia and Armenia were quite natural, which meant the restoration of the Armenian and Georgian old statehoods, that they lost during the centuries as a result of foreign invasions and aggressions, in the case of Azerbaijan the situation was quite different.

In history never had been any state under the name of “Azerbaijan”. It appeared on the political map as an independent state only in May 1918. By saying that, we do not mean to reject the right of the people of that province, consisting mainly of different Turkish and non–Turkish nomadic tribes, to have their own state. No, we consider that they had full right to realize their self–determination right through making their independent state. Though it is necessary for the sake of historical truth to

state that Turkey had played non-secondary role in the making of the second Turkish state in the Transcaucasian–Middle Eastern geopolitical region. The leadership of Turkey was sure that the making of a new Turkish state will strengthen their position and political influence in Caucasus and pave a way for realization of their pan-Turkic programs.

The emergence of Azerbaijani state had changed the political configuration of Transcaucasia and became a source of political and territorial disputes, quarrels and even clashes between Azerbaijan and its neighbors – Armenia, as well as Georgia. The main reason was in Azerbaijani's territorial claims first of all to Armenia, as well as to Georgia. Azerbaijan, being a new and young state, had not yet correctly designed state borders and tried to use all means to enlarge its territory at the expense of annexation of its neighbor countries' territories.

Azerbaijan pretended to Kakhi, Zaqatala, Marneuli and other regions of Georgia, but mainly focused on Armenian territories of Nakhijhevan, Zangezur and Karabakh.

Thus Karabakh became an object of dispute between Armenia and Azerbaijan, though Azerbaijan, as it had been indicated, had not any historical, ethnic, religious, cultural and political right for it.

The researchers paid attention to the fact that the turning of Karabakh into disputable issue was connected mainly with the emergence of Azerbaijani state in 1918 and its aggressive policy towards Armenia.

In August, 1995, the USA Congress Library's Congressional Research Service and its Foreign Affairs and National Defense Division had published a material – "Armenia–Azerbaijan Conflict", prepared by Carol Migdalovitz, where it was written that "Both Armenia and Azerbaijan claimed Karabakh when they became independent in 1918"⁴⁰. It means that until the emergence of Azerbaijani state no power or state in the world challenged Karabakh's being an integral part of Armenia.

Another very important source is the work "Nagorno–Karabakh. Working Paper", prepared by the Human Rights Advocates which has Consultative status with the Economic and Social Council of the United

⁴⁰ CRS Issue Brief. Armenia–Azerbaijan Conflict. Updated August 17, 1995. By Carol Migdalovitz. Foreign Affairs and National Defense Division. Congressional Research Service. The Library of Congress, Washington, 1995, p. 2.

Nations, was stated that "Nagorno–Karabakh (Mountainous Karabakh) and the larger surrounding lowlands have been part of the Armenian homeland for more than two millennia. Azerbaijan claimed the region for the first time when it emerged as an independent state in 1918"⁴¹. This document as a Working Paper was submitted to the United Nations Economic and Social Council and the Commission on Human Rights at the beginning of 1994.

Doctor of Laws, ex–Russian Ambassador to Armenia V. Stupishin in his book "Karabakh Conflict. 1992–1994", investigating the roots of it, also came to the conclusion that the origin of the Karabakh issue was directly connected with the establishment of the Azerbaijani Republic and the pan-Turkic aspirations⁴².

There are many other scholars who also share this point of view, among them the Arab historians Fuad Hasan Hafiz, Marwan al-Mudawar, Samir Arbash, Salih Zahr ad-Din, etc. Particularly, the latter published a book in Arabic under the headline "The Karabakh's Position in the Armenian–Azerbaijani Conflict", where he stated that "The Armenians had been in this region more than 2000 years"⁴³. He noted that Karabakh as an integral part of Armenia had always played an important role in the history, policy and culture of Armenia, indicating that the first Armenian school, as well as the first Armenian library after the invention of Armenian alphabet by Mesrop Mashtots in 405, was opened in Karabakh⁴⁴. So, according to this Arab author, the Azerbaijani claim to Karabakh was groundless.

But the most important was the position of the Karabakh Armenians, whom, after all, belonged the only legitimate right to decide the future of their region and its destiny.

⁴¹ Human Rights Advocates. In Consultative Status with the Economic and Social Council of the United Nations. Nagorno–Karabakh. Working Paper Submitted to the United Nations Economic and Social Council. Commission on Human Rights, Geneva, 1994, p. 2.

⁴² Ступишин В., Карабахский конфликт. 1992-1994, Москва, 1998, с. 20.

⁴³ Salih Zahr–ad–Din, Mawkif Karabakh fi sira' al–Armani al–Azerbaijani, Beirut, 1993, p. 3. (Position of Karabakh in Armenian–Azerbaijani Conflict), in Arabic.

⁴⁴ Ibid.

So when the Azerbaijani government declared in 1918 the incorporation of Karabakh in Azerbaijan, which was established recently, the Armenians of Karabakh from the start unanimously and decidedly rejected the Azerbaijani claims, permanently declaring that they never had been under the Azerbaijani domination and never would agree with the Azeri demands, which they called colonial.

In new circumstances the Armenians of Karabakh took necessary steps to defend their rights. On July 22, 1918 the First congress of the Karabakh Armenians was convened. It was a representative body, elected by the people of all regions of Karabakh. In its Resolution it was declared: "The Congress unanimously decides that Karabakh consists of a part of the Araratian (i. e. Armenian – N. H.) Republic though it is cut off her, but will try to establish ties and reunite"⁴⁵.

The Congress had elected National Council and People's Government of Karabakh, giving them all plenipotentiaries to rule Karabakh as an independent state until its union with Armenia.

In 1918–1920 the Armenian congress of Karabakh had been convened several times. It and National Council had become permanently acting governmental high bodies of Karabakh. The congress always rejected the Azerbaijani claims to Karabakh and always expressed the political will of the Armenian population of Karabakh to unite with Armenia.

Interference of Turkey

Newly established Azerbaijan at first attempted to realize its aggressive and expansionist plans with the help of Turkey. The offensive of Turkish troops began in early 1918, after the withdrawal of the Russian troops. From that time the Musavat government of Azerbaijan received large scale political, and military support from Turkey, including the

⁴⁵ Իշխանյան Ե., Լեռնային Ղարաբաղ. 1917–1920, Երևան, 1999, էջ 174: – (Ishkhanyan Ye., Nagorno-Karabakh. 1917–1920, Yerevan, 1999, p. 174), (in Armenian). Ye. Ishkhanyan was one of the Karabakh leaders, heading the works of the Armenian Congress and National Council of Karabakh.

claims of Azerbaijan to Armenian territories of Karabakh, Zangezur and Nakhijevan.

The commander of the Turkish troops in Transcaucasia Nuri-pasha, in support of the Azerbaijani claim, demanded the National Council of Karabakh, in a form of ultimatum, to satisfy the Azerbaijani claims. On September 6, 1918 the Second congress of the Armenians of Karabakh was convened to discuss the new situation aroused with the Turkish ultimatum to Armenians. The Second Congress unanimously rejected the Azeri-Turkish ultimatum confirming once more its determination to unite with Armenia.

But Turkey and its "young" ally Azerbaijan did not want to retire and give up their aggressive intention. Turkey, using of favorable international situation in Transcaucasia for realization its political-strategic plans, introduced its troops to Baku on September 15, 1918, which turned into a tragedy for the Armenians of Baku. The Turkish troops, with great experience in implementation of genocide of Armenians in 1915, started massacre of Armenians in capital city of Azerbaijan – Baku. About 30 thousands of Armenians became victims of that massacres, hundreds of Armenian villages in Elizavetopol and Baku provinces were turned into ruins. On carrying out the barbarous actions, Turkish commander again laid its ultimatum to Karabakh, demanding the National Council to fulfill the following three main requests: a) disarmament of Karabakh, b) the pass of the Turkish and Azerbaijani troops into Shushi troops, c) recognizing the power of Azerbaijan over Karabakh⁴⁶.

The Turkish new ultimatum put the Government of Karabakh – Armenian National Council in a very complicated situation. Again was convened the Congress of Armenians of Karabakh – the Third Congress, to define the region's attitude towards the Turkish ultimatum, which would be right to call "Turkish-Azerbaijani ultimatum". At last, on September 17, 1918 two days after the Turkish troops entered Baku and started of the Armenian pogroms, the Third Congress of Armenians of

⁴⁶History of Artzakh. Nagorno-Karabakh in 1918–1920, <http://nkr.am/eng/history/1918.htm>, p. 2.

Karabakh, adopted the draft of answer to the Turkish ultimatum. It refused to satisfy two of the three points of the ultimatum – disarmament and subordination to the Azerbaijani power. The Turkish command was compelled to agree with it. Informing about it the Armenian authorities, the Turkish command continued insisting on the pass of Turkish and Azeri troops into Shushi. The People's Council of Karabakh agreed on this demand. This strange decision of the Congress was explained by its leaders for the purpose "to win time". They motivated that the defeat of the German block, one of members of which was Turkey, or to be more exact the Ottoman Empire, in World War I was obvious and as they said "the question of days"⁴⁷. It was, doubtlessly a very risky step, that is why the people of Karabakh criticized its leaders, and expressed its dissatisfaction with the agreement to allow the Turkish and Azeri troops enter Shushi.

Fortunately, the Ottoman Empire on October 30, 1918, had recognized its defeat and on 11 November, 1918 the World War I ended. The Turkish troops left the Transcaucasia and returned to Turkey. So Azeri and Turkish troops could not enter Shushi.

The British Military Mission's Interference

The liquidation of Turkish threat gave hopes that there would not be serious obstacle on the way of union of Karabakh with motherland Armenia. But, as it soon became clear, it was a very optimistic approach.

Soon on the political scene appeared the British troops, replacing the Turkish troops. The British mission headed by general Thomson, became the main actor and the real master of situation.

Azerbaijani government, establishing close relations with the British mission, tried to capture Nagorno-Karabakh (NK), gaining the British political and military support. In Baku it was very well known that without obtaining British consent it was impossible to capture NK.

⁴⁷ Ibid.

The British position was pro-Azerbaijani. London was regarding Azerbaijan as advanced post of the Entente in Transcaucasia. The Baku oil, of course, also played its not secondary role in pro-Azerbaijani position of the Western countries. They attempted with the help of Azerbaijan to prevent the establishment of Soviet power in the Transcaucasian republics and create a barrier on the way of the Soviet Russia's possible control over Transcaucasia.

That's why the British mission encouraged the incorporation of NK into Azerbaijan before discussing the NK problem as a disputable territory at the Paris Peace Conference. One of the first steps on this direction was the appointment of Khosrovbek Sultanov, on January 15, 1919, by the Azerbaijani government with the knowledge and permission of the British command and general Thomson as governor-general of NK, with the ultimatum to the Karabakh National Council to recognize the power of Azerbaijan.

So the withdrawal of Turkish troops from Transcaucasia and NK had not brought peace to NK and had not saved NK from the establishment of Azerbaijani domination over Karabakh.

After the appointment of Sultanov the governor-general of NK and a new Azerbaijani ultimatum, the Armenian Congress of NK was once again convened and held on 19 February 1919 in Shushi. The main topic of the Fourth Congress's agenda was "The relations between Karabakh and Azerbaijan". The Fourth congress once more unanimously decided "Do not recognize the Azerbaijani power because the Karabakh, being a part of the historical Syuniq, is one of the regions of Armenia and with its almost entirely Armenian population has to be united with Armenia as its indivisible part"⁴⁸.

So in this case the Britain and Turkish interests had coincided. This circumstance gave a special acuteness to Karabakh crisis. The British pro-Azeri policy was carried out very fiercely by the head of the British mission general Thomson, who put pressure on Karabakh national powers to accept the Azerbaijani domination. On 21 February, 1919 during the meeting of the Karabakh National Council, his representative arrived and read to the members of the Council the telegram sent by the

⁴⁸ Ishkhanyan Ye., Nagorno-Karabakh, 1917-1920, p. 342.

general Thomson. The head of the British mission “demanded from the Armenians of Karabakh to recognize the Azerbaijani sovereignty and the obedience of all its institutions to the Sultanov’s power”⁴⁹ obey him.

In response to those demands of general Thomson, the chairman of the Council asked the general’s representative to pass to Thomson the following: “The plenipotentiary representatives of the Karabakh Armenians have unanimously decided in their Fourth Congress not to recognize the Azerbaijani power as Karabakh with its ancient historical monuments and population, 95% of which are Armenians, is the indivisible part of Armenia as one of its regions. The National Council, elected by the Congress, completely, and the commanders of all regions who are present and are responsible for the Congress as the Karabakh’s supreme plenipotentiary body, are supporting its decisions and orders and will never recognize the Azerbaijani sovereignty”⁵⁰.

The NK National Council announced that it cannot accept such fact as the appointment of Sultanov the governor-general of NK, as the Armenian people of Karabakh considers the dependence on the government of Azerbaijan, in whatever form it might be, unacceptable due to those violence and violations of rights, which the Armenian people was systematically subjected by the Azerbaijani government until recently.

But general Thomson did not retire and undertook new attempts to compel the Armenians of Karabakh to agree with the incorporation of NK into Azerbaijan. For this purpose he used the Fifth congress of the Karabakh Armenians, which was convened in April, 1919. He sent to that Congress Colonel Schatelwort, who was the commander of the British troops in Baku. On his arrival to Shushi, he announced the delegates of the Congress that the British command decided that Karabakh must recognize the Azerbaijani power, must obey it until the time, when in the future the borders between Azerbaijan and Armenia would be defined⁵¹.

The delegates of the Congress announced that the demands represented by Schatelwort on behalf of the general Thomson are

⁴⁹ Ibid, p. 355.

⁵⁰ Ibid.

⁵¹ Ibid, p. 395.

unlawful and unacceptable, mentioning that all previous congresses had rejected similar demands about the establishment of Azerbaijani power over Karabakh. As for defining of the Armenian–Azerbaijani borders in the future, they expressed their fear that that provisional measure can turn into a permanent one⁵².

On attempting to frighten the delegates and the population of NK, Colonel Schatelwort announced “You are closed (i. e. besieged – N. H.), your starving people will not get bread, we will not help you, until you recognize the power of the Musavat Azerbaijan”⁵³.

At the same time the Fifth congress expressed its readiness to make compromises. It suggested the British side the following: “The English commander appoints one of the English officers as commissar of Karabakh. The commissar can have assistants from two nations (Armenians and Azerbaijanis – N. H.) on the base of parity”⁵⁴. But it was declared by the delegates of the Congress that their proposition would be only a temporarily form of cooperation.

General Schatelwort rejected that option of compromise and insisted on unconditional acceptance by the Karabakh Armenians the Azerbaijani power over Karabakh. The Armenians, naturally, could not accept similar variant of resolution of the crisis. As the American researchers Fraser N., Hipel K., Jaworski J. and Zuljan R. mentioned, “The population of this area opted clearly for Armenia. ”, adding that “At that time, Armenians formed the great majority (over 90%) of the population”⁵⁵. There are numerous documents, materials and sources that confirm this fact. One source in particular should be cited: “However, the 95% Armenian majority of the region declared their wish to be part of Armenia”⁵⁶.

British mission fully ignored the political will of the Armenians of Karabakh, and by the decision of general Thomson Karabakh was annexed to Azerbaijan.

⁵² Ibid, 396.

⁵³ Nagorno–Karabakh in 1918–1920, <http://nkr.am/eng/history/1918.htm>. p. 3.

⁵⁴ Ishkhanyan Ye, Nagorno–Karabakh. 1918–1920, p. 396.

⁵⁵ Fraser N., Hipel K., Jaworski J., Zuljan R., A Conflict Analysis of the Armenian–Azerbaijani Dispute, p. 655–656.

⁵⁶ Нагорный Карабах. Историческая справка, с. 2.

The government of Armenia and the Armenians of Karabakh could not agree with that illegal action of the British mission. The government of Armenia had charged the Zangezur-Karabakh Regional Council with the task to rule the region. For that purpose the troops of general Andranik, who was one of the famous heroes of the Armenian national-liberation struggle, moved towards Shushi – the capital city of Karabakh. But the Armenian troops were stopped by the British commander, that demanded from them to leave the region, arguing, that it, i. e. the movement of the Armenian troops in the direction of Shushi, would harm the perspectives of discussion of the Karabakh issue in the Paris Peace Conference. This argument was not acceptable for the Armenians and they continued insisting on the union with Armenia. But their demand was again rejected by Azerbaijan and the British mission. Moreover, Azerbaijan, inspired by the British support, had launched an aggression against Armenia in the autumn of 1919 in Zangezur region, which was an Armenian neighbor region to Karabakh, but was defeated.

Sultanov with the support of the British mission continued its threats. On February 19, 1920 he demanded from the National Council of NK “urgently to solve the question of the final incorporation of Karabakh into Azerbaijan”⁵⁷. The Armenians, on rejecting that demand, started preparing for defense. They raised armed uprising in NK on March, 1920. Very tragic situation was created in Shushi, where the Azerbaijani-Turkish troops burnt the city, 20 thousand Armenians were perished, tens of churches and historical monuments were destroyed. But the military units from Armenia succeeded in helping the Karabakh Armenians. NK was liberated and in April, 1920, the Ninth Congress of NK “proclaimed the joining of Nagorno-Karabakh to Armenia as an essential part of Armenia”⁵⁸.

So in 1918–1920, since the emergence of Azerbaijan as a state, till the establishment of Soviet power in it, despite the Turkish and British support, Azerbaijan could not occupy and incorporate Karabakh into its borders.

Nagorno-Karabakh at that time could not realize also its national aspirations on union with motherland Armenia.

NK at that period was an independent state.

⁵⁷ Nagorno-Karabakh in 1918–1920, <http://nkr.an/eng/history/1918.htm>, p. 4.

⁵⁸ Ibid.

The Soviet Russia's Position and Actions

Besides Turkey and Great Britain, Soviet Russia also actively interfered in the Karabakh conflict. Transcaucasia, including Karabakh, represented significant strategic importance for Russia. Russia wanted to have strong position in that region and it was not acceptable for it the strengthening of the British influence there. Russia, from the other hand, was more and more orienting to Kemalist Turkey, considering this country its possible ally in spreading the socialist revolution in the countries of East and in struggling against the Entente. The latter factor had certain impact on the Soviet Russian's policy in Transcaucasia. And on realization of that policy, Soviet Russia and its leaders were ready to make some territorial concessions to Turkey, first of all at the expense of Armenia.

The strongest support of this line was J. Stalin. In one of his telegram's to another Bolshevik leader G. Ordjonikidze, Stalin condemning him for maneuvering in the Karabakh issue, wrote: “My opinion is that it is necessary to support definitely one of the sides, in this concrete case–Azerbaijan, together with Turkey”⁵⁹.

So Stalin tried directly to involve Turkey in the process of the resolution of the Karabakh issue, knowing very well that Turkey was the country that not long ago, in 1915, had implemented the Armenian genocide in the Western Armenia, that in Karabakh too it would use the same genocidal methods in regards of the Armenians and for the solution of the Karabakh problem.

But among the Soviet leadership there were some leaders, who did not share Stalin's position and the aggressive intentions of the Azerbaijani government. To that group belonged G. Chicherin, People's Commissar of the Foreign Affairs of Soviet Russia. V. Lenin, the head of the Soviet Russia's Government, in a letter dated 24 July, 1920 asked G. Chicherin, “Is it not possible to get on peacefully with Narimanov?”⁶⁰. N.

⁵⁹ Нагорный Карабах. Историческая справка, с. 23–24.

⁶⁰ Там же, с. 25.

Narimanov was the new leader of the Soviet Azerbaijan, who liked to make aggressive declarations and to threaten Armenia. And V. Lenin was worried about the announcement made by Narimanov that "nobody in the world could prevent Azerbaijan" from attachment of Karabakh, as well as Zangezur and Nakhijevan to Azerbaijan. In response to V. Lenin's letter, People's Commissar of the Foreign Affairs G. Chicherin sent him a laconic answer: "Karabakh is native Armenian land"⁶¹.

The territorial dispute continued and the Central Committee of the Communist Party of Russia decided to create Soviets in the disputable regions and introduce the Soviet troops in that territories. That action was declared as provisional measurement. According to that decision of the Central Committee, G. Chicherin had informed G. Ordjonikidze that "Karabakh, Zangezur, Shushi, Nakhijevan, Djulfa must not be united neither with Armenia, nor with Azerbaijan, and they must be under the control of the Russian occupational troops, with the creation of the local Soviets"⁶².

Thus Karabakh and other native Armenian lands were put under the control of the Russian military forces. Those territories were declared disputable territories. And it was promised by the Russian powers that the final decision of their destiny would be defined later, in more propitious moment.

And at last, but not least. In 1920 Azerbaijan officially addressed the Council of the League of Nations asking to admit Azerbaijani Republic to that organization. To the League of Nations, together with that address, was represented a map of Azerbaijan, within the borders of which were included Karabakh, Zangezur and Nakhijevan of Armenia, and Saingilo (Zakatala and Kakhi) and Marneuli of Georgia.

At its Fourth Meeting, on December 1, 1920 the Fifth Committee elected by the Assembly of the League of Nations arrived at the conclusion that it was impossible to admit the Republic of Azerbaijan to the League of Nations. The Report on it was published in the "Journal" of the League of Nations⁶³. The decision on rejection was based upon the following facts:

⁶¹ Там же.

⁶² Там же.

⁶³ "Journal", Geneva, 1920, No. 17, p. 130.

(1) That it is difficult to determine precisely the extent of the territory over which the Government of this State exercises its authority.

(2) That owing to the disputes with neighboring States concerning its frontiers, it is not possible to determine precisely the present frontiers of Azerbaijan"⁶⁴.

Taking into account those circumstances, "The Committee decided that the provisions of the Covenant do not allow Azerbaijan be admitted to the League of Nations under the present circumstances"⁶⁵.

The President of the Peace Delegation of the Republic of Azerbaijan in his Letter to M. Paul Hymass, President of the First Assembly of the League of Nations, dated to 7th December, 1920, which the latter forwarded to the Members of the League of Nations, attempted to contest the decision of the League of Nations. He did not deny that there were "disputes between Azerbaijan and neighboring States of Georgia and Armenia"⁶⁶. Then he stated that "The Republic of Azerbaijan, in defending the integrity of her territory against all aggressions is obliged to come into conflict with Georgia over the districts of Zakatal, and with Armenia over Karabakh and Zangezur. These territories form part of Azerbaijan"⁶⁷.

That letter of the head of Azerbaijani delegation which was a reflection in aggressive manner of the aggressive claims of Azerbaijan to Georgia and Armenia, did not and could not change anything in the position of the League of Nations.

The League of Nations refused Azerbaijan in its request of membership of that international organization, which was a heavy blow to its aggressive ambitions⁶⁸. In the League of Nations decision it was also indicated that the final status of Nagorno-Karabakh is to be solved at the Paris Peace Conference.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ Caucasian Boundaries 1802-1946. League of Nations. Letter from the President of the Peace Delegation of the Republic of Azerbaijan to His Excellency M. Paul Hymass, President of the First Assembly of the League of Nations, Geneva, p. 715.

⁶⁷ Ibid, p. 717.

⁶⁸ Оганесян Н., Признание новых реалий – путь к решению Карабахской проблемы, Страны и народы Ближнего и Среднего Востока, XXII, Ереван, 2003, с: 91.

By its decision the League of Nations recognized, in fact, the illegality of the territorial demands of Azerbaijan to Armenia, including Karabakh, Zangezur and Nakhijevan, and to Georgia⁶⁹.

⁶⁹ Edmund Herzig stated that even now the Azerbaijani nationalists continue to "claim the Azeri-populated Marneuli district in Georgia". See *The New Caucasus. Armenia, Azerbaijan and Georgia*, p. 9.

CHAPTER THREE

THE KARABAKH'S FORCIBLE ATTACHMENT TO AZERBAIJAN

Decisions of the Caucasian Bureau on the Karabakh Problem. A Farce of "Anti-Colonialist" Policy of Communists

On April 28, 1920 the Soviet power was established in Azerbaijan. The Musavat government was overthrown with the help of the Soviet XI Red Army and the communists came to power. Azerbaijan was renamed Azerbaijani Soviet Socialist Republic.

On November 29, 1920 in Armenia too was overthrown national government again with the help of the XI Soviet Red Army. Its troops entered Armenia from Azerbaijan. Here, as in Azerbaijan, the communists took the power and the Republic of Armenia was turned to Armenian Soviet Socialist Republic.

The period from April to November, 1920, was very important from point of view of the Karabakh issue. In that period when Azerbaijan was the only Soviet republic in Transcaucasia and the satellite of Soviet Russia, the Revolutionary Committee (Revcom) of Azerbaijan, which was the supreme power, and its Chairman N. Narimanov, tried to use that new situation to resolve the Karabakh, Zangezur and Nakhijevan issues with the help of the Soviet Russia in favor of Azerbaijan. We mean the following two aspects.

First, Azerbaijani Revcom and N. Narimanov attempted to represent their struggle for Karabakh and other Armenian territories as struggle of the Soviet Socialist forces against, as they called, bourgeois-nationalistic Armenia. On stressing this circumstance, the Azerbaijani communist

leaders, who in fact were continuing the same policy of the previous nationalistic Musavat government towards Armenia, strived for gaining the full and unconditional support of Soviet Russia in their territorial claims towards Armenia. They had done everything to represent their aggressive territorial ambitions toward the “bourgeois-nationalistic” Armenia as part of the “struggle of the world proletariat against the world imperialism and bourgeoisie”.

We have to remind that such accusation at that time was very serious, taking into account that the ideas of “World socialist revolution”, “The struggle of workers of the world against the world bourgeoisie” etc., were dominating ideas in Soviet Russia and other parts of ex-Russian Empire.

Second, Azerbaijani Revcom, N. Narimanov and some forces in Soviet Russia liked to announce that Armenia is an ally of the Entente. though such accusation was groundless. But its aim was clear. At that time the relations between Soviet Russia and countries of Entente, in particular with the Great Britain and France, were hostile. V. Lenin and the whole Bolshevik leaders considered those countries as their main enemies, who, as they thought, wanted to overthrow the Bolshevik totalitarian regime and restore the old orders in Russia.

In that circumstances any attempt to represent Armenia as the ally of the Entente meant to declare Armenia as hostile state to Soviet Russia too.

Though similar accusations were nonsense, but obviously they were used as leverage in the hands both of Soviet Russia and Soviet Azerbaijan to put pressure on Armenia and thus to get certain political and territorial yields from Armenia, and subsequently, to throw its legitimate government and to establish Soviet power.

Obviously those “arguments” or “accusations” were effective, because the Red Army supported Soviet Azerbaijan in its actions against Armenia.

In Azerbaijan, as it was mentioned, Soviet power was established with the help of the Soviet Russia's troops on April 28, 1920. Unbelievable as it may sound, but the next day, on April 29, Huseinov, the Commissar of Foreign Affairs, by its status equal to a Minister, sent an official note to the Armenian government, stating that the Azerbaijani

“Revolutionary Committee demands first of all that your armed forces leave the territory of Karabakh and Zangezur”.

What that could mean? Only one thing – that the Soviet Azerbaijani government was continuing the aggressive policy of its predecessor – Musavat party, overthrown a days before that, towards Armenia. By the way, until that, Musavat party was always qualified by Bolsheviks, including the Azerbaijani Bolsheviks, as bourgeois-nationalistic, pan-Islamist party, as the main enemy of the workers and peasants. But now, the Bolsheviks of Azerbaijan, after coming to power, with the help of Moscow were trying to pursue the Musavat party's expansionist and aggressive policy towards the Republic of Armenia.

Azerbaijan's demand was supported by the command of Red Army, that demanded from Drastamat Kanayan (Dro), commander of the Armenian Armed Forces in Karabakh-Zangezur, to leave Karabakh, otherwise the confrontation between Azerbaijan and Armenia would be inevitable and Red Army would act jointly with armed forces of Soviet Azerbaijan against Armenia and NK⁷⁰.

To discuss the Russian-Azerbaijani demands and adopt a comprehensive decision, on May 26, 1920 the Tenth Congress of the Karabakh Armenians was convened. Taking into account the new and very dangerous situation, the Supreme legislative body of NK saw the only way out in proclamation of Nagorno-Karabakh as Soviet.

A Revolutionary Committee of NK was formed, according to the accepted order at that time, and the Armenian units and its commander Dro were forced to leave the region. Instead of it, the detachments of XI Red Army moved towards Karabakh and Zangezur. So in mid-1920 some kind of Azerbaijani control was established over Karabakh⁷¹. Nevertheless Soviet Russia did not allow Azerbaijan to annex NK. Obviously Russia was cautious and could not ignore the fact that the League of Nations or any other organization or state through 1918-1920 never recognized the Azerbaijani jurisdiction over Nagorno-Karabakh.

⁷⁰ History of Artzakh. Establishment of the Soviet Rule in Artzakh. Nagorno-Karabakh During the Establishment of Soviet Rule on the Transcaucasus, <http://nkr.am/eng/history/svlst.htm>, p. 1.

⁷¹ Армянский вопрос. Энциклопедия, Ереван, 1991, с. 276.

The international community regarded the Karabakh issue as disputable territory. So Soviet Russia **at that time**, having many internal and external problems, was not capable of challenging the international community, in particular the League of Nations.

It is necessary also to state the determination of Armenians of NK for resistance, which at the end of 1920 grew into a large-scale national uprising for independence. At the "beginning of January, 1921 Artsakh was free and independent again"⁷².

Meanwhile the condition of the Republic of Armenia was becoming worse. The Soviet Russian-Azerbaijani ring around Armenia was tightening from one day to another more and more strongly. In addition there was the Kemalist Turkey's aggression against Armenia in autumn, 1920.

Armenia appeared in desperate situation. And the Armenian democratic Republic fell under Soviet Russian and Azerbaijani pressure and the threat from the Kemalist Turkey. On 29 November, 1920 Soviet power was established in Armenia with the help, as it was mentioned, of the XI Red Army, detachments of which invaded Armenia from Soviet Azerbaijan.

So Armenia became the second Soviet republic in Transcaucasia. Both in Azerbaijan and Armenia power belonged to the local Communist Parties

This new political situation had given birth to some hopes among the Armenians in regards of that the territorial dispute would be solved not only peacefully, but fairly. Their confidence was based on the numerous declarations and slogans of the Bolshevik party about fair solution of national question and all kind of national problems on the basis of self-determination right. And at the beginning aroused some real reasons for the optimism.

On December 1, 1920 the Revolutionary Committee of Soviet Azerbaijan adopted a declaration on the disputed territories, which was first read at a formal session of the Baku Soviet, then as a telegram sent to the Revolutionary Committee of Soviet Armenia: "As of today, the border disputes between Armenia and Azerbaijan are declared resolved.

⁷² Nagorno-Karabakh During the Establishment of Soviet Rule in the Transcaucasus, <http://nkr.am/eng/history/svlst.htm>, p. 3.

Mountainous Karabakh, Zangezur and Nakhijevan are considered part of the Soviet Republic of Armenia.

– Chairman of Azerbaijanis Revcom – N. Narimanov.

Commissioner of Foreign Affairs, Huseinov"⁷³.

G. Ordjonikidze, one of the Bolshevik leaders and the Military commissar of the XI Red Army, who was present at that formal session of the Baku Soviet, said in his speech: "Today, in this hall, the Baku proletariat welcomes the birth of the Soviet Armenian Republic.

Comrades, the appearance of comrade Narimanov at this meeting is very dear. He read to us the declaration. The names of Zangezur, Nakhijevan and Karabakh are alien to Russian ears. Zangezur, all bear mountains, has no bread or water. There is nothing there. As for Nakhijevan, it is all made up malaria-ridden swamps and nothing else. And what is there in Karabakh? Nothing. And now comrade Narimanov states: "Take these for you. Take those infertile lands for Armenia". It was as though Azerbaijan was getting rid of an extra burden. Yet, in those infertile lands, in the Caucasus, resided the knot of the so called Armeno-Muslim conflict"⁷⁴.

G. Ordjonikidze, recalling the bloody Armeno-Tartar/Turkish clashes in the period of the Russian Empire, concluded: "And today the leader of Azerbaijan Republic enters the scene and declares that, 'The conflict belongs to the past'. This is an act of great significance, an unprecedented are in the history of mankind"⁷⁵.

The most surprising thing was the article by J. Stalin on the same issue, which was published in the Russian Communist Party's Central Committee's newspaper "Pravda" under the title "Long live Soviet Armenia". He wrote: "Soviet Azerbaijan is willingly turning over to Soviet Armenia Zangezur, Nakhijevan and Mountainous Karabakh... The centuries-old animosity between Armenia and the surrounding Muslims was solved by one stroke, by the establishment of brotherly harmony among the proletariats of Armenia, Azerbaijan and Turkey"⁷⁶.

⁷³ Telegram Sent by the Soviet Azerbaijani Government to the Armenian Republic Regarding the Decision to Cede Armenian Territories. December 1, 1920– Documents on the Armenian Question. Karabagh, University of La Verne, No 2, p. 6.

⁷⁴ Ibid, p. 5.

⁷⁵ Ibid.

⁷⁶ "Правда", Москва, No 273, 4 XII. 1920.

The declaration of the Azerbaijani Revcom was warmly received by both the Armenian population and its officials. Sarkis Kasyan, the chairman of the Armenian Revcom, in a telegram to Nariman Narimanov, expressed deep thanks to Azerbaijani Revcom, appreciating very highly its historical action and emphasizing that it would serve as an example of new relations between neighboring countries.

On June 3, 1921 the Caucasian Bureau of the Russian Communist (Bolshevik) party, in its meeting, in the presence of all its 8 members – S. Ordjonikidze, S. Kirov, A. Myasnikyan, Ph. Makharadze, N. Narimanov, M. Orakhelashvili, H. Nazaretyan and Yu. Figatner – recommended the Government of Soviet Armenia to adopt a declaration, indicating that Nagorno-Karabakh belongs to Armenia⁷⁷.

In compliance with that recommendation the Council of Peoples Commissars or government of Armenia on June 12, 1921 made the following announcement: “Based on the declaration of the Revolutionary Committee of the Soviet Socialist Republic of Azerbaijan and the agreement between the Soviet Republics of Armenia and Azerbaijan, it is hereby declared that Mountainous Karabakh is henceforth an integral part of the Socialist Soviet Republic of Armenia.

Chairman of the Council of the People’s Commissars of the Armenian Socialist Soviet Republic A.I. Myasnikyan (A.I. Martuni)

Secretary of the Council of the People’s Commissars of the Armenian Socialist Soviet Republic M. Karabekyan.

June 12, 1921, Yerevan”⁷⁸.

After a week, on June 17, 1921 the government of Armenia decided: “Mountainous Karabakh is attached to Armenia. The agreement in accordance with Azerbaijan’s declaration”⁷⁹.

One of the leaders of Soviet Armenia, A. Mravyan, was appointed plenipotentiary representative of Armenia in Nagorno-Karabakh.

It seemed that the Karabakh problem was resolved fairly and finally. But, alas...

Soon the position of Azerbaijan changed radically. N. Narimanov announced that they could not agree with the attachment of Nagorno-Karabakh to Armenia, arguing that “it will restore the anti-Soviet groups in Azerbaijan”. He insisted on the attachment of Karabakh to Azerbaijan. Otherwise he threatened with resignation.

So quite a new and a very complicated situation was created, when everything depended upon the position both of the leadership of Soviet Russia and members of the Caucasian Bureau of the Russian Communist Party. Some of them, as G. Ordjonikidze, attempted to convince Narimanov and his party comrades to change their mind and did not insist on the attachment of Karabakh to Azerbaijan. G. Ordjonikidze even indicated that “The Karabakh problem is the matter of honor for Soviet republics”⁸⁰. But this argument did not work. The position of the Azerbaijan leadership was unshakeable.

The Karabakh problem became the subject of discussion in the Caucasian Bureau of the Russian Communist party. A plenary session of the Caucasian Bureau was held on July 4, 1921 to examine this issue. The majority-Ordjonikidze, Kirov, Myasnikyan, Figatner and Nazaretyan voted for the attachment of Nagorno-Karabakh to Soviet Armenia. N. Narimanov, who had at that time become Chairman of the Azerbaijani Government, protested and demanded to transfer that case to Central Committee of the Communist (Bolshevik) Party of Russia. The Caucasian Bureau satisfied Narimanov’s request.

But... the Karabakh case was not represented to the consideration of the Central Committee.

Instead, on July 5, 1921 the same plenary session met with the participation of J. Stalin, reviewed its own previous decision under Stalin’s pressure and resolved “that considering the necessity of national harmony between the Muslims and Armenians, the economic linkage between Upper and Lower Karabakh, and its permanent ties to Azerbaijan, Mountainous Karabakh should be left within the boundaries of the Azerbaijani Soviet Socialist Republic, while declaring it an

⁷⁷ ЦПА ИМЛ, Москва, ф. 64, оп. 2, д. 1, л. 77.

⁷⁸ Documents on the Armenian Question. Karabakh, p. 7.

⁷⁹ Ibid.

⁸⁰ Нагорный Карабах. Историческая справка, с. 32.

autonomous region with Shushi as its administrative center”⁸¹. For this decision voted five members of the Caucasian Bureau, while four members (S. Ordjonikidze, S. Kirov, Al. Myasnikian and Yu. Figatner) voted against it.

So as it is mentioned in a book, prepared and published by the Human Rights Watch/Helsinki, “the Bolsheviks awarded Nagorno-Karabakh to Azerbaijan in a decision hotly contested by Armenians”⁸².

The Central Committee of the Communist Party and Government of Armenia protested against that decision, adopted by the Caucasian Bureau on July 5, 1921. But Moscow ignored it.

Soon the Azerbaijan made the next step for finalizing the incorporation of Karabakh into Azerbaijan. On July 7, 1923 the Communist Party of Azerbaijan adopted the following decision:

“To form, as a part of the Azerbaijani Soviet Socialist Republic, an autonomous Armenian region in Karabakh with Khankend as its center.

To determine the borders of the region, no later than August 15”⁸³.

It was formally named Nagorno-Karabakh Autonomous Oblast (NKAO). Khankend was subsequently renamed Stepanakert.

It is significant that the borders of NKAO were drawn in such a way that the oblast (province) was at no point contiguous to Armenia, thereby creating an artificial barrier between NKAO and Armenia.

Besides that we have to pay attention to the fact, that NKAO was formed on one or Mountainous part of Karabakh. Its administrative entity preserved also the Shahumyan district.

As for the other part or Lower Karabakh, it was directly incorporated into Azerbaijan. After many changes, its regions became the administrative parts of Khanlar, Getabek and Shamkhor. The same was the destiny of Lachin and Kelbajar, which also were annexed.

⁸¹ Change in Soviet Policy Regarding the Status of Karabakh. July 3–5, 1921– Documents on the Armenian Question. Karabagh, p. 7–8.

⁸² Azerbaijan. Seven Years of Conflict in Nagorno-Karabakh. Human Rights Watch/Helsinki, New York, 1994, p. XIII.

⁸³ Committee of the Communist Part of Azerbaijan Finalizing the Incorporation of Karabakh into Azerbaijan. July 1923– Documents on the Armenian Question. Karabakh, p. 8.

So Karabakh, Mountainous and Lower, was entirely isolated from Armenia.

The Caucasian Bureau’s decision on separation of Karabakh from the Motherland Armenia and its attachment to Azerbaijan is impossible to call otherwise than colonial. And really, it typologically belongs to the actions which by their nature are colonial-imperialistic. The Bolshevik leaders, who through decades declared that they are the most or even the only sincere defenders of the self-determination right of nations, regarding it as the only way of resolving the national question, now had occupied a diametrically opposite position. They completely ignored historical, geographic, ethnic, cultural, linguistic factors and did not pay any attention to the fact that the Armenians, who consisted 95% of the population of Karabakh, opted clearly for Armenia, for the wish to be part of Armenia. The Armenians of Karabakh, who up to July 4, 1921 were the citizens of their Motherland Armenia, on July 5, 1921 suddenly found themselves in another country.

It was the final action of the Bolshevik farce.

The methods and ways of the “solution” of Karabakh problem, used by the Bolsheviks, were unlawful and in full contradictions with the norms of International law. It is well known, that according to International law the questions of territorial changes are within the competence of the legislative powers – Parliament, Supreme Soviet, Congress, National Assembly of each country. Only they have power and right to take decision to change borders, separate and yield any territory or part of territory from one country to another. It is their exclusive right.

In case of Karabakh the decision was taken, at first in favor of Armenia, then in favor of Azerbaijan, by a Party authority, and even not by High or Central Party authority, but local, as the Caucasian Bureau of the Communist Party of Russia, which was a regional party organization, and, naturally, had no right for it, because it was beyond its competence.

The unlawful character of that decision becomes more obvious if we remember that 95% of the population of Karabakh or all Armenians had expressed many times, among them by the 10th Congresses of the Karabakh Armenians, their political will to be with Motherland Armenia.

It is necessary to pay attention to a very important thing too. The decision on Karabakh was taken, as it was said, **by a regional Party organization of a third country – Russia. Caucasian Bureau was a regional organization of the Communist Party of Soviet Russia. And we shall recall, that at that time, in 1921 Russia, Armenia and Azerbaijan were formally independent and sovereign states and not yet were united in the USSR, which was formed later, in December, 1924.**

So in this situation any decision of a third country, in the case Soviet Russia, on territorial issue, concerning Armenia and Azerbaijan is unlawful and must be qualified as colonial action.

The Bolshevik model of the Karabakh problem's decision became in some sense the prototype for the Munich dirty political deal, realized in 1938, when Hitler, Mussolini, Chamberlain and Daladier, the leaders of Germany, Italy, Great Britain and France, made Czechoslovakia yield part of its territory, the Sudet region, to fascist Germany, against the will of its population.

In both cases those actions were shameful, which disgraced their authors.

The Reasons of Forcible Attachment of Karabakh to Azerbaijan

Naturally, there arises a question: why an integral part of Armenia, Artzakh–Nagorno–Karabakh, was separated from its Motherland Armenia, and placed under the rule of Azerbaijan?

There is a dominating opinion that it was not an accidental action. On the contrary, it was very carefully prepared by the communist leaders of Azerbaijan and J. Stalin, the main goal of which was, at first to show, to demonstrate themselves as if ready to satisfy Armenia demand, to kill their vigilance, to deceive, disarm and weaken the Armenians, and then discover their real intentions and plans towards Armenia. It was the part of the general policy of the leaders of the Communist Party and Soviet Russia towards

Armenia in 1918–1922, which was very closely connected and preconditioned by the character of their policy with Kemalist Turkey.

The Soviet Russia's new leaders, whose main dream was the victory of the socialist revolution throughout the world, who defended the idea of exporting the socialist revolution and carry out similar policy, connected great hopes with Kemalist Turkey. They considered to use that country as a tool for spreading the socialist revolution and its ideas, for “Triumphal process of the Great October Socialist Revolution in the East”. But the Turkey's leaders and first of all Mustafa Kemal, were not so naïve in order to work for Russian Communists without great compensation from the Russian side. They were strong nationalists and fanatically anticommunists, who had drowned in 1920 in the Black sea the leaders of the Turkish communist party. They, being yet weak, needed Russia's military, economic and political support in their struggle against some countries of the Entente, first of all, the Great Britain and France. So they pretended to be the friends of Soviet Russia, which gave ground for the “Lenin–Kemal Friendship” legend, from the one hand, and to attempt, even in that heavy for them situation, to use Russia and gain some new territories. In other words, the Kemalists required to pay for their quasi-friendship with Soviet Russia.

But where to get that “new territories” from? At that time it was possible to realize only in the East and Armenia became the first candidature for it.

On March 16, 1921 in Moscow was signed the Soviet–Turkish Treaty. Among the many questions, there were considered the territorial and border issues. Russia agreed to leave under the Turkish rule not only whole Western Armenia, but in addition yielded Turkey also the Kars province, Ardagan and Surmalu regions⁸⁴. These native Armenian territories had not been the part of Western Armenia. They until 1918 were the part of the Russian Empire, and in 1919–1920, when Republic of Armenia emerged, they became part of independent Armenia. During the aggressions of Turkey against Armenia in 1918 and 1920, these territories were occupied by Turkey. And despite that fact, Russia by the Moscow Treaty of 1921, simply yielded them to Turkey, to a country, which some five years ago had organized the Genocide of Armenians,

⁸⁴ Дипломатический словарь, т. III, Москва, 1964, с. 272–274.

which was accused by the Russian Empire, together with the Great Britain and France yet in May, 1915, but never been accused by V. Lenin and other his colleagues, who liked to represent themselves as "Great Humanists".

So the Armenian territories of Kars, Ardagan, Surmalu, Igdir, together with Mount Ararat, the symbol of Armenia and the Armenians, were the first price, paid by the Bolshevik leaders of Russia to Turkey, without asking the opinion of Armenian state and the Armenians.

That pro-Turkish policy of the communist leaders of Soviet Russia, headed by V. Lenin and J. Stalin, was continued also in Transcaucasia, in regard of the Armenian territories of Karabakh and Nakhijevan, when by the decision of Moscow, they were put under the rule of the second Turkish state – Azerbaijan.

So Armenia, by the direct participation and support of Soviet Russia and its communist government, was divided in 1921 between two Turkish states: Kemalist Turkey and Soviet Azerbaijan.

As a result of the Soviet-Turkish deal, Armenia had lost the 9/10th of its territory and of 300 thousands sq km of the Armenian territories under its control remained only the 1/10th or about 30 thousands sq km.

And we always have take into account the Turkish factor and the character of the Turkish-Soviet Russian relations, if we want to understand and objectively evaluate the real reasons of the attachment of Karabakh to Azerbaijan and the farce, directed by J. Stalin with the permission of V. Lenin.

Fortunately, many scholars, who had studied this problem and the history of that period, had no doubt that the Caucasian Bureau had altered its decision of July 4, 1921 in favor of Azerbaijan under the pressure of Stalin, who at that time was one of the powerful leaders of Soviet Russia and thus responsible for national policy of the Communist Party of the Soviet Union. And they attempted to discover the motivation of his behavior.

Some of them qualified the forcible decision of the Nagorno-Karabakh problem and its separation from Soviet Armenia as a "grant to Soviet Azerbaijan"⁸⁵ made by Stalin. But most of them saw the main reason in the character of the Soviet-Turkish relations in the 1920s. Carol

⁸⁵ Nagorno-Karabakh. Working Paper Submitted to the United Nations, p. 2.

Migdalovitz, did not deny that may be "Stalin reversed the decision of the Caucasian Bureau on Karabakh on July 5, 1921," for the peace purposes too, stated that it was done "reportedly to please Turkey"⁸⁶.

This issue is elucidated in detail by N. Fraser, K. Hipel, J. Jaworsky and R. Zuljan in their analysis on the Armenian-Azerbaijani dispute. The authors, reminding that the new revolutionary authorities of Soviet Russia had initially decided to place Nagorno-Karabakh under the Armenian administration, but then reversed this decision and placed both territories – Karabakh and Nakhijevan, under the Azerbaijani administrative control, wrote: "Although the reasons for this change in jurisdiction are not perfectly clear, developments in Soviet-Turkish relations possibly played a certain role, for Kemalist Turkey was one of Soviet Russia's first and closest allies. Allocating Nagorno-Karabakh and Nakhijevan to Azerbaijan may have been a concession to the new Turkish state, which, the Soviet leadership hoped, would play an important role in anticolonial, revolutionary struggle in Asia"⁸⁷.

This point of view entirely coincided with the opinion of the British historian Christopher Walker⁸⁸. In fact, the above mentioned four authors had repeated Ch. Worker's point of view.

In the opinion of E. Herzig, discussing the reasons of the Karabakh conflict in 1980s-1990s, "The conflict's roots go much further back-to the 1920s Soviet demarcation of republican borders and creation of the Mountainous Karabakh Autonomous Region (*oblast*), in a period when the Bolsheviks were seeking rapprochement with Turkey and therefore tended to support Azerbaijani rather than Armenian claims"⁸⁹.

And let us remember once more about one of the Stalin's telegrams to G. Ordjonikidze during the discussion of the Karabakh issue, mentioned in this book. In that telegram, Stalin criticizing Ordjonikidze for his position, based on the principle of justice, "explained" to him that

⁸⁶ Migdalovitz C, Armenia-Azerbaijan Conflict, p. 2.

⁸⁷ Fraser N., Hipel K., Jaworski J. Zuljan R., A Conflict Analysis of the Armenian-Azerbaijani Dispute, p. 656.

⁸⁸ See Walker Ch., Armenia. The Survival of a Nation, London, 1980.

⁸⁹ Herzig E., The New Caucasus. Armenia, Azerbaijan Georgia, p. 65-66.

"It is necessary to support definitely one of the sides, in this concrete case –Azerbaijan, together with Turkey,"⁹⁰.

At the same time, there are some researchers, who considered that the causes of the policy of J. Stalin and the whole Soviet leadership were connected also with the internal policy of the Soviet power. This conception was expressed clearly by P. Goble, who stated that Stalin was pursuing a "policy of divide-and-conquer". "Stalin, wrote P. Goble, intentionally planted in each republic one or more minorities which would have to depend on Moscow for protection, and which would thus serve as Moscow's agents on the scene. Moreover, by creating asymmetrical power relationships among the republics in the region, Stalin was able to direct ethnic antagonisms toward non-Russians and away from the dominant Russian community at the center"⁹¹. This principle was implemented in the Caucasian region, including Karabakh. "Moscow, continued P. Goble, drew borders in this region so that there would be significant Armenian and Azerbaijani minorities in each other's states and then used these minorities as its henchmen"⁹².

This is a brief history of the forcible secession of Nagorno-Karabakh from Armenia and its incorporation into Azerbaijan.

M. Halperin and D. Scheffer in their interesting work on self-determination right of nations and the New World Order, noted that "The history of how a particular region came to be incorporated into a larger state may also be relevant in deciding whether to support a self-determination claim"⁹³. For decision of this problem they suggested to take into consideration three situations: "whether a territory was forcibly incorporated into an aggressor state, voluntarily joined the state, or never existed as an independent state"⁹⁴.

In applying this theory to Nagorno-Karabakh, any unbiased researcher would have to admit that Nagorno-Karabakh did not join Azerbaijan voluntarily, on the contrary, it was forcibly incorporated into

Azerbaijan against the will of the Nagorno-Karabakh Armenians, who, consisting 95% of the total population, clearly opted for Armenia. M. Halperin and D. Scheffer considered that if the United States previously accepted a forcible incorporation, now, in New World Order, they may reevaluate their position⁹⁵. As the Nagorno-Karabakh case typologically belongs to the category of "forcible incorporations", then we believe that there is a serious reason for the United States to reevaluate its attitude toward the Nagorno-Karabakh problem. Nagorno-Karabakh deserves this reevaluation.

⁹⁰ Нагорный Карабах. Историческая справка, с. 23-24.

⁹¹ Goble P., *Coping with Nagorno-Karabakh Crisis*, p. 20.

⁹² Ibid, p. 21.

⁹³ Halperin M., Scheffer D., *Self-Determination in the New World Order*, p. 77.

⁹⁴ Ibid.

⁹⁵ Ibid.

CHAPTER FOUR

NAGORNO-KARABAKH AUTONOMOUS OBLAST (NKAO) IN 1923-1988. POLICY OF "KARABAKH WITHOUT ARMENIANS"

We are not going to represent here the history of NKAO in detail. It is not our task. We want to outline the situation in Karabakh, elucidate main tendencies and characters of the Azerbaijani government policy in Karabakh, as well as the attitude of the Armenians towards that policy and to the perspectives of the reunification of Karabakh with Armenia in 1923-1988.

After the attachment of Karabakh to Azerbaijan and formation of the NKAO, Karabakh, as mentioned the American researchers, became "Mountainous 'island' of Armenians in an Azerbaijani 'sea'"⁹⁶. This graphic phrase quite correctly reflected the essence of unfair decision of the Karabakh problem.

The territorial decisions of 1921-1923 on Karabakh continued to remain unacceptable for Armenians. All primary sources confirm that "The decisions on territorial jurisdiction of the early 1920s have been a constant source of dissatisfaction among Soviet Armenians"⁹⁷.

The Armenians did not give up their determination to change the status of Nagorno-Karabakh, and persistently pursued their main aim to reunite with their homeland Armenia, for which there were political, socioeconomic, ethnic, cultural reasons.

The Azerbaijani policy in NKAO was based on discrimination against the Armenians, regarding NKAO as a source of raw materials, on destroying of Armenian monuments in Karabakh and de-

Armenianization of the region. It was a governmental policy, raised on the status of state policy.

In the Report of Human Rights Advocates on Nagorno-Karabakh, submitted to the UN Commission on Human Rights, it was recorded that **"since the annexation of Nagorno-Karabakh to Soviet Azerbaijan, economic underdevelopment, social inequality, political and ethnic as well as religious discrimination" were reigning in NKAO due to the policy of the Azerbaijani powers**⁹⁸.

Analogous point of view had been expressed in a valuable analytical work of a group of American researchers Fraser N., Hipel K., Jaworski J. and Zuljan R. They stated that **"By this time (in 1930-1980s - N. H.) the autonomy of Nagorno-Karabakh had been highly restricted, and deteriorating socioeconomic conditions, combined with Azerbaijani's insensitive cultural policy which discriminated against Armenians and favored Azerbaijanis in the NKAO"**⁹⁹.

A Mission of the Conference on Security and Cooperation in Europe (CSCE) on February 12-18, 1992 visited Moscow and Republics of Azerbaijan and Armenia. The chairman and some members of that Mission arrived at Nagorno-Karabakh on 17 February. The mission after carefully investigating the situation in NKAO, confirmed: **"In 1998, the Armenian community in the autonomous region ('oblast') of Nagorno-Karabakh in the Republic of Azerbaijan constituted some four fifth of the population there, the other fifth being Azeris. In the Armenian community there was a long-standing resentment against the Center due to serious limitations of cultural and religious freedom. By the beginning of 1988, there were almost no churches open"**¹⁰⁰.

Otto Luchterhandt, a German Doctor of Law, professor of the Hamburg University, stressed that **"The analyses of Azerbaijan's policy in regard to Nagorny Karabakh, as well as the living conditions in**

⁹⁸ Nagorno-Karabakh. Working Paper Submitted to the United Nations, p. 2.

⁹⁹ Fraser N., Hipel K., Jaworski J., Zuljan R., A Conflict Analysis of the Armenian-Azerbaijani Dispute, p. 656-657.

¹⁰⁰ Interim Report of the CSCE Rapporteur Mission on the Situation in Nagorno-Karabakh. Dialogues on Conflict Resolution. Bridging Theory and Practice. United States Institute of Peace, Washington, 1992, p. 2.

⁹⁶ Fraser N. and others, Conflict Analysis of the Armenian-Azerbaijani Conflict, p. 656.

⁹⁷ Ibid

the area show that from an administrative, national-cultural, socioeconomic and demographic point of view, the Armenian ethnic groups have been the subject of lasting and massive discrimination that has endured for decades"¹⁰¹.

To the socioeconomic, political, cultural and religious discriminations in NKAO must be added the demographic problems too. During the period of the Azerbaijani domination, the percentage of Armenians in the NKAO was permanently decreasing, while the Azerbaijani population was permanently increasing. The percentage of the Armenians was changing as follows: in 1923, when the NKAO was formed, the Armenians consisted 94.4% of the total population of the Oblast, in 1939 – 84.4%, and in 1979 – 75.9%¹⁰².

In that period the number of Azerbaijanis was doubled¹⁰³.

The group of American researchers, analyzing the reasons of decreasing percentage of the Armenians and increasing that of Azerbaijanis in NKAO, quite correctly stated that "Armenians considered this to be the result of intentional population manipulation"¹⁰⁴.

The demographic policy of the Azerbaijani government disturbed and alarmed the Armenians of the NKAO. "The Armenians, states C. Migdalovitz, assume that Azerbaijan intends to oust them from Karabakh, the way they believe it did from Nakhijevan in the 1920s"¹⁰⁵.

When Nakhijevan, another native Armenian land and integral part of Armenia, was placed under the domination of Azerbaijan by the provisions of the Moscow Treaty, which was concluded on March 16, 1921 between Turkey and Soviet Russia, violating the historical rights of Armenia, the Armenians constituted of about 60% of the total population of that province. But in the 1980s, there was practically no Armenian in Nakhijevan.

¹⁰¹ Luchterhandt O., Nagorny Karabakh's Right to State Independence According to International Law, Boston, 1993, p. 84.

¹⁰² НКАО. 50 лет в дружной Советской семье, Степанакерт, 1973, с. 33; Численность и состав населения СССР, М., 1984, с. 126.

¹⁰³ Там же.

¹⁰⁴ Fraser N. and others, A Conflict Analysis of the Armenian-Azerbaijani Dispute, p. 657.

¹⁰⁵ Migdalovitz C, Armenia-Azerbaijan Conflict, p. 8.

It was one of the tragic results of the policy of ethnic cleansing, brutally carried out by the Azerbaijani government. And the Karabakh Armenians in the Nakhijevan "experiment" saw their future, which would mean to lose their native territory and everything, and become homeless refugees, spread throughout the world.

So the Armenians of Karabakh, after imposing on them the Azerbaijani rule, had appeared in exclusively difficult situation from political, ethnic, socioeconomic, cultural and religious aspects. Their ethnic existence and preservation of their ethnic identity was under question.

All these facts and analysis of the policy of the Azerbaijani powers in Karabakh, allow us to state, that the axis of policy of Azerbaijan was the ethnic cleansing of Armenians. **The main goal of that policy was to have a Karabakh without Armenians.**

And it gives us the right to conclude that the political, ethnic, socioeconomic, demographic, cultural and religious discriminations against the Armenians, which by O. Luchterhandt's definition was realized "**in unbearable manner**"¹⁰⁶, became the background and stimulated the national-liberation movement of the Armenians in Artzakh and their demand for annexing Artzakh to Armenia.

That struggle was started in 1920s and never stopped, taking different forms of expression of dissatisfaction of the NK Armenians. That struggle in 1920–1930s obviously was strong and effective, otherwise it could not become a special topic for discussion in the Central Committee of the Azerbaijani Communist Party. And that high Party body decided to suppress any sign or expression of dissatisfaction by the Karabakh Armenians and to continue their policy of de-Armenianization of NKAO. Many regional administrative and Party leaders of Karabakh, writers, journalists, doctors, economists, teachers, workers and peasants were repressed, a lot of families were forced to leave Karabakh. They were mainly accused for nationalism and "violation of principles of proletarian internationalism". Some of them appeared in jail. The Azerbaijani powers even disbanded one at a time several communist

¹⁰⁶ Luchterhandt O. Nagorny Karabakh's Right to State Independence According to International Law, p. 84.

party organizations in Karabakh, which was something extraordinary, as the Communist Party was the ruling party in the whole Soviet Union. But the Azerbaijani leadership did not give any significance to that circumstance, because its main goal was to suppress the struggle of Armenians for self-determination and realize their policy of ethnic cleansing and de-Armenianization of NK till the end.

But those repressions could not stop the struggle of the Karabakh Armenians.

Since 1930, and especially in 1960s–1980s, they sent thousands of individual and collective letters, petitions and appeals to the Central Committee of the Communist Party of the Soviet Union (CPSU) and the Council of Ministers of the Soviet Union to improve their socioeconomic and political conditions in NKAO and transfer it to Armenia¹⁰⁷. For, example, in 1965, the representatives of NK were in the Secretariat of the Central Committee of the Communist Party of the Soviet Union in Moscow and handed in a petition from Karabakh, signed by 45,000 people. This time, obviously under the pressure of arguments represented by Karabakh Armenians, the Central Committee of the Communist Party of the Soviet Union ordered the Central Committees of the Communist Parties of Armenia and Azerbaijan to investigate jointly the NK problem. But Azerbaijan was permanently arousing different obstacles on the way of discussion of that issue, and the Central Committee of CP of the Soviet Union was not interested in implementation of its own order. So that “initiative” failed.

After that the policy of Azerbaijani authorities in NKAO became more strict, cruel and unfair, especially when the Chief of KGB of that republic was appointed Heydar Aliev. In that period ethnic clashes were provoked between Armenians and Azerbaijanis in Karabakh, hundreds of Armenians were repressed, sent to prison, even killed. The number of persons and families forced to leave NK increased. In this period a new and most dangerous phase of the policy of ethnic cleansing began the policy of “Karabakh without Armenians”. Later, ex-KGB Chief Heydar Aliev, after toppling the legitimate president of Azerbaijan Elchibey, and taking presidency in his hands, proudly announced that nobody had done so much

for turning Karabakh into predominantly an Azerbaijani region, as he himself. It is one of the rare cases, when Heydar Aliev was more than sincere.

In 1977, when the Draft of new Soviet Constitution was being discussed in the USSR, it seemed that a light at the end of the tunnel would appear on the Karabakh problem. The preparatory Commission, responsible for the block “National Relations”, included in the Draft of Constitution a whole paragraph on Karabakh issue, which was reviewed in the meeting of the Presidium of the Council of Ministers of the Soviet Union, i. e. the Soviet Government on November 23, 1977. The Presidium after reviewing the document, stated that “As a result of a number of historic circumstances Nagorno–Karabakh was artificially annexed to Azerbaijan several decades ago. In the course of this, historic past of the oblast (region), its ethnic composition, the will of its people and economic interests were not taken into consideration. Decades passed, and the Karabakh problem raises concern and causes moments of animosity between the two peoples, who are connected with ages–old friendship. Nagorno–Karabakh (Armenian name Artzakh) should be made part of Armenian SSR. In this case everything will take its legal place”¹⁰⁸.

This very important document, which witnesses that the top leadership of the Soviet Union was well aware of Karabakh being a part of its native land Armenia, was for a long period under the lock and key. And only recently it became known.

But, unfortunately, that very important and entirely fair suggestion, which was quite easy to implement at that time, when the Communist Party’s positions in the Soviet Union were yet very strong, was rejected by the Central Committee of Communist Party of the Soviet Union and its Politburo, headed by the Secretary–General L. Brezhnev.

The historical chance was missed, and the Karabakh conflict entered its new phase.

¹⁰⁸ Minutes of November 23, 1977 Session of the Presidium of the USSR Council of Ministers. See Ministry of Foreign Affairs of NKR. Nagorno–Karabakh’s Struggle for Freedom. 1923–1988, <http://nkr.am/eng/history/borba.htm>, p. 1.

¹⁰⁷ Ibid.

CHAPTER FIVE

NAGORNO-KARABAKH'S FORMAL DEMAND ON TRANSFER TO ARMENIA

Decision of the Extraordinary Session of NKAO

Further developments of the Karabakh problem was connected with the essential changes in the Soviet Union and in the world at the end of 1980s. At that time it became clear that the Soviet Union had entered a phase of deep political, socioeconomic, ideological and ethno-political crisis. The new leadership of the Soviet Union, headed by M. Gorbachev, had started a policy of glasnost and perestroika (openness and reconstruction) as a way out of the crisis.

The other change of global character was the end of the Cold War era at the end of 1980s and at the beginning of 1990s.

All those events had changed the political atmosphere in the world.

Glasnost offered new possibilities not only to individuals, but also to peoples and ethnic groups to express openly their desires, wishes and political aspirations.

On using those new opportunities, the Armenians of Nagorno-Karabakh sent several delegations to Moscow in 1987 and 1988 to discuss the problems of NKAO with the leaders of the Communist Party of the Soviet Union. During those meetings they raised the issue of the status of the Nagorno-Karabakh Autonomous Oblast in order to transfer NKAO from Azerbaijan to Armenia. But those meetings were ending without any result. The government of the Soviet Union and the Party leadership were against any change in the status of Nagorno-Karabakh, as well as the other autonomous republics, oblasts, okrugs, etc.

Meanwhile in Karabakh started mass meetings and demonstrations in support of the demand to reunite NKAO with Armenia. All people, all social groups were mobilized by a deep sense of grievance¹⁰⁹.

Thus a new round of struggle of the Armenians of NKAO for self-determination began.

On February 20, 1988 the XX Extraordinary Session of the Soviet of People's Deputies of NKAO was summoned to consider the mediation for transfer of the NKAO from the Azerbaijani Soviet Socialist Republic to the Armenian Soviet Socialist Republic. During that Session, the highest Legislative Body of the NKAO adopted the following Resolution:

"Regarding mediation for the transfer of the Autonomous Region of Mountainous Karabakh from the Azerbaijani S.S.R. to the Armenian S.S.R.

After listening to and reviewing the statements of the people's deputies of the Autonomous Region of Mountainous Karabakh Soviet regarding the mediation of the USSR Supreme Soviet between the Azerbaijani S.S.R. and the Armenian S.S.R. for the transfer of the Autonomous Region of Mountainous Karabakh from the Azerbaijani S.S.R. to the Armenian S.S.R., the Special session of the 20th regional Soviet of Mountainous Karabakh RESOLVES,

Welcoming the wishes of the workers of the Autonomous Region of Mountainous Karabakh to request the Supreme Soviets of the Azerbaijani and Armenian SSRs that they appreciate the deep aspirations of the Armenian population of Mountainous Karabakh and to transfer the Autonomous Region of Mountainous Karabakh from the Azerbaijani S.S.R. to the Armenian S.S.R., at the same time to intercede with the Supreme Soviet of USSR to reach a positive resolution regarding the transfer of the region from the Azerbaijani S.S.R. to the Armenian S.S.R."¹¹⁰

The Resolution was adopted by the absolute majority: 110 deputies voted for the Resolution, 17 – against (the Azerbaijani deputies), and 13 – abstentions.

¹⁰⁹ Gurr T., Goldstone J., *Revolutions in the Late Twentieth Century*, Westview Press, Oxford, p. 334.

¹¹⁰ Documents on the Armenian Question. Karabagh, p. 11.

As we see, the Nagorno-Karabakh's high Legislative Body put the solution of the problem from the start on constitutional track.

Response of Azerbaijan, the Soviet Government and Armenia to the NKAO's Decision

After that decision it was up to the Governments of the Soviet Union, Azerbaijan and Armenia to define their attitude to it.

The reaction of Azerbaijan was thoroughly negative.

The first Azerbaijani response came in the form of massacres of Armenians in Sumgait on February 26–28, 1988. In the Report of the CSCE Mission on these events, it was stated that “The first serious mass killing of Armenians took place in Sumgait, north of Baku, during the last days of February 1988. Between 26 and 50 Armenians were brutally killed by the enraged mob. While it remains a matter of some controversy who were the actual instigators of the killing, there can be no doubt that the militia and the security forces were unacceptably passive and provided no protection for the victims. From that time on, a mass exodus of Armenians from Azerbaijan began”¹¹¹.

The entire world was shocked by the Sumgait massacre¹¹², qualifying it “Sumgait tragedy”. In a publication of Helsinki Human Rights Watch, it was stated that “The most brutal of these events was the anti-Armenian pogrom in Sumgait, Azerbaijan, which took the lives of thirty two Armenians, wounded hundreds more, and intensified the fears of ethnic Armenians living in other parts of Azerbaijan. In November 1988, anti-Armenian riots once again broke out, in the former Kirovabad, today's Ganje, in central Azerbaijan”¹¹³.

Many peoples, human rights organizations, political parties, even parliaments expressed their deep concern about that shameful event. They raised their voices for the protection of Armenians.

But the Moscow Party press occupied quite a different position, which expressed the point of view of the highest Party leadership of the Soviet Union. “The central Soviet press, stated a collective of the American scholars, initially blamed the Sumgait tragedy on “hooligan elements”, but Armenian sources claim that it was a well-organized “pogrom” which was aimed only at Armenians and conducted in complicity with local Azerbaijani party officials”¹¹⁴. The European Parliament, on July 7, 1988, endorsed the following resolution on the issue:

“A. Considering the recent demonstrations in Soviet Armenia demanding the union of Mountainous Karabakh with the Republic of Armenia,

“B. Considering that historically Mountainous Karabakh was part of Armenia, that presently more than 80% of the population is Armenian, that this Region was gratuitously annexed by Azerbaijan in 1923 and that in February 1988 Armenians were massacred in the Azerbaijani city of Sumgait,

C. Considering the deterioration of the political situation causing massacres of Armenians in Sumgait and brutalities in Baku thus creating a dangerous situation for Armenians in Azerbaijan,

1. Condemns the brutalities and pressures against Armenian demonstrators in Azerbaijan,

2. Supports the demand of Armenian minority desiring to unite with the Soviet Republic of Armenia”¹¹⁵.

On June 13, 1988 the Presidium of the Supreme Soviet of the Azerbaijani SSR examined the mediation of the NKAO for transferring from Azerbaijan to Armenia and adopted a special resolution, rejecting that plea, qualifying it as “unacceptable”¹¹⁶.

¹¹¹ Interim Report of the CSCE Rapporteur Mission, p. 3. See also, Nagorno-Karabakh Working Paper Submitted to the United Nations, p. 2.

¹¹² See Herzig E, The New Caucasus, p. 11; Fraser N., Hipel K., Jawordki J., Zuljan R., A Conflict Analysis of the Armenian-Azerbaijani Dispute, p. 658–659, etc.

¹¹³ Azerbaijan. Seven Years of Conflict in Nagorno-Karabakh. Human Rights Watch/Helsinki, p. 1.

¹¹⁴ Fraser N. and others, A Conflict Analysis on the Armenian-Azerbaijani Dispute, p. 659.

¹¹⁵ Resolution of the European Parliament. July 7, 1988, Documents on the Armenian Question. Karabagh, p. 17–18.

¹¹⁶ “Бакинский рабочий”, Баку, 6/14/1988.

This problem or as it was called at that time the “events in Nagorno-Karabakh” became an object of discussion in the Presidium of the USSR Supreme Soviet on March 23, 1988. The USSR Supreme Soviet decreed: “To recognize it to be intolerable when it is attempted to resolve complicated national-territorial issues through pressure on state authorities, in the atmosphere when emotions and passions are whipped up, when self-styled formations are being set up that declare for the recarving of national-state and national administrative borders, which can lead to unpredictable consequences”¹¹⁷.

In other words, the USSR Supreme Soviet took negative attitude towards the aspirations of the Nagorno-Karabakh's Armenians to reunite with the motherland Armenia.

The USSR Supreme Soviet resolution contained a clause about the socioeconomic conditions in NKAO. “The USSR Council of Ministers should work out measures aimed at the solution of ripe problems of the economic, social and cultural development of the Nagorno-Karabakh autonomous region”¹¹⁸. So the Central authorities of the Soviet Union, by this resolution had indirectly recognized that the self-determination movement in Nagorno-Karabakh had very serious political, economic, social and cultural background.

Rejecting the request of NKAO for transferring to Armenia, the Central Committee of CPSU and the Council of Ministers of the Soviet Union, in compliance with the resolution of the USSR Supreme Soviet, March 23, 1988, announced on March 24, 1988, an eight-year socioeconomic and cultural development plan for Nagorno-Karabakh. Here is an essential excerpt from that decision: “Recent years have witnessed a reduction in the economic production of the Autonomous Region of Nagorno-Karabakh. Capital construction plans, including the construction of houses, have not been implemented. Social-cultural

developments are behind the people's growing expectations”¹¹⁹. The Communist Party Central Committee and the Council of Ministers of the Soviet Union decided that constant attention must be given to the economic, social and cultural development of the region: to construct more houses, to take necessary measures to enable the NKAO to receive Soviet, Armenian and Azerbaijani television programs, to reconstruct the historical and cultural monuments in the area with the participation of experts from Armenia, to expand the publishing of literature in the Armenian language, to ensure a continuous water supply for Stepanakert and other centers of the Region, to ameliorate the food supply for the population, to increase the network of road etc.¹²⁰. This list of problems were indicating the disastrous conditions, in which appeared Nagorno-Karabakh under the domination of Azerbaijan.

The population of Armenia, however, entirely supported the demand of NKAO to be transferred to Armenia, considering it the only true way to liquidate the historical injustices of 1921–23. The population of Armenia, including all social and political groups, demanded from the government of the Armenian Republic to stand with the people of Nagorno-Karabakh and strongly support its demands.

On June 15, 1988 in Armenia's Supreme Soviet began the discussions on the NKAO's request to transfer Karabakh to Armenia.

On the same day, the session adopted the following resolution: “After an all-around study of this decision, the Seventh session of the Supreme Soviet of the Armenian SSR decreed to give its consent to the inclusion of the Nagorno-Karabakh autonomous region in the Armenian SSR”¹²¹.

Supreme Soviet of Armenia simultaneously asked the Supreme Soviet of the Azerbaijani SSR and Supreme Soviet of the USSR to study this question.

¹¹⁷ Resolution of the Presidium of the USSR Supreme Soviet on Measures Connected with Addresses on Union Republics Concerning the Events in Nagorny Karabakh, in the Azerbaijan and the Armenian Soviet Socialist Republics. March 23, 1988–Documents on the Armenian Question, Karabagh, p. 11–12.

¹¹⁸ Ibid, p. 13.

¹¹⁹ Soviet Union Communist Party Central Committee and The USSR Council of Ministers, March 24, 1988– Documents on the Armenian Question. Karabagh, p. 13.

¹²⁰ Ibid, p. 13–16.

¹²¹ Session of Armenian's Supreme Soviet, 15 June, 1988–Documents on the Armenian Question. Karabagh, p. 17.

So from the three parties, to whom the Soviet of People's Deputies of NKAO had appealed for transfer of the oblast from Azerbaijan to Armenia, only Armenia gave a positive answer, while the other two—Azerbaijan and the Soviet Union, rejected the Karabakh's request. The positions of Azerbaijan and USSR had coincided. They had not made even an attempt to understand the reasons and motivations of Armenians and to occupy a more realistic or flexible position, to consider new conditions and new situation and to express readiness for compromises. If they were ready to be more flexible at the beginning of the conflict, it would be much easier to solve of the conflict without bloodshed, massacres and military actions. But this chance was lost.

So Armenia remained the only country supporting the NKAO Armenians demands.

Meanwhile, the strikes, demonstrations and meetings continued in Yerevan, Stepanakert, Baku and other cities. The regional Soviet of Karabakh on August 25, 1988, adopted the following decision:

"Considering that the decisions of the Central Committee and the Council of the Ministers of the Soviet Union of 24 March 1988 do not take into consideration the characteristics of the Region,

Noting that the execution of these decisions is not taking place in an entirely satisfactory manner,

Approving the initiatives taken to create closer ties between the Soviet Armenian economic, scientific and cultural organizations and the workers' collectives of the Region,

Noting that the decisions taken in the area of economic and social developments do not satisfy the wishes of the vast majority of the people of Karabakh,

The Regional Soviet once again reaffirms the determination of the workers of the region to exclude the region from the jurisdiction of the Soviet Azerbaijan and to reunite with Soviet Armenia"¹²².

Tensions was strengthening and the situation was growing worse from one day to another. "This finally led to Moscow declaring "a state of emergency" in the NKAO on 21 September and the deployment of

troops and armored vehicles in the NKAO and several Armenian centers"¹²³.

On December 1, 1988 all leaders of the "Karabakh" Committee in Armenia were arrested.

In January, 1989 the Presidium of the USSR Supreme Soviet placed Nagorno-Karabakh under the control of a Special Administrative Committee of the USSR Supreme Soviet, directly responsible to the central authorities, although it continued to maintain its status of autonomous oblast in Azerbaijan¹²⁴.

But in Azerbaijan this decision was not welcomed. As mentioned J. Nichol, "most significant development in the conflict over the NKAO during 1989 was the growth of the Popular Front (PF) of Azerbaijan, which opposed the NKAO's special administration"¹²⁵. The Helsinki Human Rights Watch stated that "The Azerbaijani desire for continued rule over Nagorno-Karabakh helped galvanize the Azerbaijani Popular Front, which in August 1989 declared a boycott of Armenia"¹²⁶. It organized mass strikes and demonstrations in Baku and other parts of Azerbaijan. In 1989 Azerbaijan, in response to demands of PF, which was then an opposition political party with a militia, began a railroad, transportation and pipeline blockade of Armenia and Karabakh, restricting food and fuel deliveries, which had an extremely negative impact on the economy of Armenia and Karabakh¹²⁷.

In September, 1989, the Azerbaijani Government requested from Moscow to abolish the NKAO Special Administration Committee, which was satisfied on November 28, 1989. By the decision of the Central Committee of the Soviet Union and the Soviet Government the special administration was liquidated and Nagorno-Karabakh was again put under the Azerbaijani direct administration.

That action aroused large dissatisfaction in Karabakh and stimulated further struggle of the Karabakh Armenians for their right to self-

¹²³ Nagorno-Karabakh. Working Paper Submitted the United Nations, p. 3.

¹²⁴ Fraser N. and others, A Conflict Analysis of the Armenian-Azerbaijani Dispute. P. 668.

¹²⁵ Nichol J. Transcaucasus Newly Independent States, p. 8.

¹²⁶ Azerbaijan. Seven Years of Conflict in Nagorno-Karabakh, p. 1-2.

¹²⁷ Ibid; Nagorno-Karabakh. Working Paper Submitted to the United Nations, p. 2.

¹²² Documents on the Armenian Question. Karabagh, p. 18.

determination. A National Council was created in Nagorno-Karabakh which, on behalf of the autonomous region, declared the unification of NKAO with Armenia and elected its representatives to the Armenian Supreme Soviet.

One of the results of the Nagorno-Karabakh conflict was the origin of the refugee problem. The conflict had led to large refugee flows from both sides – from Azerbaijan to Armenia and from Armenia and Nagorno-Karabakh to Azerbaijan. This process was accompanied by human rights violations and “a legacy of animosity and images of the opposite side as the enemy in the minds of the people”¹²⁸.

The first refugee wave occurred after the Sumgait massacre when, as mentioned, a mass exodus of Armenians began from Azerbaijan. It was followed by the violations in Gyanja (Kirovabad.) “At least twice in 1988, Armenians in Gyanja were victims of mob violence and dozens were killed. As a result, all Armenians in the region left for Armenia”¹²⁹.

But that was not the last one. As the members of the CSCE Mission mentioned in their Report, “the most serious violence took place in Baku on January 13 and 14, 1990 involving the brutal killings of Armenians. Estimates of the number range from 60 to more than 100”¹³⁰.

It is interesting to note, that those massacres were implemented by the Azerbaijani mob at the head of the National Front of Azerbaijan, in the presence of the Soviet army, deployed in Baku. They did not interfere or try to stop the murders. “The only aid given by the Soviet forces consisted in helping the remaining Armenians leave Baku”¹³¹. But those forces intervened, when the violence spread over the Russian population of Baku. There were many casualties on the Azerbaijani side.

After those bloody events in Sumgait, Gyanja, Baku and other cities, towns, villages and regions of Azerbaijan, the entire Armenian population, about 500 thousand, fled or was deported from Azerbaijan. About 350,000 of them found shelter in Armenia. The remainder were stationed in Russia, Central Asian republics, etc.

¹²⁸ Interim Report of the CSCE Rapporteur Mission, p. 1.

¹²⁹ Ibid, p. 3

¹³⁰ Ibid.

¹³¹ Ibid.

After the violation against the Armenian population in Azerbaijan, the Azerbaijani population, whose number was about 160 thousand in Armenia, and about 30 thousand in Nagorno-Karabakh, did not feel comfortable. And the Report of the Mission of the CSCE stated that the massacres of the Armenians in Azerbaijan “obviously affected ethnic hostility in Armenia. Fear spread among the Azeris, women and children were moved to neighboring Nakhijevan and to Azerbaijan in increasing numbers. Some nine months after the Sumgait events, the deportation or departure of the Azeris from Armenia was completed”¹³².

In these circumstances the National Council of Nagorno-Karabakh as the Region’s high Legislative body, on 1 December 1989 took the decision to unite with Armenia.

Thus in 1990 ended first stage of the Nagorno-Karabakh conflict, which we call the “Period of Declarations”. During this stage, the legislative and executive powers of the NKAO, Azerbaijani SSR, Armenian SSR and the Soviet Union made official declarations on Nagorno-Karabakh’s status and defined their main political goals.

The official powers of Nagorno-Karabakh declared the will of its Armenian population to unite with its motherland by transferring NKAO from Azerbaijan to Armenia.

Armenia declared its satisfaction of the request of the NKAO Armenians to secede from Azerbaijan and become part of Armenia.

Azerbaijan declared about its rejection to the Karabakh demand and carried out policy of violation and massacres of Armenians in the territory of Azerbaijan.

The Central Committee of the Communist Party, Government and the Supreme Soviet of the Soviet Union supported Azerbaijan in its attempts to maintain NKAO under its control.

At this initial stage Nagorno-Karabakh could not achieve its political aims, but succeeded in making public its political demands and to shake Azerbaijani domination in Karabakh.

As for the decision of the National Council of Karabakh of December 1, 1989 about the reunification of NKAO with Armenia, it remained on paper.

¹³² Ibid.

And we have to underline, that without active support and help of the Government of the Soviet Union, Azerbaijan could scarcely keep NKAO under its domination.

On the other hand, it became more and more obvious, that Moscow did not want to resolve the Karabakh issue and other ethnopolitical conflicts. It was not capable of taking into consideration new political atmosphere and changes in the Soviet Union, as well as in the world, and to make comprehensive political decisions. The Central Committee of the Communist Part and the Soviet Government tried, despite the declaration about the policy of perestroika and openness, to preserve the old status quo, especially in the sphere of interethnic and national relations. It was increasingly inclined to resolve the conflicts by force.

The Central Soviet power did not see new perspectives in reconstruction of the Soviet society on the new principles, new ideas and new demands. Soon it became clear, that Communist Party, Soviet Government and M. Gorbachev were no longer able to control the situation in the country.

Nagorno-Karabakh was on the eve of great events.

CHAPTER SIX

AZERBAIJANI AGGRESSION ON KARABAKH. THE FIRST PHASE

The second stage of the Nagorno-Karabakh conflict had begun in 1991 and lasted until 1994. It is "the Period of Military Actions," which includes two phases.

The Governments of the Soviet Union and Azerbaijan, losing all hopes to force the NKAO's Armenians to give up their demand for transfer of the oblast from Azerbaijan to Armenia, had radically changed their policy at the beginning of 1991. They adopted the policy of using force and to putting NKAO in a position without leaving any alternative but obedience to the Azerbaijani powers. That meant to use weapon and to start military actions.

The war was imposed on Nagorno-Karabakh by Azerbaijan. Nagorno-Karabakh was isolated from the rest of the world by the Soviet Union and Azerbaijani military forces, blockading the Region. The only window to the outer world was the helicopter link with Armenia¹³³.

The Soviet and Azerbaijani forces, as stated the CSCE Mission's investigation, launched a massive attack against the towns and villages of Nagorno-Karabakh., "Particularly serious development took place in April and May 1991 when the Soviet Army with the participation of units from the Azerbaijani Ministry of Interior, deported the Armenians from a number of villages in the region. The deportation was done with considerable violence"¹³⁴. It had been carried according to a plan "when Azerbaijani Special Function Militia Troops or OMON, accompanied by

¹³³ Nagorno-Karabakh. Working Paper Submitted to the United Nations, p. 3.

¹³⁴ Interim report of the CSCE Rapporteur Mission on the Situation in Nagorno-Karabakh, p. 3-4.

Soviet Army troops, concluded a passport and arms check known as "Operating Ring" in Armenian villages in Nagorno-Karabakh and the Khanlar and the Geranboy (Shaumyan) districts"¹³⁵.

The Soviet troops were deployed in Nagorno-Karabakh as well as in Azerbaijan and Armenia during 1989-1990, when "Moscow sent in large-scale military forces to end a massive outbreak of intercommunal violence throughout Armenia and Azerbaijan"¹³⁶.

The members of the CSCE Mission, investigating the situation in Nagorno-Karabakh and consequences of the military actions, confirmed "that in this period up to the failed coup in Moscow in August 1991, the Soviet forces played the most important role and were relied upon by the Azeri side"¹³⁷.

The CSCE Mission's Report also confirmed that "at this time Azerbaijan itself had no regular army of its own. It had a militia answerable to the Ministry of the Interior"¹³⁸. According to that report, smaller contingents of personnel from the Ministry of Interior of Azerbaijan participated together with the Soviet armed forces, attacking and destroying a number of Armenian villages in Nagorno-Karabakh and deporting their inhabitants"¹³⁹. In realizing the plan "Operation Ring" there were distributions of functions between the Soviet troops and militia of the Ministry of Interior of Azerbaijan. The Soviet troops usually encircled the Armenian villages while the militia deported the Armenian inhabitants.

The British researcher E. Herzig also stated that "Most of the time 1990 and 1991 the Soviet government sided with Baku, dispatching interior military forces to support Azerbaijani operations against Armenian villages in and around Karabakh"¹⁴⁰.

The following is an example from the Hadrut region of Nagorno-Karabakh, recorded in the Report of the CSCE Mission: "On 13 May 1991 the region was encircled by Soviet troops, while militia from the Azerbaijani Ministry of the Interior entered villages and started to load their inhabitants on buses for deportation. Some were asked to sign applications to leave. Those who refused to sign were cruelly beaten and some 30 were shot. Azeris from neighboring villages joined in this. Property was destroyed and looted"¹⁴¹.

The Helsinki Human Rights Watch stated that "Operation Ring" resulted in the arrest and detention of hundreds of Armenian men, the temporary deportation of thousands of Armenians, and the emptying of between twenty-two and twenty-four Armenian villages. It was reportedly carried out with an unprecedented degree of violence and a systematic violation of human rights"¹⁴².

Armenians in Armenia, Nagorno-Karabakh and Diaspora were convinced that Moscow's position was biased, that "Moscow was taking a consistently anti-Armenian, pro-Azerbaijani stance, and felt betrayed"¹⁴³.

It was during this phase of the Nagorno-Karabakh conflict that relations between Moscow and Yerevan, between the Central Soviet government and Armenians were extremely volatile. The Armenians considered the policy of the leadership of Azerbaijan and the support from Moscow "as a part of the policy of Azerbaijan to remove all Armenians from Nagorno-Karabakh as had been in the case in Nakhichevan"¹⁴⁴.

This policy was pursued until August 1991, when an attempt of coup d'etat occurred in Moscow.

In conclusion we have to state, that Azerbaijan in fact had declared war and carried out military actions against its own population. We must

¹³⁵ Azerbaijan. Seven Years of Conflict in Nagorno-Karabakh, p. 3-4.

¹³⁶ Fraser N. and others, A Conflict Analysis of the Armenian-Azerbaijani Dispute, p. 657.

¹³⁷ Interim Report of the CSCE Rapporteur Mission on the Situation in Nagorno-Karabakh, p. 12.

¹³⁸ Ibid, p. 14.

¹³⁹ Ibid, p. 12-13.

¹⁴⁰ Herzig E., The New Caucasus. Armenia, Azerbaijan, Georgia, p. 67.

¹⁴¹ Ibid, p. 11.

¹⁴² Azerbaijan. Seven Years of Conflict in Nagorno-Karabakh. Human Rights Watch/Helsinki, p. 4.

¹⁴³ Fraser N. and others, A Conflict Analysis of the Armenian-Azerbaijani Dispute, p. 659.

¹⁴⁴ Interim Report of the CSCE Rapporteur Mission on the Situation in Nagorno-Karabakh, p. 12.

not forget that Azerbaijan, rejecting the right of the Karabakh Armenians to self-determination, rejecting their demand for transferring Nagorno-Karabakh from Azerbaijan to Armenia, continued to regard Karabakh as its own territory and its population as its own citizens. Despite that fact, Azerbaijan had launched offensive against its "own" region and its people, who were living there with the Azerbaijani passports, i. e. against its citizens, killing and deporting them, destroying their towns, villages and houses, robbing their property.

This circumstance was one of the shameful and illogical phenomenon of the Azerbaijan's policy.

The war, naturally, had not been declared officially by the Azerbaijani government. The Azerbaijani "leaders" liked to convince the foreigners that they were trying to "restore" the order in Karabakh and punish the "separatists". But it could not deceive anybody, especially if we take into account that for "restoring" the order, Azerbaijan, especially in second phase, was using heavy artillery, tanks, rockets, air forces and other heavy weapons against the peaceful people – Armenians of Nagorno-Karabakh.

Azerbaijan, in reality, waged war on Armenians, in which took part from Azerbaijani side Afghan mujaheddins, Russian and Ukrainian mercenaries¹⁴⁵, Chechens, so called volunteers from different countries, receiving military, financial and economic aid from Turkey, as well as other Muslim countries.

¹⁴⁵ Azerbaijan. Seven Years of Conflict in Nagorno-Karabakh. Human Rights Watch/Helsinki, p. IX; Ступинин В., Карабахский конфликт. 1992-1994, с. 104-105, etc.

CHAPTER SEVEN

PROCLAMATION OF INDEPENDENT NAGORNO-KARABAKH REPUBLIC

Collapse of the Soviet Union and the Legal Base of Formation of Independent Republics

The coup d'état organized in Moscow in August, 1991 had failed. Despite that fact, the process of collapse of the USSR accelerated which after all ended by a Declaration on liquidation of the Soviet Union, signed by the presidents of Russia, Ukraine and Byelorussia on December 11, 1991.

But before that final action, the union republics of the Soviet Union, one after another, began to declare their independence and sovereignty. It was a lawful process, based on the Law of the USSR– "On regulation governing questions concerning a union republic seceding from the USSR", adopted by the President M. Gorbachev on April 3, 1991. It gave right to union republics to decide their future status: either to remain within the Soviet Union or leave it and declare their full independence and sovereignty. But, as it was fixed in the Law, the question of independence the union republics could decide only by referendum.

On August 30, 1991 Azerbaijan declared its independence from the Soviet Union but without providing referendum. It created a new political-juridical situation and presented to Nagorno-Karabakh a choice: to secede together with Azerbaijan from the USSR or, according to April 3, 1990, USSR law, to remain a part of the Soviet Union.

According to the Article 3 of that law, "in union republics, having in their composition autonomous republics, autonomous oblasts and

autonomous okrugs, referendum must be carried out separately in each autonomy. It is up to the peoples of autonomous republics and autonomous entities to decide independently the question of further remaining either in the Union SSR or leaving the union republic, as well as putting the question of its state status"¹⁴⁶.

It was very important and the only document which regulated the self-determination right not only for union republics, but also for autonomous entities. On the basis of that law, the union republics had gained their independence and were recognized by the international community.

But the same international community unfortunately neglected the fact that the above mentioned law gave similar rights to autonomous entities too, on the basis of referendum.

Proclamation of Nagorno-Karabakh Republic

In compliance of the Law, dated April 3, 1991, regulating the process of leaving the USSR or union republic, the Joint Session of the Soviets of People's Deputies of NKAO and the Shahumyan district proclaimed on September 2, 1991, the Nagorno-Karabakh Autonomous Oblast as Nagorno-Karabakh Republic (NKR), and decided to secede from Azerbaijan.

But this decision did not define the status of NKR. In the decision the word "independence" was not used, leaving the solution of its status to referendum. The leaders of NKR were acting strictly according to the provisions of the Law from April 3, 1991, which was the only Law ever passed in the Soviet Union on regulation of the problem of leaving the USSR.

The Azerbaijan's response to the Proclamation of NKR and secession from Azerbaijan was strongly negative, leaving no room for compromise: "Azerbaijan considered all Karabakh parliamentary action

illegal, "nullified the region's autonomous status and declared direct rule on November 26, 1991"¹⁴⁷.

The decision of the Joint Session of the NKAO and Shaumyan district was quite lawful. On the contrary, the actions and decisions of Azerbaijan were illegal, because it declared its independence without referendum as it was required by the Law from April 2, 1991.

The members of the CSCE Mission who met with the Azerbaijani authorities, mentioned that they were "told that the cancellation of the autonomous status of Nagorno-Karabakh by the Azerbaijani National Assembly is a justified response to the unconstitutional act of proclaiming independence by the Armenian majority"¹⁴⁸. At the same time, the report of the CSCE Mission stated that the decision of Azerbaijan's parliament to annul the autonomous status of Nagorno-Karabakh "is also widely held to be unconstitutional"¹⁴⁹.

Despite the military and non-military actions of Azerbaijan, NKR continued to pursue its way for resolving the problem on constitutional track.

In NKR on December 10, 1991, under the conditions of large-scale war, a referendum was held. It was held after the USSR had already ceased its existence. 98% of the the participants voted for independence of NKR¹⁵⁰.

At referendum there were present many independent observers from Russia, England, France, Germany, Bulgaria, Ukraine and other countries, who stated that the referendum was passed according to all international norms.

After the referendum Executive Council of NKR was elected and Leonard Petrosyan was elected chairman of its Executive Committee.

The NKR Executive Committee addressed the United Nations and Commonwealth of the Independent States (CIS) asking to recognize NKR as an independent state. NKR expressed its desire to become member of CIS.

¹⁴⁷ Migdalovitz C. Armenia-Azerbaijan Conflict, p. 2.

¹⁴⁸ Interim Report of the CSCE Rapporteur Mission on the Situation in Nagorno-Karabakh, p. 5.

¹⁴⁹ Ibid.

¹⁵⁰ Nagorno-Karabakh Working Paper Submitted to the United Nations, p. 4.

¹⁴⁶ See Decree of the President of the USSR M. Gorbachev. Article 252, Moscow, Kremlin, (3 April, 1990), No 1409-1.

On 19 December, 1991, the Executive Council suggested the President of Azerbaijan Ayaz Mutalibov to begin negotiations between Azerbaijan and NKR on the base of complete equality. That proposal was rejected by the Azerbaijani leader.

On December 28, 1991 elections of the Supreme Soviet-parliament of NKR were passed, which in its first session, on January 6, 1992, adopted "Declaration on the State Independence of Nagorno-Karabakh Republic".

The NKR Supreme Soviet "expressed its hope that the creation of an independent state would contribution to end the bloodshed, to defend the peaceful population against the threat of annihilation, and appealed to the international community to assist in its efforts to establish peace in the Republic of Nagorno-Karabakh"¹⁵¹.

A. Mkrthichyan was elected the NKR Supreme Soviet's Chairman, and the government of NKR headed by Oleg Yesayan was formed.

The Second Phase of Azerbaijani Aggression. Military Defeat of Azerbaijan

Azerbaijan, annulling the Karabakh's autonomous status, on 31 January, 1992, launched large-scale military operations against NKR, using thousands of well armed troops, supported by tanks, artillery, helicopters, etc.

At that time, the Soviet troops had withdrawn from Karabakh, which was connected with the collapse of the Soviet Union in December, 1991. The withdrawal of three divisions of Soviet troops was completed in March 1992. This circumstance, "prompted an early 1992 offensive"¹⁵².

The Karabakh Armenians at that time had appeared in a very complicated situation. The Azerbaijani armed forces were comparatively well trained by the Soviet officers and had some experience in military operations. In addition, they had enormous quantity of weapons, including heavy weapons, at their disposal. That's why in 1992, the military successes was on the Azerbaijani side. They occupied many

villages and towns of NKR, heavily bombarded the capital city of Stepanakert, which was besieged by them, etc. By the mid-1992, "Azerbaijani armed forces controlled 2,000 of the 4,400 sq. km. of Nagorno-Karabakh territory. Most significant was the fact that the industrial installations were under Azerbaijani control, including the only hydroelectric dam and gold mines in the northern region, as well as 60% of Nagorno-Karabakh's arable land"¹⁵³.

In this situation some necessary actions for strengthening the defense of the Republic had been taken by the NKR powers. By the decision of the Presidium of the NKR Supreme Soviet on February 24, 1992 all armed formations were subordinated to the united command and Serzh Sarkisyan was appointed chairman of the Self-Defense Committee.

At the same time Azerbaijan tightened the economic blockade of NKR and Armenia. There were blockaded roads, railways and energy links of NKR and Armenia and "Turkey had supported the blockade along its border with Armenia"¹⁵⁴.

The NKR capital, Stepanakert, and its surrounding territories were under constant artillery and surface-to-surface missile bombardment. The city was without bread, water, essential food supplies. Stepanakert was a target of bombardment from Shushi. Homes, schools, buildings, hospitals were destroyed. The damage was extensive and the population was forced into cellars.

But the NKR government mobilized all forces, all self-defense units, and undertook a counter-offensive, aiming to eliminate the Azerbaijani artillery and Grad missile positions near Stepanakert, to end with the bombardment of Stepanakert and ensure its security. On May 9, 1992 Shushi and other Azeri strongholds were taken by the NKR forces under the command of Arkady Ter-Tadevosyan. Lachin soon fell and the NKR forces opened a humanitarian corridor between NKR and Armenia. The wounded were soon transported to Armenia and humanitarian and military aid began. This was great success in guaranteeing the survival of the NKR and its population.

¹⁵¹ Ibid.

¹⁵² Migdalovitz C., *Armenian-Azerbaijan Conflict*, p. 3.

¹⁵³ Nagorno-Karabakh Working Paper. Submitted to the United Nations, p. 5.

¹⁵⁴ Herzog E., *The New Caucasus. Armenia, Azerbaijan and Georgia*, p. 66.

At this period some changes occurred in the governmental structure of NKR. Chairman of the NKR Supreme Soviet A. Mkrthchayn passed away. On August 15, 1992 State Committee of Defense was established that concentrated in its hands all executive, legislative and military power in NKR. Robert Kocharyan was appointed the Chairman of NKR State Committee of Defense.

The military situation had changed radically in favor of the Armenians during 1993 and the first half of 1994. The NKR succeeded in creating a regular army, trained and prepared it for protection of NKR. After heavy battles, the well disciplined armed forces liberated almost the entire NKR territory.

There were many unsuccessful attempts to conclude a cease-fire agreement. The war continued and the NKR forces entered the Azerbaijani territories around NKAO and in the Spring of 1994 established their control over Kelbajar, Koubatly, Aghdam, Fizouli, Gebrail and Zangelan regions.

So all the Azerbaijani political efforts and military attempts to preserve its domination over Karabakh, to liquidate NKR and to realize the ethnic cleansing of Karabakh from its native Armenian population ended with failure.

The Azerbaijani military forces were defeated and NKR proved its vitality.

It was the result of heroism of the Karabakh young army and all Armenians of Karabakh, who with the full support by Armenia and Armenian Diaspora, could stand against the heavy political and military pressure of Azerbaijan and made him sit around the table for cease-fire negotiations.

CHAPTER EIGHT

CEASE-FIRE AGREEMENT

Necessity of Cease-fire for the Parties Involved in the Conflict

The splendid military victories of the NKR armed forces put Azerbaijan in a heavy condition. The further continuation of war could bring more territorial losses, new refugees and other misfortunes to Azerbaijan. Azerbaijan therefore agreed to sit at the table for cease-fire negotiations.

Cease-fire was a necessity for NKR as well. It could bring peace and the possibility of reconstructing the destroyed villages and towns and to strengthen young statehood.

The cease-fire agreement was the result of activities of numerous states and various international organizations too, who were involved in Nagorno-Karabakh conflict. It is obvious that this conflict did not exist in a political vacuum and involved many states, particularly neighboring countries. Paul Goble presented the situation and the involvement of other countries in the Nagorno-Karabakh conflict in the form of a pyramid: "The region's political situation can be conceived as an inverted pyramid with four outside actors – Turkey, Iran, Russia and the West (including both Western Europe and the United States) – on the top tier; three governments – Baku, Stepanakert (the capital of NKAO) and Yerevan – comprising the second tier; and two populations – Armenians

and Azerbaijanis – at the bottom”¹⁵⁵. So these two nations were carrying the main burden of the conflict.

Moscow was very active throughout the conflict. But the Soviet leader Gorbachev had made many mistakes and was unable to act effectively and find real ways to resolve the conflict. The solution could be resolved more easily at the beginning of the conflict, than afterwards, when both sides were involved in a war. Gorbachev and the CPSU Politburo had lost their chance, and the price of their wrong policy was tens of thousands of dead, hundreds of thousands of refugees, numerous towns and villages destroyed on both sides.

The Yeltsin–Nazarbaev Initiatives

After the dissolution of the USSR and emergence of the independent Russian Federation, Russia displayed numerous initiatives to find a peaceful solution to the Karabakh conflict. The first peace mission was undertaken by the Presidents Boris Yeltsin of Russia and Nursultan Nazarbaev of Kazakhstan in September 1991 within the framework of the Commonwealth of Independent States (CIS). It was acknowledged by the Mission, that “the central authorities of the USSR had been unable to handle the situation in a constructive way. On the contrary, it was found that from 1988 to 1991, serious mistakes had been made, leading to the sharpening of antagonism between the two sides”¹⁵⁶.

On September 23, 1991, in a Russian town Zheleznovodsk a Communique was signed by the Russian Federation’s President Yeltsin, President of Kazakhstan Nazarbaev, President Levon Ter–Petrosian of Armenia and President Ayaz Mutalibov of Azerbaijan. They agreed that a settlement could be achieved with a deadline of January 1, 1992, “a cease–fire should be established; all anti–constitutional acts concerning Nagorno–Karabakh by Azerbaijan and Armenia be frozen; legally constituted bodies should be recognized and all groups should be

removed from the region, with the exception of the Soviet armed forces, including those of the then USSR Ministry of the Interior. All other armed forces should be withdrawn, and their presence after the deadline should be considered illegal”¹⁵⁷. It was suggested that “Observers were to be sent to the region to secure the cease–fire, neutralize illegal forces, guarantee the security of all citizens living in the region of conflict and to secure normalization of the situation”¹⁵⁸.

Armenia and Azerbaijan were invited to enter negotiations¹⁵⁹.

These recommendations were not fulfilled.

Russia took part in all political configurations, including CSCE and its Minsk Group, one of the chairmen of which was the representative from the Russian Federation. The Russian activity is to be explained in the context of the policy of Russia in Transcaucasia. This region always had strategic significance for Russia and one of its main goals was to prevent the strengthening of positions or influence Turkey, Iran, the United States or any other country in Transcaucasia. So Russia was interested in the solution of the Karabakh problem in a way, which would serve its political aims. Russia formally defends the principle of territorial integrity of Azerbaijan, rejecting to use military actions as a means for solution of the problem. It supports the idea of peaceful negotiations.

The USA Position

The role of the only superpower – the United States – is very important in resolving the Nagorno–Karabakh problem. The United States obtain sufficient power to impact on the outcome of the problem directly, or through CSCE, or by backing Turkey. At that period it stood on the position of preserving the territorial integrity of Azerbaijan. But at the same time, the United States stood for the solution of the Karabakh problem only through political ways, without using force, and taking into

¹⁵⁵ Goble P., *Coping with the Nagorno–Karabakh Crisis*, p. 23.

¹⁵⁶ See Interim Report of the CSCE Rapporteur Mission on the Situation in Nagorno–Karabakh, p. 7.

¹⁵⁷ Ibid, p. 8.

¹⁵⁸ Ibid.

¹⁵⁹ Ibid.

account the national interests, including national security and large-scale right for autonomy of Nagorno-Karabakh.

The Turkey's Strategic Interests

Turkey is the only state or actor which completely and unconditionally supports Azerbaijan and periodically threatens Armenia and Nagorno-Karabakh, especially after the successes of the NKR armed forces on the battlefields. The late President Turgut Ozal of Turkey, referring to the Turkish genocide of the Armenians in 1915, announced that "Armenia has not learned its lesson from the experience in Anatolia and the punishment inflicted"¹⁶⁰. He was hinting at the Genocide of Armenians in 1915, carried out in Ottoman Empire, though he and all leadership of Turkey usually denied that historical fact. But in this case Turgut Ozal attempted by reminding about the "experience in Anatolia", i. e. about the Armenian Genocide, again to threat Armenians.

After the victory of the NKR forces and defeat of the Azerbaijanis in Kelbajar in 1993, Turgut Ozal said during his visit to the United States that it was the time for Turkey "to bare its teeth to Armenia"¹⁶¹.

Other Turkish officials did not exclude the "Cyprus Solution" for Armenia¹⁶², which meant a quick occupation of Armenia by Turkish army, as it happened with Cyprus in 1974.

At that time, as stated in US Congressional materials, "Turkish Army units near the border (Turkish-Armenian - N. H), were placed in a 'state of vigilance' and reinforced in April 1993"¹⁶³.

Attempting to strengthen its pressure on Armenia after the fall of Kelbajar in April 1993, the Turkish government suspended aid, as well as foreign transit to Armenia through its air space and territory. So to the

Azerbaijani blockade was added the Turkish blockade of Armenia and NKR.

Turkey simultaneously increased its military aid and support to Azerbaijan. The above mentioned US Congressional source indicated that as recently as 1993, about 160 Turkish military officers were aiding the Azeri Army and that a \$30-million credit was extended to Azerbaijan to finance the purchase of Turkish arms¹⁶⁴. Weapons, including missile systems, were shipped from Turkey to Azerbaijan¹⁶⁵. Taking these circumstances into consideration, "some US concerns have been raised about a Turkish tilt to Azerbaijan in the Nagorno-Karabakh conflict"¹⁶⁶.

Turkey opposed the secession of Nagorno-Karabakh from Azerbaijan and put pressure on Armenia to withdraw its forces, stating that only after that Turkey would be ready to establish diplomatic relations with Armenia. Armenia called for bilateral relations and establishment of diplomatic relations with Turkey, but without preconditions.

Turkey has its own strategic interests in Transcaucasia and the Turkish position toward Nagorno-Karabakh must be reviewed in that context.

Turkey was exploiting also Russia's weakness, trying to strengthen its own position in that region at the expense of Russia. From this point of view, Azerbaijan could be reliable ally for Turkey, taking into account that "Turkey has historic, linguistic and cultural ties to Azeris"¹⁶⁷.

On the other hand, in recent years there had been a rebirth of pan-Turkist plans and escalation of pan-Turkist feelings in Turkey. As mentioned in one of the US Congressional sources, "Turkey seeks to expand ties to Central Asia, but does not border it. A modus vivendi with Armenia would provide Turkey with a bridge to the area and an alternative route for an oil pipeline from Azerbaijan"¹¹⁰. This circumstance, doubtlessly, serves as an additional element in understanding Turkey's position in Nagorno-Karabakh conflict.

¹⁶⁰ Nagorno-Karabakh Working Paper Submitted to the United Nations, p. 22.

¹⁶¹ "The Washington Times", 4/9/1993.

¹⁶² Nagorno-Karabakh Working Papers Submitted to the United Nations, p. 22.

¹⁶³ CRS Issue Brief. Armenia-Azerbaijan Conflict. Updated August 17, 1995 by Carol Migdalovitz., Foreign Affairs and National Defense Division. Congressional Research Service. The Library of Congress, p. 11.

¹⁶⁴ Ibid.

¹⁶⁵ Nagorno-Karabakh Working Paper Submitted to the United Nations, p. 22.

¹⁶⁶ Nichol J., Transcaucasus Newly Independent States, p. 5.

¹⁶⁷ Migdalovitz C., Armenia-Azerbaijan Conflict, p. 11.

More in detail about the increasing and strengthening of pan-Turkist feelings in Turkey and in Turkish foreign policy had written Graham Fuller in his book "Turkey Faces East"¹⁶⁸. G. Fuller is one of the American researchers of RAND corporation and had worked for a period in the USA Embassy to Turkey. He, as a new phenomenon and expression of new orientation in Turkey's foreign policy, mentioned the increase of "Islamic factor" and nationalist neo-pan-Turkist impulses¹⁶⁹. He prefers to use the term "neo-pan-Turkism" instead of the old Ottoman "pan-Turkism". He is convinced that "Ataturkist tradition –so valuable and critical to the national survival in an earlier era of Turkish history– is now coming under reexamination"¹⁷⁰. On the base of this conception, the American researcher stated that "With a lessening of some Ataturkist values –statism, isolationism, elitist paternalism, avoidance of Islamic and pan-Turkic ideological interests–such factors as nationalist/pan-Turkist, and Islamic ideologies have greater room for influence"¹⁷¹.

These changes were connected, besides the internal factors, also with the new world situation, first of all with the breakup of the Soviet Union and emergence of several Turkic states in Central Asia and Transcaucasia, as Azerbaijan, Uzbekistan, Kazhakhstan, Turkmenstan and Kirgizistan. It had opened new horizons for spreading of Turkey's influence in Central Asia and Transcaucasia. "Virtually overnight, states G. Fuller, Turkey's influence and involvement now extend in a nearly unbroken belt from the Turks of the Balkans to the Turks of Western China and Eastern Siberia"¹⁷². According to the opinion of G. Fuller, "Turkey is finding new opportunities for investment and trade, as well as for cultural and political influence, as the unofficial "center" of the Turkic world"¹⁷³. Indicating that "It is now commonly repeated in Turkey that

21st century will be the "century of the Turks"¹⁷⁴, he concluded: "Turkey is already moving more aggressively than any other state to establish a foothold in Central Asia"¹⁷⁵.

On the way of realization of these neo-pan-Turkist plans are standing, like a dam, Armenia and Karabakh. That's why the liquidation of the Armenian obstacle is very vital from point of view of neo-pan-Turkism. The blockade of Armenia and Karabakh by two Turkish states– Turkey and Azerbaijan, military, financial aid and political support to Azerbaijan by Turkey, different kind of pressure on Armenia and Karabakh, etc. all these are essential steps, dictated by the necessity of implementation of the neo-pan-Turkist policy, which, as it was mentioned, Turkey carries out "more aggressively". And the announcement by late President of Turkey Turgut Ozal that it was time for Turkey "to bare its teeth to Armenia" and other threats, are in full harmony with the aggressiveness of the new policy of Turkey or neo-pan-Turkism.

Turkey was also acting through the Council for Security and Cooperation in Europe, attempting to use that important organization for the solution to the Nagorno-Karabakh conflict in the interests of Azerbaijan. Turkey sometimes tries, within the framework of CSCE, to act as mediator or participate in peacekeeping forces by deploying its armed contingents in the region of conflict.

But Turkish attempts were rejected by Armenia and NKR, considering that Turkey did not occupy neutral attitude and in fact was the direct participant of the Karabakh conflict.

The Iranian Mediation

Certain role in the solution of the Nagorno-Karabakh conflict attempted to play Iran, which was the principal mediator from February to May of 1992. By participating in the peace process, Iran hoped to prevent the strengthening of influence and role of Turkey in the region.

¹⁷⁴ Ibid, p. 10.

¹⁷⁵ Ibid, p. viii.

¹⁶⁸ Graham E. Fuller, Turkey Faces East. New Orientations to the Middle East and the Old Soviet Union, Santa Monica, Published 1992 by RAND.

¹⁶⁹ Ibid, p. 4.

¹⁷⁰ Ibid.

¹⁷¹ Ibid.

¹⁷² Ibid, p. v.

¹⁷³ Ibid, p. viii.

Iran worried about Russia too, and, naturally, did not want to see Transcaucasia under the Russian influence either. But it was more cautious in regard of Russia. It is necessary for Iran to maintain stability near its northern borders, because "Iran fears its Azeris' ties to ethnic kin in Azerbaijan and developments in the north that might provoke Iranian Azeris"¹⁷⁶.

The Iranian fear is not groundless, taking into account that in Azerbaijan there are influential and powerful forces that dream about the "Great Azerbaijan" by separating the northern part of Iran, known as "Iranian Azerbaijan", and its attachment to the Azerbaijani Republic (Baku). This policy is pursued by National Front of Azerbaijan, "the leading opposition party over the past several years in Baku", claiming "that their ultimate aim is union with the south (Iranian Azerbaijan – N. H.)"¹⁷⁷. One of the adepts of this policy was "nationalist president of Azerbaijan, Ebulfaz Elchibey" who "pursued openly pan-Turkist policy" and "predicted the breakup of Iran and the union of the two independent Azerbaijan"¹⁷⁸.

Turkey was encouraging the nationalist forces of Azerbaijan in their activity for unification of "Two Azerbaijan". "Indeed, stated G. Fuller, nationalist elements in Turkey do support Azerbaijan's efforts to increase a sense of Turkishness among the Iranian Azeris and to seek union with them, and generally support pan-Turkist policies designed to bring Turkey and two Azerbaijan closer together"¹⁷⁹.

By its mediation Iran attempted to maintain good relations with the powers in Baku, whose conditions at that time were not easy, and they needed a solution of Karabakh conflict on the principle of preserving Karabakh within Azerbaijan. Iranian suggestion was based on that option. In Tehran the leaders of the country thought that their suggestion would keep Azerbaijan far from the Turkish influence, on the one hand, and would work for increasing the Iranian influence over Azerbaijan and in the region, on the other hand.

¹⁷⁶ Migdalovitz C., *Armenia-Azerbaijan Conflict*, p. 11.

¹⁷⁷ Fuller G. *Turkey Faces East*, p. 55.

¹⁷⁸ *Ibid*, p. 55–56.

¹⁷⁹ *Ibid*, p. 57.

Iran was hopeful that its mediation for negotiations between Armenia and Azerbaijan with the participation of NKR, would be evaluated positively in Yerevan too, as it opens doors for negotiation and perspectives for political solution on the basis of compromises. Besides that Iran desired to keep good relations with Armenia, in case of worsening its relations with Turkey. "Iran is anxious to maintain good ties with Armenia. Tehran's dilemma is to decide how far it can go in sympathizing with Armenia before it loses all leverage in Baku"¹⁸⁰.

Iran had prepared a plan for solution to the Nagorno-Karabakh conflict, which at the end of March, 1992 was represented to Armenia, Nagorno-Karabakh (NKR) and Azerbaijan¹⁸¹. All three parties agreed with that Iranian-mediated peace initiative, which included a cease-fire, exchange of hostages, an end of the blockade and "negotiations to find a political solution between Armenia and Azerbaijan, with the participation of Nagorno-Karabakh representatives"¹⁸². Iran called on the United Nations to send international peacekeeping forces to NKR.

According to the Iranian-mediated peace plan, a peace conference would be convened for working out a complete resolution of the problem. But later Azerbaijan opposed the participation of any Nagorno-Karabakh representatives in the peace conference. It brought the Iranian peace initiative to a state of deadlock.

In considering the reasons for the failure of the Iranian initiative, the remark of M. Halperin and D. Scheffer discovers very interesting fact: "The CSCE launched an eleven-nation conference in 1992 to mediate the armed conflict between Armenia and Azerbaijan over the fate of Nagorno-Karabakh. The participants' hidden agenda may have been to exclude Iran from influencing the outcome of the dispute"¹⁸³. The 11 states were Armenia, Azerbaijan, Turkey, Russia, Italy, the United States of America, Germany, Belarus, France, Sweden and the Czech and Slovak Federal Republics. An Italian diplomat, Mario Raffaelli, was named chairman of the peace conference.

¹⁸⁰ *Ibid*, p. 57–58.

¹⁸¹ See Hovhannisyan N., *The Foreign Policy of Armenia*, Yerevan, 1998.

¹⁸² Nagorno-Karabakh Working Paper Submitted to the United Nations, p. 17.

¹⁸³ Halperin M., Scheffer D., *Self-Determination in the New World Order*, p. 99.

Although Iran was excluded from the participation in the peace process, it continues to play a significant role in the resolution of crucial political and economic problems in the Transcaucasian and Middle Eastern region.

The Cease-Fire Agreement. May 12, 1994

The victories of the Nagorno-Karabakh Army had changed the political situation in the region. It was obvious that in case of continuation of the war, imposed by Azerbaijan on NKR, Azerbaijan would lose new territories. The only alternative for Azerbaijan remained cease-fire.

In peacemaking process were involved Russia, USA, CSCE and its Minsk group.

In 1993 CSCE called for a peace conference in Belarus. Azerbaijan agreed in principle to take part in that conference, but demanded for Armenian withdrawal from all territories under their control, as a precondition for cease-fire. NKR in its turn demanded national status¹⁸⁴.

Soon after that, on March 8, 1993 US Special Envoy to the Minsk Group of CSCE John Maresca announced that parties had agreed on a cease-fire monitoring mission of 700 under the CSCS Chairman's control, commanded by a Finn, and to be deployed for 6 months, with a renewal mandate¹⁸⁵. But that agreement did not work.

The UN Security Council also had demonstrated its interest in resolving the conflict and on April 30, 1993, adopted Resolution 822, demanding an immediate halt to hostilities, withdrawal of Armenian forces from Kelbajar and other areas, and resumption of CSCE negotiations¹⁸⁶. Three days after that Resolution, on May 3, 1993, two members of the Security Council – Russia and the United States, with

Turkey, proposed Azerbaijan, Armenia and NKR to implement the Security Council's Resolution No 822 "with withdrawal from Kelbajar, a 60-day cease-fire, 5-party talks followed by Minsk Group talks, and an agreement"¹⁸⁷. But they could not get the parties' agreement. NKR and Armenia could not withdraw their forces from Kelbajar and other regions before the problem of the NKR's status was solved.

The Minsk Group of CSCE on September 28, 1993 set out its schedule of urgent measures to begin with Karabakh's readiness to withdraw and ending with deployment of CSCE observers. Azerbaijan rejected that schedule because the withdrawal of the Karabakh forces from Lachin and Shushi and the return of Azeri refugees were not included.

On October 14, 1993 the Security Council adopted a new Resolution – No 874, "called on the parties to make permanent cease-fire established as a result of direct contacts assisted by Russia in support of the Minsk Group, to accept an adjusted timetable, including withdrawal from occupied territories and removal of communication and transportation obstacles, and to refrain from acts which would widen the conflict"¹⁸⁸. Azerbaijan did not agree to participate in the conference until the withdrawal of Armenian forces from Lachin, Kelbajar and Zangelan. As for NKR, it also rejected the suggestion because it did not agree to include Lachin and Shushi on the list of territories, from where its forces would be withdrawn.

The Minsk Group continued its efforts, and on November 2–8, 1993 called for Azeri withdrawal from part of Martakert and for NKR's status discussion before implementation¹⁸⁹. Martakert was a part of NKR (NKAO) which still remained under the Azerbaijani domination. The Minsk Group and other organizations, until that, usually were including in their schedules only the withdrawal of the Karabakh forces from some Azerbaijani territories, but as for the NKR territories under the Azerbaijani control, they kept silence about it. NKR, naturally, was reminding the CSCE and its Minsk Group about it. At last, the Minsk

¹⁸⁴ CRS Issue Brief. Armenia-Azerbaijan Conflict. Updated August 17, 1995 by Carol Migdalovitz. Foreign Affairs and National Defense Division. Congressional Research Service. The Library of Congress, p. 5.

¹⁸⁵ Ibid.

¹⁸⁶ Ibid.

¹⁸⁷ Ibid.

¹⁸⁸ Ibid.

¹⁸⁹ Ibid.

Group yielded and decided to demand from Azerbaijan the withdrawal of its troops from Martakert.

Azerbaijan rejected the CSCE plan, motivating that it failed to mention Lachin, Shushi and the Karabakh Azeri's rights. It "refused to withdraw from Martakert" and "rejected the Russia's sponsored proposal to introduce troops into Azerbaijan to separate the combatants"¹⁹⁰.

So, despite those and other numerous proposals, programs, schedules, despite the negotiations and talks between the interested parties, the cease-fire process was marked for a definite time.

At that period Russia became more active in preparing a cease-fire agreement.

Russian Minister of Defense Pavel Grachev on February 18, 1994 presented his plan, which included such crucial issues as cease-fire, disengagement and withdrawal of artillery from frontline, Russian mobile observer groups and a joint staff from Russia, Azerbaijan, Armenia and Karabakh. As for the Karabakh status, it was suggested that the status issue would be decided at a summit of Russian, Armenian and Azerbaijani Presidents, with Karabakh participating¹⁹¹.

Armenia and Karabakh agreed to withdraw. Azerbaijan agreed to cease-fire but insisted on Armenia's withdrawal first.

After that Russia introduced some changes in its plan and represented an improved one, containing the following points: a cease-fire, followed by disengagement, a pullout of hardware, 35 mixed monitoring teams in 3 zones, Lachin corridor to remain open¹⁹².

The Azerbaijani's only rejection was in regard "the lack of Armenian withdrawal and simultaneous pull backs". As for Armenia, it supported the cease-fire suggestion, but "said that it was impossible without separating forces and that the Russia represented the only potential guarantor, because the international community was "detached"¹⁹³.

The parties and mediators continued to work on the plan, trying to make it more perfect and acceptable for both sides. There were

¹⁹⁰ Ibid.

¹⁹¹ Ibid, p. 6.

¹⁹² Ibid.

¹⁹³ Ibid.

introduced some new changes and as a result, on April 1-2, 1994 Russian Special Envoy and CIS delegation offered the following plan:

"(1). a cease-fire, followed by separation of forces, a mechanism to prevent resumed military operations; observers deploy; (2) withdrawal of troops and equipment from occupied territories, lifting blockades, and return of refugees"¹⁹⁴.

The plan also called a revision for Russian troops to separate combatants 3 days after the cease-fire, with CSCE observers deploying 3 days later.

This plan was acceptable for Armenia and Karabakh, that's why they agreed with its conditions. But the Azerbaijani parliament rejected the new plan too, as unacceptable.

Then the Speaker of the Russian Federation's State Duma V. Schumeiko, arranged a new meeting in the capital of Kirgizstan - Bishkek. Azerbaijan changed its position and on 8 May, 1994 announced that it endorsed the plan. The parties had signed the document on cease-fire, named Bishkek Protocol, which took effect on May 12, 1994.

The CSCE or OSCE, as it was renamed, did not take part immediately in preparing of the agreement. Swedish diplomat Eliasson, who on November 30, 1993 became chair at the Minsk Group OSCE conference, said on May 13, that CIS and OSCE observers were needed.

Though the cease-fire was signed, there were still questions and disagreements between the parties. For solving these questions, Russian Federation Defense Minister Pavel Grachev on May 16, 1994 met with the Defense Ministers of Armenia Serzh Sarkissyan, Defense Minister of Azerbaijan Mamedrafi Mamedov and the NKR Defense Army Command Samvel Babayan, and represented them his revised plan: "a cease-fire, disengagement, observers from Russia, the CIS, conflicting sides (with a Russia in charge) at 49 buffer-zone posts safeguarded by 1,800 CIS troops, primarily Russians, under the command of the Russian First Deputy Minister"¹⁹⁵.

Russia's position, which neglected the OSCE, had worried the OSCE. Eliasson suggested in June that it would be necessary to work out

¹⁹⁴ Ibid.

¹⁹⁵ Ibid.

a unified OSCE-Russian approach which "might prevent antagonists from playing intermediaries off against each other"¹⁹⁶. They after all began to cooperate.

After the cease-fire agreement, many meetings, at various levels within the framework of the OSCE, took place, with visit of different delegations and discussions in Baku, Yerevan and Stepanakert¹⁹⁷.

There were proposed many plans for political solution to the first ethopolitical conflict in the former USSR. And though the conflict has not been resolved up to today, the cease-fire agreement is nevertheless a great achievement, a very important step toward the final and complete solution to the Nagorno-Karabakh conflict.

After 10 years of cease-fire agreement all three sides of conflict-Armenia, NKR and Azerbaijan, are generally faithful to the conditions of the agreement.

Reinforcement of the NKR Statehood

The cease-fire agreement put forward new tasks before the powers of NKR and made them focus on internal problems, on reconstruction of the destroyed villages and cities, houses, schools, hospitals and other buildings. One of the urgent problems became the restoration and development of economy of the Republic, which was very much damaged by the war. Another serious problem was the unemployment, as well as the refugee issues. Tens of thousands were forced to leave their houses, villages and towns and to find shelter out of NKR during the war, especially in 1989-1994. It was necessary to bring them back again to their native places and start a normal economic, public and cultural life.

But it was not so easy. The main problem was how to start and from what to start?

The NKR powers, taking into account the specific circumstances, came to the conclusion that the restoration is to be done from the reinforcement of the statehood in the young Republic of Karabakh. It

would carry out the role of a locomotive, capable to draw the entire political, economic, military, public and cultural complex of NKR and create necessary conditions for the rebirth of the young Republic.

In NKR, since 1992, the power entirely was concentrated in the hands of the State Committee of Defense headed by Robert Kocharyan. It had done a great job, a heroic work to mobilize all resources and not only to stand the enemy's onslaught, but also to defeat military forces of Azerbaijan in numerous brilliant military operations and provide national security to the Karabakh Armenians. We can conclude that State Committee of Defense of NKR fulfilled very successfully its historical mission.

In post-cess-fire period the State Committee of Defense was obliged to yield its place to a new, civil power.

Soon after the cease-fire, in November 1994, the presidential model of governance was established in NKR. The first President of NKR became Robert Kocharyan, one of the distinguished leader of the Karabakh national-liberation movement and the Chairman of the State Committee of Defense of NKR, elected by the NKR Parliament. In November 1996 presidential elections were held and he was directly elected the President of Nagorno-Karabakh Republic. According to the NKR Constitution, President is the head of state and Commander in-chief of NKR. President is elected by the people for a term of 5 years. He is responsible for formation of defense policy and its implementation, for securing the rights of the citizens, normal functioning of the state institutions and exercises executive power. The president appoints the Prime-Minister, etc.

Robert Kocharyan left the post of the NKR President in 1997, when he by the invitation of the leadership of Armenia, took the post of Prime-Minister of Armenia, and then, in 1998, was elected the President of Republic of Armenia, after the resignation of Levon Ter-Petrosyan.

The President of NKR was elected Arkady Ghukassyan, on September 1, 1997, and reelected twice after that.

The NKR's highest legislative body is unichamber Parliament-National Assembly, which is elected for a time of 5 years. It consists of 33 deputies elected from 33 single-mandate electoral districts. National

¹⁹⁶ Ibid.

¹⁹⁷ Nichol J., Transcaucasus Newly Independent States, p. 10.

Assembly consists of 6 Permanent Commissions – on Foreign Affairs; Defense, Security, Law and Order; Manufactures and Manufactural Industries; Social Issues, Fiscal–Budget and Economic issues.

The Chairman or the Speaker of the National Assembly of NKR is Oleg Yesayan, elected in December, 1997.

The executive organ of the NKR is the Government, headed by the Prime Minister, appointed by the President. The Prime Minister or the Chairman of the Government, since October 2002 is Anushavan Danielyan.

The NKR Government includes 13 Ministries, among them Ministries of Health, Foreign Affairs, Agriculture, Education, Culture and Sport, Police, Defense, Finance and Economy, Justice etc.

NKR has its Anthem, State Emblem and Flag.

Due to the reinforcement of statehood, NKR in the last 10 years had recorded impressive achievements in all fields of political, national, economic, cultural and public life.

CHAPTER NINE

CORRELATION BETWEEN SELF-DETERMINATION RIGHT AND PRINCIPLE OF TERRITORIAL INTEGRITY

During the course of the Nagorno–Karabakh conflict, since 1988, numerous proposals on solutions of the conflict had been made by statesmen, scholars and organizations. Before analyzing those suggestions, programs or plans, it is important to elucidate some aspects of the correlation between the right to self-determination and the principle of territorial integrity.

Throughout the Cold War, the dominating principle in international relations was the principle of territorial integrity. At that time the world was divided into two hostile political and military blocs, headed respectively by the Soviet Union and the United States. Each side was afraid that any change in the self-determination base could impact on the existing balance of forces. Attempting to preserve the integrity of the Western World, “the United States opposed the so-called ‘separatist’ movements in allied countries; many independence movements were viewed as being communist-inspired and hence contrary to US interests”¹⁹⁸. A similar position was taken by the Soviet Union toward the Socialist bloc, in which every separatist movement was viewed as inspired by “US-led world imperialism.”

The two superpowers were therefore opposed to the implementation of self-determination claims in practice, “except for those that were viewed as demands for independence from colonial rules”¹⁹⁹.

In the world divided into two hostile political–military blocs the separatist movements or secession could easily become a source of military

¹⁹⁸ Halperin M., Scheffer D., *Self-Determination in the New World Order*, p. 11.
¹⁹⁹ *Ibid.*

confrontation between the USSR and the USA. So they tried to avoid the actions that could bring them to the verge of war. The status quo seemed one of the best forms to preserve comparative stability in the world.

But even in that period, however, the secession and emergence of new states was not excluded entirely. Achievement of independence by Bangladesh, Singapore and Eritrea serves a good examples for that phenomenon.

The situation had changed with the end of the Cold War era, dissolution of the Soviet Union, Warsaw Treaty Organization and Socialist bloc. Since then the world leaders began to speak about a New World Order (NWO), which required a new approach to old political, economic, strategic, ethnic and other problems. NWO required revision of the old approach to the correlation between the right to self-determination and the principle of the inviolability of borders, the essence of which is well formulated by M. Halperin and D. Scheffer: "The end of the Cold War has forced the world community to suddenly come to grips with numerous claims of people seeking self-determination in a variety of different contexts. The clear principles that guided the confrontation with the Soviet Union have expired, and it is no longer possible to hold that all existing states should remain unified and that no changes in international borders should be contemplated"²⁰⁰. Otherwise, there is no reason to set the principles of self-determination right against the inviolability of borders. The American researchers considered that in the contemporary world it is necessary to carry out "creative policy that takes into account the particulars of each situation"²⁰¹. This new approach, according to their point of view, includes the following cases:

"Self-determination claims can reflect genuine drives and legitimate aspirations that must not be ignored;

In most cases such aspirations can and should be fulfilled within the borders of existing states by such means as respect for individual rights as well as the rights of minority groups seeking to promote their separate identity;

In some cases, new states will need to be created, despite the danger of such transitions for the people involved and for the world;

²⁰⁰ Ibid, p. 71.

²⁰¹ Ibid, p. 7.

And the United States and the world community have interests that should lead to early involvement in such self-determination disputes, first to urge internal changes that may dampen pressures for secession and, if that fails, to seek a peaceful process of change toward secession"²⁰².

M. Halperin and D. Scheffer very truly mentioning that it is time "to recognize that not all self-determination claims are alike" and that "the international community must respond to this greater complexity not by simply resisting self-determination claims, but by adopting a framework for distinguishing among them and assessing their legitimacy"²⁰³, divide the self-determination claims into six categories, giving definition to each of them.

Here are these categories of the self-determination claims.

1. Anti-colonial self-determination. In this category are included the claims of territorial population under colonial rule or alien domination that seeks complete freedom or more political power. To this category belonged the movements or struggles of all ex-colonies of the Great Britain, France, Belgium, Holland and other countries in Asia, Africa and Latin America. At the same time the authors indicated that "the potential for such claims may exist in Puerto Rico, New Caledonia, the Falkland Islands, Gibraltar, and elsewhere"²⁰⁴.

Freedom and independence are the utmost demands acceptable for the anti-colonial self-determination.

2. Sub-state self-determination, when a group within an existing state attempts to break off and form a new state or to achieve a greater degree of political or cultural autonomy within the existing state. Sub-state self-determination movements, as stated M. Halperin and D. Scheffer, must be based on ethnic, geographic, historical or economic factors. According to the authors, to the Sub-state self-determination belongs the claims of the Sikh community in Punjab, etc.²⁰⁵.

According to the authors' remark, sub-state claims often have been reasonably met by federalism, as in case of Francophone movements in Canada, Tamil movements in India or Ibo movements in Nigeria.

²⁰² Ibid.

²⁰³ Ibid, p. 48.

²⁰⁴ Ibid, p. 49.

²⁰⁵ Ibid, 49-50.

3. Trans-state self-determination. According to the definition of M. Halperin and D. Scheffer, "A self-determination claim involving the concentrated grouping of a people in more than one existing state may be called a "trans-state" claim"²⁰⁶. Continuing to explain their ideas, they stated that "A group may seek to break away from an existing state and accede to another state; examples include Armenians in Nagorno-Karabakh seeking to become part of Armenia, majority ethnic Romanians in Moldova seeking ties with Romania, some movements in Kashmir favoring union with Pakistan, or ethnic Russians in the Crimea seeking to secede from Ukraine and join Russia"²⁰⁷.

4. Self-determination of dispersed people. It is a special category of self-determination movement, expressing the claim of peoples dispersed throughout one or more states and which distinguishes them from claims involving a geographically concentrated people. As they are not territorially concentrated, so "a focus on democracy and protection of non-territorial minority rights (as well as each individual's human rights) thus might be the most effective way of addressing the self-determination claims of dispersed peoples"²⁰⁸.

5. Indigenous self-determination. Indigenous communities are "characterized by a distinct ethnicity and long historical continuity with a pre-colonial or pre-invasion society"²⁰⁹. To this category belong Native Americans, the aboriginal peoples of Australia and various indigenous communities and groups in Canada, Guatemala, Nicaragua. They inhabit a geographically concentrated area, cut international boundaries or are dispersed in different territories. As for their claims, they "range from independent statehood to meaningful forms of autonomy and control of land or resources"²¹⁰.

6. Representative self-determination. This type of self-determination in some sense is unique, as it is connected with the population of an existing state who seeks to change its political structure

in favor of more representative structure²¹¹. The characteristic feature of the Representative self-determination movement is to reach its goals not by way of popular protests but through negotiations, making more perfect the national governance and develop the democracy and democratic institutions. "Many regard a democratic government for the country as a whole to be the most effective and realistic way to protect minority rights"²¹². As an example, M. Halperin and D. Scheffer indicated the South Africa, Haiti and Myanmar (formerly Burma), as well as some Kurdish forces, especially some political leaders, who are advocating democracy for Iraq rather than secession from Iraq.

The American researchers recommend the USA government, as well as international society, to follow to these principles in dealing with different ethnopolitical conflicts.

The most interesting, from the point of view of the solution to the Karabakh problem, are the two categories – sub-state self-determination and trans-state self-determination, especially the latter, in which **the authors include Nagorno-Karabakh as an example**. But the most important factor is that these two models in case of NK recognize and accept the secession and establishment of new state.

So the contemporary political science does not consider right to keep the doors closed before the secession as a form of realization of self-determination as it was during the Cold War era.

And many scholars – Professor Otto Luchterhandt, Barbara Harff, Vladimir Stupishin, Saleh Zahr ad-Din, etc. as well as some policy makers share and support this new idea and approach. At a press conference in France on March 8, 1992 French Minister of Humanitarian Affairs Bernard Kuchner, calling the 6-km Azeri territory separating Armenia from Nagorno-Karabakh "stupid" and a "political and geographical aberration" which should be changed, underlined that "it is better to agree and change borders than to have people killed – I prefer changing borders to letting people die"²¹³.

²⁰⁶ Ibid, p. 50.

²⁰⁷ Ibid.

²⁰⁸ Ibid, p. 51.

²⁰⁹ Ibid.

²¹⁰ Ibid.

²¹¹ Ibid, p. 52.

²¹² Ibid.

²¹³ Nagorno-Karabakh. Working Paper Submitted to the United Nations, p. 16.

In fact, according to the contemporary international law, there is no contradiction between the self-determination right and the principle of non-violation of territorial integrity. Each of these principles is addressed to quite different fields, situation and conditions.

The contradiction between these two fundamental principles begins from the political, voluntarily interpretation of their essence by different policymakers or organizations, when they attempt to use one of these principles for certain political interests and aims, putting them in the service for satisfaction of their political ambitions.

The contradictions between them begin when the supporters of the territorial integrity declare that principle as absolute one, having priority over self-determination right, and try to make everything obey the solution **all ethnopolitical conflicts exclusively on the basis of the principle of territorial integrity or through its prism**. This approach closes doors before the peoples and countries under foreign rule to achieve in some day their freedom and independence, and doom them to bear foreign yoke forever.

Naturally, this approach and its logic is wrong and have to be rejected.

The contradictions also begin when the supporters of self-determination try to ignore the significance of the principle of territorial integrity of states and attempt to turn the solution of the ethnopolitical conflicts in every case to secession and making independent state.

This approach, as an absolute principle, also can not be acceptable.

So where is the way out?

As we think, there should be worked out certain criteria and to undertake the solution of the conflicts on the basis of it or according to that criteria.

Fortunately, many researchers, as O. Luchterhandt, M. Halperin. D. Schefer, V. Stupishin, Salih Zahr ad-Din, R. Lapidoth and others, had done great work in this field, which can help the policymakers to take right decisions.

In the list of criteria the first place occupies the legitimacy of self-determination aspirations, including for secession and establishment of new state.

On the second place are the historical, ethnic, geographic, economic and cultural factors, consisting of one block of criteria.

Very important is how was realized the attachment of the given territory, region or state entity to another, usually more larger state—voluntarily or forcibly?

One of the significant components of criteria must be the way of expression of the political will by the people, wanting to realize its aspiration for self-determination, including secession and making its independent state. It is necessary to define whether it is the will of a group or of the whole people, expressed by referendum, elections or other ways in compliance with contemporary philosophy, logic and values of democracy, human and people rights.

If we examine the Karabakh problem within the above-mentioned criteria, then it becomes obvious that it is working in favor of secession of NK from Azerbaijan, and establishment of independent state or union with Armenia.

First, all factors – historic, ethnic, geographic, linguistic, religious and cultural, confirm that Karabakh always was a part of Armenia and the Armenian people.

Second, Karabakh never had been a part of Azerbaijan taking into account that Azerbaijan as a state had appeared the first time in history only in 1918. So how Karabakh could be a part of something, in our case of Azerbaijan, which did not exist in history? It is nonsense.

Third, the attachment of NK to Azerbaijan had been realized not voluntarily, but forcibly, against the will of absolute majority of the population of the region – the Armenians of NK.

Fourth, the rights of the Armenians of NK in the period of the Azerbaijani rule, about 70 years were violated in unbearable manner and the Armenians were the subject of ethnic cleansing which carried out the Azerbaijani powers according to the formula “Nagorno-Karabakh without Armenians”.

Fifth, NK had expressed its will to secession in compliance with the USSR legislation adopted by the President on April 3, 1990, "The regulation governing questions concerning a union republic seceding from the USSR", passing referendum and elections.

So, the legitimacy of self-determination aspirations of the NK Armenians is indisputable.

Therefore it should not be regarded as violation of territorial integrity of Azerbaijan.

CHAPTER TEN

VARIANTS OF SOLUTION OF THE NAGORNO-KARABAKH PROBLEM

The Azerbaijani Position

Azerbaijan from the beginning of the conflict did not recognize the right of Nagorno-Karabakh to self-determination and insisted on the preservation of its jurisdiction over NK. After the proclamation of the NKR as an independent state (September 1991), Azerbaijan annulled the status of Nagorno-Karabakh as an autonomous oblast (November 1991). The defeat of Azerbaijan in the Karabakh war and the loss of some territories (1992-1994) did not change the Azerbaijani position. It rejected the right of NKR to accede to another state (Trans-State self-determination Model) or to form a new state (the Sub-State self-determination Model).

The official demands of Azerbaijan are:

- a. Preservation of territorial integrity of Azerbaijan, rejections of the secession of NKR and its declaration as an independent state;
- b. Full withdrawal of the Karabakh troops from all captured territories;
- c. Denunciation of December 1, 1989 decision on union of Nagorno-Karabakh and Armenia;
- d. Disarming and dissolution of the Karabakh Army;
- e. Full submission of the Karabakh people to the laws and jurisdiction of Azerbaijan.

Only after these demands are met Azerbaijan will be willing to discuss the future status of NKR, promising NKR "large-scale autonomy." But nobody knows what "large-scale" autonomy means. Besides that

the Azerbaijani officials avoid from defining what type of autonomy they may "grant" Karabakh, whether it would be cultural, administrative, state entity or some other form. Azerbaijan also denies any possibility of reconstructing Azerbaijan as a federal state. It does not recognize NKR conflict party and refuses direct contacts and negotiations with NKR.

Though Azerbaijan takes part in negotiations with Armenia in the framework of Minsk conference of OCSE and its Minsk group, nevertheless it did not give up the idea of solution of NK by means of weapon, threatening by restarting war. This hard line was adopted especially after the death of President Heydar Aliev, when the presidency was passed to his son Ilham Aliev. Sometimes the military psychosis in Azerbaijan turns into hysteria.

Position of the Nagorno-Karabakh Republic

For NKR its first priority is the problem of its status. The proclamation of the NKR had been realized according to the Law decreed by the USSR president on April 3, 1990 and carried out on the basis of referendum and other democratic methods recognized by the world community. The existence of NKR is therefore completely legal and now NKR is de facto independent state with all necessary organs of government (President, National Assembly, Government, Armed Forces, Constitution, Territory, etc.) and attributes (Anthem, State Emblem, Flag).

NKR rejects the old status quo and restoration of Azerbaijani jurisdiction and rule over NKR. The leadership of NKR underlined that the Azerbaijani military forces were defeated by the Karabakh self-defense forces in the war imposed by Azerbaijan on Karabakh and this circumstance must be taken into consideration. There is no example in history when the country, that had won the war, must be again placed under the rule of the country, that had started the war and was defeated.

The NKR aspires to establish relations with Azerbaijan only on the principles of complete equity, which may be horizontal, but not vertical.

NKR rejects the idea of disarming and dissolving the NKR defense army. As for withdrawal of NKR military forces from the captured territories, which NKR regarded as security zone, its leadership stated that the solution of these problems must be connected with the final decision of NKR's status.

So the NKR's main demands are:

- a. Refusal in any form of restoration of the Azerbaijani jurisdiction, rule or control over Nagorno-Karabakh Republic, which is a de facto independent state;
- b. Permanent, direct and free communications with Armenia;
- c. Guarantees, including international, for NKR security.

NKR insists on its recognition by Azerbaijan and different international organizations as one of the sides of conflict with the right of participation directly in the negotiations, declaring that without the NKR consent the final regulation of the NK conflict is impossible.

NKR is willing to preserve the cease-fire agreement and achieve its main goals peacefully with the close cooperation of such international organizations as OSCE, its Minsk group, the United Nations, CIS, etc.

But if Azerbaijan decides to begin a new round of war, then NKR Army, which usually considers the strongest army in Transcaucasian region, is ready and capable of defending the country from the second aggression of Azerbaijan.

Position of Armenia

It is natural, that the NK problem directly concerns Armenia and Armenia can not be indifferent to the destiny of the Armenians, living in a territory which always was an integral part of Armenia.

The official position of Armenia at that time, after the cease-fire agreement, briefly reflected the following formulation: any decision, which was acceptable for NKR, would be acceptable for Armenia too.

In the previous part we had mentioned, that for NKR the problem of its status occupied the first place in the system of demands and that the

restoration of the Azerbaijan's jurisdiction and control over NKR was not acceptable for NKR anymore.

The Armenian leadership gave great importance to the question of security of Armenians in NKR, the achievement of which according to Armenia would be possible through deployment of international peacekeeping forces which would be obliged to guarantee the security of NKR.

Armenia linked the withdrawal of the Karabakh defense forces from the captured territories with a guarantee of security for Armenians in the NKR. It demanded full demilitarization of liberated territories within the security zone and establishment of a permanent land bridge between Armenia and NKR. Armenia did not insist upon union with Nagorno-Karabakh. Armenia was against settlement of the conflict by military means.

Such was the situation and position of Azerbaijan, NKR and Armenia up to 1997.

“Package” and “Phase” or “Step by Step” Solution

In 1997 a new attempt was made by the three co-chairmen of the Minsk group of the OSCE to make a decision, which would satisfy all conflicting sides. The co-chairmen who represented the USA, Russia and France, visited Baku, Yerevan and Stepanakert to discuss with all three sides the two possible options of the Karabakh problem settlement which were called the “Package Solution” and “Phase” or “Step by Step Solution”.

The “Package Solution” included: a) simultaneous decision of the question of occupied territories except for Lachin. NKR would withdraw its forces from the occupied Azeri territories of Aghdam, Fizuli, Gebrail, Kelbajar, Koubatli and Zangelan, while Azerbaijan had to withdraw its forces from NKR territories yet under the control of Azerbaijan – mainly from the Martakert region; b) solution of the status of NKR; c) deployment of peacekeeping forces along the Azeri-Karabakh borders; d) lifting of the blockade of Armenia and NKR imposed by Turkey and

Azerbaijan; e) return of refugees to their homes; f) setting of demilitarized zones along the Azeri-Karabakh borders.

Some of the points of this project were acceptable for NKR, as it connected the withdrawal of troops from occupied territories with the settlement of the NKR status, and these two essential actions were not separated by time-table. But the NKR leadership, however, rejected the plan as a whole because the three co-chairmen suggested to resolve the Karabakh problem on the basis of autonomy within Azerbaijan, regarding NKR as a part of Azerbaijan.

The status of autonomy and restoration of old status quo is not acceptable for NKR. Its leadership had declared many times that NKR was ready to establish with Azerbaijan horizontal but not vertical ties.

The NKR's attitude was not acceptable for Azerbaijan. It also rejected the package solution because it required simultaneously decisions of the territorial question and the problem of the NKR future. Azerbaijan wanted to resolve first of all the questions of liberation of occupied territories and refugees, and only after that to discuss the future problem of the NKR status.

As to Armenia, according to a statement made by Levon Ter-Petrosyan, the President of Armenia, in a press conference held on September 26, 1997, “It had very serious reservations and presented them to the mediators (the three co-chairmen of the Minsk group – N. H.) Both the mediators and we were convinced that Azerbaijan and Karabakh are not yet ready to discuss the status quo of Karabakh”²¹⁴.

In these circumstances the second proposal of Karabakh conflict – the “Step by step solution” was introduced. It was regarded as mediators new approach to the settlement of the NK conflict²¹⁵. This new plan included many phases. The first phase called for withdrawal of all troops from all occupied territories. The second phase sought the return of refugees to their previous places of residence. Phase three suggested a solution to the Lachin and Shushi problems. The other phases included the deployment of peacekeeping forces and the lifting of the blockade.

²¹⁴ The Diplomatic Bulletin of the Foreign Ministry of the Republic of Armenia, July-August-September, Yerevan, 1975, p. 5.

²¹⁵ Ibid.

And only after that it would be possible to discuss the NKR status issue. "The status issue – stated Levon Ter-Petrosyan – is postponed until the first phase is finalized"²¹⁶.

This option also was based on the principle of preservation of the Azerbaijani territorial integrity, regarding NKR a part of Azerbaijan, having "large scale autonomy".

Azerbaijan, naturally, supported this proposal because it could give everything it wanted – territorial integrity, control over lost territories, return of refugees and restoration of its jurisdiction over NKR.

Armenia was ready to start negotiations on the basis of step by step model. President Levon Ter-Petrosyan explained his position stating that "If that (Package – N. H.) option is not acceptable to both sides (Azerbaijan and NKR – N. H.), why not try to settle the conflict step by step?"²¹⁷.

NKR rejected entirely the "Step by Step Solution". Its leaders were afraid that if NKR returned the occupied territories to Azerbaijan and agreed to satisfy other Azeri demands before the solution of the NKR status, then it would lose all leverages to put pressure on Azerbaijan in the question of status.

So we are dealing with three positions:

First, the position of Azerbaijan, standing on the step by step solution on the premise of restoring territorial integrity having NKR under its jurisdiction,

Second, the position of Armenian leadership, also agreeing with the step by step solution, but with a condition that the status of NKR would be de-jure within Azerbaijan, de-facto independent.

Third, the position of NKR, rejecting to be part of Azerbaijan and under its jurisdiction, and standing for horizontal but not vertical relations with Azerbaijan.

The Minsk group suggestion and the President Levon Ter-Petrosyan's position in favor of it, provoked very serious political crisis in Armenia. All Armenians in Armenia, NKR and Diaspora did not share

the President's position and were against his attitude towards the Karabakh problem solution.

And on February 3, 1998 the first President of Armenia Levon Ter-Petrosyan resigned.

On March 30, 1998 the Prime Minister of Armenia Robert Kocharyan was elected a new President of Armenia, after which certain changes took place in the position of Armenia in the Karabakh question. The new leadership rejected the step by step model for the settlement of the Karabakh problem. Instead of it President Robert Kocharyan suggested to return to the package solution and the question of withdrawal of troops from the occupied territories, returning of refugees and the status of NKR to resolve in one package and simultaneously.

At the same time Armenia was against any preconditions in the question of the NKR status and first of all against the principles of Lisbon Decision of OSCE, 1996, regarding NKR a part of Azerbaijan. Armenia and NKR rejected any direct subordination of NKR to Azerbaijan and were in favor of horizontal but not vertical ties between Azerbaijan and NKR²¹⁸.

The next step was the demand of Armenia and NKR to transfer the discussion of the NK problem from the political into the legal field. In this case, President Robert Kocharyan stated in his speech in Parliamentary Assembly of the European Council on June 23, 2004, that "Nagorno-Karabakh never had been within independent Azerbaijan. Now whether Azerbaijan accepts the NK's independence or not, is another question. But the principle of territorial integrity did not apply to this problem because we (Nagorno-Karabakh – N. H.) never had been in that territory (i. e. in Azerbaijan – N. H.)"²¹⁹. On developing his ideas, President of Armenia gave the following explanation: "The Soviet Union was a unitary state and Nagorno-Karabakh had special status within that state. The breakup of the USSR brought to the formation of two independent states (i. e. Azerbaijan and NKR – N. H.). It is a special case. So I would suggest to regard to this problem not by a stenciled approach (territorial integrity, give it back and that's all) but through the prism of

²¹⁶ Ibid.

²¹⁷ Ibid.

²¹⁸ Hovhannisyan N., On the Options of the Resolution of the Karabakh Problem, Marco Polo Magazine, Venice, No 4–5, 1998, p. 16–17.

²¹⁹ "Republic of Armenia" Yerevan, 24/VI/2004., in Armenian.

legal bases of existence of the Nagorno-Karabakh Republic. If these bases are well-founded, let us recognize it. If not, then explain that they are not well-founded"²²⁰. In conclusion President Robert Kocharyan underlined that "Territorial integrity of Azerbaijan has nothing common with the Nagorno-Karabakh Republic And we are ready to discuss the problem of the conflict settlement in the legal sphere"²²¹.

During these discussions were finally formulated three main principles of settlement of the Karabakh problem acceptable both for Armenia and NKR. Here they are: a) Nagorno-Karabakh cannot be part of Azerbaijan any longer; b) NKR should have a land border with Armenia; c) NKR should have strong security guarantees, including guarantees that there will be no war.

Territorial Swap

The author of this option is the American researcher Paul A. Goble. His approach and point of view are summarized in an article entitled, "Coping with the Nagorno-Karabakh Crisis." According to Goble, all concerned parties must recognize that Armenia and Azerbaijan will not be able to resolve the situation on their own. "Absolutely no settlement will be possible if the parties attempt to return to the status quo ante, conditions as they were before the current fighting erupted in 1988"²²². The previous status quo was sustained by the dominance of the Soviet Union, which no longer exists. The situation has now changed, which makes a new approach to the Nagorno-Karabakh conflict necessary.

Goble considers that "actually, there are three ways of solving the Nagorno-Karabakh problem: driving out or killing all Armenians now there; reimposing enormous outside forces to keep the two sides apart; or transferring the NKAO under Armenian control"²²³.

In his opinion, implementation of the first option is morally impossible, the second variant is physically impossible, and the "third is politically impossible if it is done alone because it would leave Azerbaijan the loser both territorially and in terms of the water supply to Baku"²²⁴. Goble sees the key to the solution of the problem in the territorial swap, which would include the following concessions:

a. "sending part of the NKAO to Armenia, with the area controlling the headwaters of the river flowing to Baku and areas of the Azerbaijani population remaining in Azerbaijani hands; and

b. transferring the Armenian-controlled land bridge between Azerbaijan and Nakhijevan to Azerbaijani control"²²⁵.

Goble obviously understood that in the event of adoption of his variant, Armenia would have difficulties because "it would lose its ties to Iran"²²⁶.

Iran is vital to Armenia. It is for Armenia one of the windows to the outer world and the only window to the Iran-Arab world and beyond. The closing of the Iranian window would impact negatively on the Armenia's geopolitical situation and economic development. So Goble afterwards introduced some corrections into his plan. He suggested establishing a corridor from the Armenian region – namely, Meghri – through Iran, where international forces would be deployed, the only task of which would be to keep this corridor open and active as a small window for Armenia to the outer world from its southern border.

Armenia and NKR were against the so-called "plan of Goble" which could bring to partition of Nagorno-Karabakh and decision of the

²²⁴ Ibid.

²²⁵ Ibid.

²²⁶ Ibid. In 1993, we met with Goble in the Carnegie Endowment, in Washington, in his office and had long discussion on the NK conflict. I paid in particular his attention to the fact that in case of realization of his plan Armenia would be cut off from Iran and encircled by Turkey and Azerbaijan from West, South and East and turned into an island in Turkish sea. It immediately would worsen the geopolitical condition of Armenia in the region. And I mentioned him that Armenia and NKR could not agree with his proposal. We came up the big map on the wall of his office and started to observe the borders of Armenia and other states of the region. And he agreed with me, that, really, his suggestion would worsen the strategic situation for Armenia. And he expressed the idea of making a corridor through Meghri to Iran.

²²⁰ Ibid.

²²¹ Ibid.

²²² Goble P., Coping with the Nagorno-Karabakh Crisis, p. 23.

²²³ Ibid.

problem at the expense of the territory of the Republic of Armenia in favor of Azerbaijan. So that plan was rejected by NKR and Armenia.

Though afterwards there were much speculations and rumors on Meghri issue and on its surrender, nevertheless, as many times stated President Robert Kocharyan, Defense Minister of Armenia Serzh Sarkissyan and Minister of Foreign Affairs of Armenia Vardan Oskanyan, that issue never was put on the table for practical negotiations. For Armenian side it wasn't an acceptable option.

Associate Statehood

Both scholars and policy makers in recent years began to pay more attention to the principle of associate statehood as a possible solution to ethno-political conflicts, including Nagorno-Karabakh²²⁷. They are usually referring to the decisions and declarations of the UN General Assembly, especially Resolution 2625 adopted in 1970 and known as the Declaration on Principles of International Law concerning Friendly Relations and Cooperation Among States. According to this Declaration, the right to self-determination can be implemented through the "establishment of sovereign and independent State, free association with the independent State, or emergence into any other political status freely determined by a people"²²⁸. The researchers as an examples of associate statehood are indicating the Cook Islands and Niue, associated with New Zealand; Puerto Rico, the Marshall Islands and the Federated States of Micronesia, associated with the United States. The latter two associated states even became members of the United Nations (in 1990). On the basis of this principle, Ambassador John Maresca, former special US negotiator for Nagorno-Karabakh, outlined a political settlement for the Nagorno-Karabakh conflict. He presented his proposals on July 1, 1994 at the United States Institute of Peace to an invited audience, including senior diplomats from Armenia, Azerbaijan, Russia and Turkey, as well as policy makers.

²²⁷ See Halperin M., Scheffer D., *Self-Determination in the New World Order*, p. 23; Lapidoth R., *Autonomy: Potential and Limitation*, pp. 14, 17-19, 21, etc.

²²⁸ Halperin M., Scheffer D., *Self-Determination in the New World Order*, p. 23.

J. Maresca states that the objective of his proposal was to provide a new impetus to the negotiating process, which had been in stalemate for some time, and that it had become increasingly urgent to move it forward. But he doubted that it was possible "without evidence of strong American interest in the problem"²²⁹.

Maresca's proposal consists of eight elements, the most important of which is the first, "Status of Nagorno-Karabakh." According to his proposal, "Nagorno-Karabakh will be called the Republic of Nagorno-Karabakh, and will be a fully self-governing legal entity within the sovereign state of the Republic of Azerbaijan"²³⁰. But "RNK will be within and freely associated with Azerbaijan"²³¹. A basic law on the status of Nagorno-Karabakh would be accepted. The borders of RNK would be those of NKAO in 1988.

The proposal foresees exchange of senior representatives with Baku, and both Stepanakert (the capital of RNK) and Baku (the capital of Azerbaijan) would maintain representative offices in the other city.

RNK would have the right to maintain permanent representatives in Moscow and Yerevan and in other capitals of special interest, and to receive such representatives from those countries. Nevertheless, "RNK will not be recognized as a sovereign independent state"²³².

The essential part of the basic law was the clause about the armed forces of RNK. Under this clause, "The armed forces of RNK will be gradually reduced. RNK will have the right to maintain local security forces, including forces for self-defense, but will not be permitted to have an offensive military capability"²³³. Azerbaijan would have the right to station its local security forces near RNK, but without weapons systems with offensive military capability.

²²⁹ United States. Institute of Peace. Special Report. War in the Caucasus; A Proposal for Settlement on the Conflict over Nagorno-Karabakh, Washington, 1994, p. 5. We also used here some information from our conversation with John Maresca in Washington, 1994.

²³⁰ Ibid.

²³¹ Ibid.

²³² Ibid.

²³³ Ibid, p. 6.

The second element of Maresca's proposal dealt with the signature of a Treaty on Mutual Rights of Transit and Access between Armenia and Azerbaijan. Armenia would have rights of land transit and access across Azerbaijani territory to RNK through the Lachin corridor, and Azerbaijan would have the same rights across Armenian territory to Nakhijevan along the Araks River²³⁴.

The other items of the proposals related to the problems of refugees, displaced persons, economic issues, etc., but we would like to focus on the question of international guarantees. John Maresca suggested that the CSCE and the UN Security Council will undertake necessary measures to guarantee the provisions of these proposals, "in particular by providing representation in Baku, Stepanakert and Yerevan, by deploying monitors as required by the relevant provisions, and by organizing the donors conference"²³⁵. Maresca proposed to convene a donors conference to raise funding for the economic reconstruction of Armenia and Azerbaijan, including the Republic of Nagorno-Karabakh.

This option at that time was a positive step in comparison with the demand for unconditional subordination of NKR to Azerbaijan, despite of the fact that it included some elements of horizontal ties between Azerbaijan and NKR.

But now this model is not acceptable, because it regarded NKR an entity within sovereign Azerbaijan., while NKR and Armenia consider that NKR must be out of any control of Azerbaijan.

Synthesis Option

A proposal partially similar to the suggestion of Paul Goble, and partially to the proposals of John Maresca, was made in an interview with the *Turkish Daily News* by senior researcher of the US National Institute for Democracy, Ambassador Nelson Ledsky. He considering necessary the settlement of the conflict through negotiations and return of occupied territories to Azerbaijan, stated that Nagorno-Karabakh can be part of

²³⁴ Ibid.

²³⁵ Ibid, p. 7.

Armenia, adding that it would be possible to find also some form of connection between Nagorno-Karabakh and Azerbaijan. "There is no doubt that the Armenians had succeeded in this war. It is necessary for Azerbaijani side to recognize that it has lost something"²³⁶.

According to Ambassador Ledsky, the essential part of the regulation of the conflict was the problem of Nakhijevan from the point of view of its communications with Azerbaijan. On answering the question of the Turkish newspaper, – "Do you suggest an exchange of Nagorno-Karabakh and Nakhichevan? ", Ledsky stated: "It is necessary to negotiate, which will secure the communication between Nagorno-Karabakh and Armenia, as well as between Nakhijevan and Azerbaijan"²³⁷.

This is the essence of the ambassador's proposals. It in fact was the reflection of a new situation which was formed in Transcaucasia after the victory of the defense forces of NKR and defeat of Azerbaijan. It was an acknowledgement of the fact that the restoration of the old status quo was not possible, practical and wise.

Cyprus Model

During the discussions on the regulation of Karabakh problem, the specialists are often reminding the so-called "Cyprus Model".

It is well known that in 1974 the Turkish army had occupied the northern part of Cyprus, where the "Turkish Republic of Northern Cyprus" was proclaimed. This republic is existing de facto for more than 30 years despite several resolutions taken by the United Nations and its Security Council and other international organizations about its illegality.

The essence of the "Cyprus Model" is the following: this entity is not recognized de-jure by any state or international organization, but exists as de facto independent entity.

In respect of NKR the "Cyprus Model" would mean:

a. The NKR would not be recognized de-jure independent state.,

²³⁶ Se "Azg", Yerevan, October 6, 1995.

²³⁷ Ibid.

b. NKR may exist as de-facto independent entity within its own borders without right for membership to international organizations.

d. So NKR will not be part of Azerbaijan or be united with Armenia.

This model by its character is a compromising one, which in certain circumstances or conditions can become a base for the settlement of the conflict, giving possibility for reconciliation, preserving the national dignity of each party, involved in the conflict.

It would also facilitate the improvement and normalization of relations between the neighboring states.

The Chechen Variant

This variant as a unique option had appeared in 1997, following the Russian-Chechen cease-fire agreement and announcement to postpone the settlement of the Chechnya status problem for a minimum of five years.

Specialists immediately began speaking about the perspectives of this model for the settlement of the Karabakh problem. This idea was put forward by the deputy chairman of a Committee of the Russian State Duma, Sergei Mitrokhin. In his opinion, there was no other choice for regulation of relations between Azerbaijan and NKR than to adopt the Russia's new approach to its relations with Chechnya.

The essence of this model is the postponement of deciding the question of Karabakh status, using the mentioned period for changing the situation in the region, the mentality of the people and clarifying the geopolitical interests of the states involved in the conflict. A hope was expressed, that during that period a new generation of policy makers will be formed, because this generation of statesmen is not capable of resolving the Karabakh problem²³⁸.

The analysis of the Chechen variant brings us to the conclusion that the implementation of the 'Chechnya model' in respect to Karabakh problem will mean:

²³⁸ The Karabakh Problem is Possible to Resolve by 'Chechen Analogy', "Respublica Armenia", Yerevan, February 2, 1997.

a. To provide maximum guarantee of security to Karabakh and the people of the neighboring districts of Azerbaijan and Armenia;

b. To establish a transition period at minimum of five year period with postponement of the settlement of the NKR status problem;

c. To create necessary conditions for a new generation of policy makers who will be free of the burden of the past and ready to demonstrate new approach to the problem solution and ability to act in a new political atmosphere.

The fulfillment of these conditions will create the necessary atmosphere for realistic compromise.

The leaders of NKR had occupied a positive attitude towards this variant. The President of NKR, Robert Kocharyan, in his statement on February 27, 1997 stressed that "the variant of the decision on the Karabakh problem by an analogy to the Chechen problem is quite acceptable for Karabakh"²³⁹.

Nagorno-Karabakh as Independent State

Alongside with the above mentioned options, a very unique variant of the settlement of the Karabakh problem had appeared at the beginning of 1990s. It is the option of independence of Nagorno-Karabakh.

The most distinguished representative of this trend is the Professor of the Hamburg University Otto Luchterhandt, who had provided a special study of this issue and published a very interesting study under the title "Nagorny Karabakh's Right to State Independence According to International Law"²⁴⁰.

The author carefully examined the principles of self-determination and territorial inviolability through documents, declarations and other official materials of the UN, OSCE, including the Helsinki Final Act, etc. O. Luchterhandt deeply analyzes the political, socioeconomic, cultural

²³⁹ The 'Chechen Variant' is Acceptable for Karabakh, "Respublica Armenia", Yerevan, March 1, 1997.

²⁴⁰ Luchterhandt O., Nagorny Karabakh's Right to State Independence According to International Law, Boston, 1993.

and ethnic situation in Nagorny-Karabkh, the policy of the Azerbaijani government in Nagorno-Karabakh during the decades, and other vital issues.

He accepts the "latent tension that exists between the right of self-determination of a people and the principle of state sovereignty or territorial integrity"²⁴¹. He considers that the main problem is to bring both rights or rules into a justifiable state of balance, "which takes into account the weight of each in the particular case"²⁴², adding that: "Principle X. para. 4 of the Principle Catalogue of the CSCE Final Act, attempts to express the same thought by formulating that every one of the 10 principles must be interpreted, taking into account the others"²⁴³.

On this basis, according to the opinion of the German Professor, the principle of sovereignty finds its limits in the right of self-determination, just as conversely, the right of self-determination finds its limits in the principle of sovereignty²⁴⁴.

O. Luchterhandt is quite right when he resumes that "the problem is to establish a practical concordance between the right of Azerbaijan to the respect and observance of its sovereignty, the inviolability of its borders, etc. on the one hand, and the legitimate interest of the Armenians of Nagorno-Karabakh in a national right of self-determination on the other"²⁴⁵. Recognizing the collision between Nagorno-Karabakh's right to self-determination and Azerbaijan's right of sovereignty, and acknowledging that as a conflict in international law, O. Luchterhandt indicated that that conflict can be resolved by differentiating between a normal case and an exceptional case.

He found differences between these two cases and described normal case as one in which "the precedence of the principle of sovereignty applies, as it is the decisive foundation of the system of international law in general. The right of self-determination limits itself here to the cultivation and development of national characteristics"²⁴⁶.

²⁴¹ Ibid, p. 16.

²⁴² Ibid, p. 43.

²⁴³ Ibid.

²⁴⁴ Ibid.

²⁴⁵ Ibid.

²⁴⁶ Ibid, p. 72.

The exceptional cases, however, require different approaches. "In **exceptional cases**, that is to say when a national majority is being discriminated against in an unbearable manner, then the right of self-determination, in the form of the right of secession, has precedence over the sovereignty of the state concerned. In the case in question, the Azerbaijani's right to sovereignty loses weight in comparison to the right of self-determination (right of secession) because Azerbaijan itself has only just broken free from the dissolved USSR by using its right to self-determination"²⁴⁷.

So the compensatory granting of minority status, which can work in a normal case, is therefore out of the question for Nagorno-Karabakh. The Nagorno-Karabakh problem belongs to the category of exceptional cases. O. Luchterhandt stressed that "the analyses of Azerbaijan's policy in regard to Nagorny-Karabakh as well as the living conditions in the area show that, from an administrative, national-cultural, socio-economic and demographic point of view, the Armenian ethnic group has been the subject of lasting and massive discrimination that has endured for decades. The state of Azerbaijan has forfeited its right for the subjugation of the Armenian ethnic group of Nagorny-Karabakh to its sovereignty"²⁴⁸.

A summary of Luchterhandt's observations converge in one of fundamental conclusions: "As a result of the expert study as a whole, it can be established that in accordance with current international law, the Armenian ethnic group of Nagorny-Karabakh hold the right of self-determination in the form of a right to separation from the Republic of Azerbaijan (right of secession) which takes priority over the Republic of Azerbaijan's right of sovereignty. By virtue of the right to self-determination, the Armenian ethnic group of Nagorny-Karabakh is entitled either to form a state of its own or to unite with the Republic of Armenia, provided the latter wishes"²⁴⁹.

This option suggested by Professor Luchterhandt for the settlement of the Karabakh problem, is quite objective, unbiased and in full harmony

²⁴⁷ Ibid.

²⁴⁸ Ibid, p. 73.

²⁴⁹ Ibid, p. 70.

with principles of the new approach to the solution of ethno-political conflicts in the post-Cold War era and in the epoch of the New World Order.

On the same positions are standing the Lebanese historian Saleh Zahr ad-Din; the Russian lawyer and historian Vladimir Stoupishin and others. Dr. Stoupishin, examining the Azeri claim on Nagorno-Karabakh as the "indigenous" Azerbaijani territory, concludes: "Azerbaijan had not and still has no right to Karabakh, whatever has been declared in Lisbon or elsewhere. It is not honest to speak about 'indigenous' territory in the case of the ex-Soviet Azerbaijan because never before there had been such a state, where it was born during the bustle of revolution, civil war and foreign intervention, 1918-1923"²⁵⁰.

Status of Neutrality

The analyses of the contemporary geopolitical situation and balance of power in the Transcaucasian-Middle Eastern region, and the necessity of establishment of good neighboring relations between Azerbaijan and Armenia at the basis of a fair and lasting peace, brought us to an idea that one of the realistic and perspective options for the settlement of the Karabakh conflict would be "Status of Neutrality" for Nagorno-Karabakh Republic.

On suggesting this variant three factors were taken into consideration.

First, we must recognize that the Nagorno-Karabakh successfully defended itself against the Azerbaijani aggression, won the war and really exists. NKR survived for its own for more than the past ten years and this fact witnesses its political, economic and military viability. This is a reality and any attempt to ignore this historical fact can have tragic consequences for all sides.

Second, we must remember about the geographical factor. Armenia, Azerbaijan and NKR belong to one and the same geographical area and

they are neighbors, which dictate them peaceful existence. No one of them can transfer to another geographical region. The ignorance of this fact is extremely dangerous and foolish. We are destined to live in one Transcaucasian geographical space.

From this it reasonably follows that the conflict must be settled so that it can close the confrontation chapter without passing over the solution to the next generation of Armenians and Azeris. That it could establish modus vivendi of peaceful coexistence which in time must turn into cooperation. It should be a solution which might not humiliate anybody's national dignity.

Third, it is the factor of security of the Transcaucasian-Middle Eastern geopolitical region. The region is one of the world's most unstable areas. Add to this the dangerous situation in the North Caucasus (Chechnya, Dagestan, etc.), then the picture of instability in the region will be complete. The area is a cross-road to the vital interests of many countries - Russia, Turkey, Iran, Western European Union, the United States and so on.

The significance of the region became more important and the situation more strained after the problem of the Caspian oil and construction of a pipeline from Caspian Sea to the Mediterranean and Black Sea ports arose. The oil companies from the U. S., Turkey, Russia, the Great Britain, Japan and so on, are involved in the exploration of the Caspian oil and are very interested in turning the Transcaucasian-Middle Eastern geopolitical region into a secure region. But it is not possible without solving various ethno-political conflicts in the region, including the Nagorno-Karabakh conflict.

So the settlement of the Karabakh conflict according to the principles of the "Neutrality status" would diminish the risk and danger and would facilitate the stabilization in the region. There is no doubt and secret that both the stability and security in the Transcaucasian-Middle Eastern geopolitical region to some extent depend upon the solution of the Karabakh conflict.

After taking into consideration all these circumstances, we would like to offer our own alternative model for the settlement of the Karabakh problem, based on the principles of "Neutrality".

²⁵⁰ Stoupishin V. The Interests of Russia in Transcaucasia. The False Theses of Azerbaijani Propaganda, "Nezavisimaya Gazetta", Moscow, April 19, 1997.

We are not so naive not to expect any objections or criticism. Obviously, some forces will criticize and reject it, but we hope, first, it will find supporters, and that, second, it can enable the debate to regain its specific course.

On the other hand we are aware how hard it is to re-orient a long-ago started-up diplomatic machine.

But the game is worth the candle.

And so, "An option of Nagorno-Karabakh conflict solution by Neutrality principle".

I. STATUS

1. Armenia, Azerbaijan and the Nagorno-Karabakh Republic proclaim the neutrality of Nagorno-Karabakh named from now on "Nagorno-Karabakh Neutral Republic"– (NKNR).

2. The decree of the Armenian Supreme Soviet and the Nagorno-Karabakh National Council from December 1, 1989, on unification, is canceled.

3. Armenia, Azerbaijan and the NKNR confirm by a special Article introduced in their Constitutions, the Status of Neutrality of the Nagorno-Karabakh Republic.

II. GUARANTEES

1. NKNR neutrality is guaranteed by the UN Security Council's 5 permanent members (the Great Britain, China, France, Russian Federation and the United States of America) OSCE, Armenia and Azerbaijan.

2. The UN Security Council is authorized to establish political, economic, as well as military sanctions in regard to a party, violating the status of NKNR.

III. BORDERS

1. Azerbaijan withdraws its troops from occupied territories of NKNR (Martakert) and the Shahumyan region.

2. NKNR withdraws its troops from the occupied territories of Aghdam, Fizuli, Jebrail, Kubatly and Zangelan.

3. The Lachin region, as a land bridge, remains under the control of NKNR for linking of NKNR with Armenia and the outer world.

4. The Kelbajar region for the sake of security and economic development of NKNR is regarded as associated with NKNR territory.

5. Azerbaijan and NKN mutually recognize each other's territorial integrity.

IV. SECURITY ZONE

1. Demilitarized security buffer zones are established along the Azerbaijan-NKNR borders.

2. In the buffer security zones international peacekeeping forces are quartered confirmed by the UN Security Council and OSCE, and functioning under the aegis of the UNO and OSCE.

3. The UN Security Council and OSCE with the consent of Armenia, Azerbaijan and NKNR, confirms the number of international peacekeeping forces and the list of the states which provide their contingent.

V. REFUGEES

1. Armenia, Azerbaijan and NKNR undertake all necessary political and economic measures for the voluntary return of refugees to their previous permanent places of residence, according to the norms of International Law.

2. Refugees, who refuse to return to their places of previous residence, receive suitable material and financial compensation.

3. The UN and OSCE establish a Fund of Donors for:
a) economic development of Armenia, Azerbaijan and NKNR;
b) resettlement of and compensation for refugees.

VI. ECONOMIC STATUS

1. NKNR is declared free economic zone with equal rights for all interested parties.

2. All economic restrictions, established by the blockade, will be lifted.

3. The UN and OSCE will facilitate the establishment of a Fund for the reconstruction of the economy of NKNR and liquidation of damage caused by the war the regions of Armenia. and Azerbaijan.

VII. GOVERNMENTAL SYSTEM

1. NKNR has its own Constitution, and forms its own legislative, executive and judicial authorities:

a) NKNR's President, who is elected by general voting of the NKNR people for a term of 5 years.

b) National Assembly (parliament), elected directly by general voting of the NKNR people for a term of 4 years.

c) Minorities of NKNR have right for proportional representation in the National Assembly of NKNR;

d) NKNR establishes Courts throughout the NKNR territory.

e) NKNR's Government, appointed by the President and approved by the National Assembly of the NKNR.

2. On the NKNR territory those laws are acting which are adopted by the President and the National Assembly of the NKNR, and which do not contradict international law and NKNR's neutrality status.

3. The President and National Assembly of NKNR are competent to adopt laws and decrees on such issues as domestic policy, economy, justice, social security, public health, enlightenment, education, culture, science, etc.

4. NKNR has its own police forces for providing internal order.

5. NKNR has its own armed forces. Their number and structure are determined proceeding from NKNR's security and coordinated with the UN Secretary General and OSCE Secretary General.

VIII. COMMUNICATIONS

1. With the proclamation of the NKNR's neutrality status, Armenia's and NKNR's communication blockade is lifted and all the overland, air and waterways are opened.

2. All communications are opened for all kind of transit transportation and are easy to access for every country.

3. NKNR provides secure and free functioning of all transport communications – car and rail-roads, oil and gas pipelines, etc. passing or which may in future be passed through its territory.

IX. CITIZENSHIP

1. NKNR's residents receive citizenship of NKNR recognized by the international community.

2. NKNR's citizens may be persons who were born in NKNR, or the children of a parent who has NKNR citizenship.

3. Persons who came from other regions may become NKNR citizens if they have regularly lived there not less than 5 years.

4. NKNR citizens, if they wish, may also receive citizenship of Armenia and Azerbaijan.

X. FOREIGN REPRESENTATION

1. NKNR may open its representations in the countries connected with it by geography, economy, communication and security needs.

2. NKNR may open its representative offices in Armenia, Azerbaijan, Georgia, Turkey, Iran, in the countries of five permanent members of the UN Security Council, and also, in other countries.

3. Armenia, Azerbaijan, Georgia, Turkey, Iran and five permanent members of the UN Security Council, OSCE as well as other interested countries may open their representations in NKNR.

4. NKNR may become a member of economic, ecological, cultural, educational, public health and other non-political and non-military international organizations.

XI. SYMBOLS

1. Stepanakert is the capital of NKNR.

2. NKNR has its symbols:

a) NKNR has its own State Flag.

b) NKNR has its own Coat of arms.

c) NKNR has its own National (State) Anthem.

XII. PROTOCOLS

1. In addition to this document separate Protocols may be signed by the sides on issues, which they consider necessary.

XIII. REGISTRATION IN THE UNO

1. This document on "Status of Neutrality" of NKNR is registered as UNO's official one.

2. It has international legal power²⁵¹.

Such is the scheme of Nagorno-Karabakh's neutral status in short. We outlined its main ideas and principles, not wishing to go into details. We are aware that experts on either economic or military issues can do it better. Lawyers' advice may also be needed. We are also aware that there may be notes and objections over the issues of borders, security zone, etc.

Our goal was to submit in a concise way our viewpoint of the solution over long-lasting Karabakh conflict to the verdicts of governments and people of Azerbaijan, Armenia and NKR, and call forth an unbiased talk.

It is well known that throughout centuries Neutrality as a status was widely used in international practice. It was always used for the settlement of different kind of territorial disputes. Today there are some states with the permanent status of neutrality, recognized formally by international community, like Switzerland, Austria, etc. But there are also some entities without state status, which nevertheless are recognized as neutral zones. Such zones exist in the Arab world, in the Arab peninsula in particular.

The Neutrality status of NKR is based on the principle of compromise. It is an expression of a hope that all conflicting sides would be ready to yield each other something very important. The compromise for the Armenian side means that Nagorno-Karabakh Republic gave up a) the idea of independent state and b) the intention to be reunited with its homeland Armenia. This is very serious concession from the Karabakh side taking into account the fact that Nagorno-Karabakh had won the war. An expression of compromise is NKR's willingness to not become a

member of international community and international political organizations and to be satisfied by the status of neutral territory.

The Neutrality status may satisfy one of the main requests of Azerbaijan. Azerbaijan is against the creation of a new Armenian state. Its leadership is worried that the establishment of independent Nagorno-Karabakh state or its union with Armenia will strengthen Armenia and its position in the region. The President of Azerbaijan Heidar Aliev had stated many times that there is no space for a second Armenian state in Transcaucasia. The status of neutrality will eliminate the Azeri anxiety.

The Azerbaijani consent to the neutrality of NK would mean that its leadership gave up the idea of restoration of the old status quo and to put Nagorno-Karabakh again under its domination. The acceptance of neutrality of NK would mean the recognition of new political reality and readiness of the Azerbaijani side for compromise. Instead of vertical subordination, Azerbaijan may receive possibilities for horizontal ties with NKNR.

Due to such compromise on the basis of NKR neutrality, the confrontation between them may overgrow into competition which would be transferred from the political and military fields into economic one. And as NKNR would be a free economic zone, it would suggest NKNR more economic, financial, communication and other advantages.

We would like to pay attention something else. The implementation of this new option is not connected only with OSCE but also with the United Nations Organization and in particular the Security Council. It has its reasons. The OSCE's possibilities are not so wide. As recognized the Co-chairman of the OSCE Minsk Conference, Minister of Foreign Affairs of Finland Tarja Halonen in her Report, "The means available to the OSCE are limited"²⁵².

But it does not mean to replace OSCE by United Nations and its Security Council.

²⁵² Finland as a Mediator in Karabakh Conflict. Report by the Minister of Foreign Affairs Ms. Tarja Halonen to the Foreign Affairs Committee of Parliament on the Activities of Finland as Co-Chairman of the Minsk Conference. February 11, 1997, Helsinki, 1997, p. 15.

²⁵¹ This proposal was first published in "Respublica Armenia", November 12, 1997, and "The Yerevan Times", November 20-26, 1997 (in English).

Now some remarks on the right of NKNR to have its foreign representations. On suggesting to give NKNR a right to have foreign representations we proceed from the international practice. There are a lot of non-independent entities, which have their representative offices in foreign countries or allow those countries to open their own representative offices in the territory of autonomous or other kind of non-independent entities.

The best example of that may serve the Åland Islands. Its status of autonomy within Finland was confirmed by an "Act on the Autonomy of Åland", adopted by Finnish Parliament on May 6, 1920, and then replaced in 1991 by another, which entered into force on February 1, 1993²⁵³.

Many countries such as Russia, Germany, the Netherlands, etc. have their consulates in the Åland Islands capital Mariehamn. The Åland Islands may have their own representatives in other countries. Moreover, according to the "Act on the Autonomy of Åland" the Government of Åland may propose negotiations on a treaty with a foreign state to the appropriate State officials²⁵⁴. In 1970, Åland obtained its own representation in the Nordic Council, as a member of that important regional organization, the members of which are Russia, Germany, Poland, Sweden, Finland, Norway, Denmark, Iceland, Latvia, Lithuania and Estonia. Many meetings of Nordic Council have been held in Åland²⁵⁵. The representatives of Åland, as well as of two other selfgoverning regions of Faroes and Greenland are collaborating in the Nordic Council of Ministers²⁵⁶. Åland had established contacts with the countries of the Baltic Sea in the spheres of culture, tourism, and fishing. The Åland Parliament is very active in its contacts with the Parliaments of other countries²⁵⁷. Stipulations were made for Åland when Finland became a member of the European Union. The latter has taken into consideration the specific status of Åland²⁵⁸.

²⁵³ Act on the Autonomy of Åland, Mariehamn, 1993.

²⁵⁴ Ibid, p. 21.

²⁵⁵ The Åland Islands demilitarized Region, Mariehamn, 1995, p. 50.

²⁵⁶ Ibid.

²⁵⁷ Ibid, p. 51.

²⁵⁸ Ibid, p. 52.

We can add two important facts. Åland has a flag of its own since 1954 and it is now used as a maritime flag on ships registered in Åland²⁵⁹. Since 1993 the Åland postal administration has been using its own stamps and Finnish postage stamps cannot be used any longer in Åland²⁶⁰. And let us remember, that Åland is not an independent state and has no status of neutrality. It is an autonomous region under the Republic of Finland. This situation is like a "state within a state" and does not worry the Finnish leadership. By giving Åland rights in the foreign sphere the Finnish government had eliminated the Åland suspicions and strengthened the ties between them. It is a wise policy, far ahead of its time.

It is necessary to give some explanation about the registration of the document on NKNT neutrality status in the UNO. It has its many precedents in the international practice. We would like to remind everyone of the Åland example, whose autonomous status was adopted and guaranteed by the League of Nations in June 1921²⁶¹. And when Finland joined the European Union in 1990s, a record had been made in a Protocol "that Åland autonomy is guaranteed in the constitutional law of Finland and rests upon a basis of international law through international decisions and agreements"²⁶².

The registration of the NKNT status of neutrality in the United Nations Organization will serve some kind of guarantee to that status. Its violation is to be regarded as the violation of international law.

What was the response of Armenia and Azerbaijan to the suggestion on the NKR's "Status of Neutrality".

The Armenia's response was quite positive. The President of Armenia Levon Ter-Petrosyan in a meeting with the representatives of the National Academy of Sciences of Armenia, at the end of November, 1997, on answering the question about his "attitude towards the NKR's "Status of Neutrality", suggested by Professor Nikolay Hovhannisyan", stated: "I had not only read it but also studied it seriously. I support it

²⁵⁹ Ibid.

²⁶⁰ Ibid.

²⁶¹ Act on the Autonomy of Åland, p. 1.

²⁶² The Åland Islands Demilitarized Region, p. 52.

with my two hands and I am ready to fulfill it if the President of Azerbaijan Heydar Aliiev also supports it. Moreover, I am ready to include in the Constitution of Armenia an Article about the Karabakh neutrality”²⁶³.

As for Azerbaijan, its response was negative. Its President did not make any public comments. But the Editorial Board of the newspaper “Respublica Armenia”, where our suggestion on NKR’s “Neutrality status” was first published, received some information by its channels and internet, which then had been published in that newspaper under the title “In Baku are disposed absolutely non-constructive”²⁶⁴.

Among those materials were the interview of the leader of Musavat party of Azerbaijan Isa Hambar to press-agency “Turan”. He rejected “The Hovhannisyan’s model, because it is about the independence of Nagorno-Karabakh”²⁶⁵. Similar position occupied the leader of the Social-democratic party of Azerbaijan Zardusht Ali-zade. In his opinion “The Hovhannisyan plan is aimed at legal design of Armenia’s territorial annexation, occupation and aggression”²⁶⁶.

Unfortunately in Baku new approaches to the settlement of the NK problem could not be appreciated. The Azerbaijani’s main aim remains the restoration of its full control over Nagorno-Karabakh.

At the same time, as mentioned the newspaper, there were other opinions about the “Neutrality Status” option, among them from the USA, Israel, etc.

Very interesting was the attitude of the Center for International Development and Conflict Management, University of Maryland at College Park, the USA. In this Center since 1995, a group of researchers from Armenia, Azerbaijan, Georgia, Abkhazia, South Ossetia and Nagorno-Karabakh was working on the Project “Partners in Conflict: Building Bridges to Peace in Transcaucasia”. I was representing Armenia in that Project. After the publication of my suggestion on NKR

²⁶³ I was one of the participants of that meeting and made proper notes.

²⁶⁴ В Баку настроены абсолютно неконструктивно. Зато нейтральные эксперты высоко оценили подходы армянского конфликтолога, “Республика Армения», 21 ноября, 1997.

²⁶⁵ Там же.

²⁶⁶ Там же.

“Neutrality status”, Director of the Project, professor Barri Sanders had sent by internet the following message to all participants of the Project “Yerjan Kurbanov (Secretary of the Project – N. H.) sent me an interesting article (i. e. article N. Hovhannisyan) through “Turan” from November 14, 1997. I asked him to include it in the list service in order to evaluate it. I see, Nikolay, that you were very active on suggesting your solution to the Nagorno-Karabakh conflict. And what is more interesting that it was supported by mass media and published. Congratulations. I hope that all partners also will be active and will let the people from the governmental structure know what we are discussing. I do not know if you will agree with me, but consider it very important that our vision would be widely disseminated. In each idea we can find something that deserves to be included in another idea”²⁶⁷.

Professor Eddy Kaufman, Executive Director of Harry Truman Institute of Peace of the Hebrew University, Jerusalem, ex-Director of the Project “Partners in Conflict” wrote in his letter addressed to all participants of that Project the following: “I am looking forward to reading the Hovhannisyan’s article. Then we shall look at the list of possible proposals, suggested by Nikolay in his article for the book (partners were preparing a collective monograph which was prepared for publication at that time”²⁶⁸). Maybe we can ask him to put it again for discussion and look which one of the alternative solutions may become the starting one. Let’s adopt a collective decision”²⁶⁹.

At last certain interest was expressed by such a distinguished and prestigious scientific center of the USA as the James Baker Institute for Public Policy, Rice University, Huston, Texas. In a telegram, sent on behalf of the Management of the Institute, it was stated that the American politologists “are very interested with original study on the possibility of the settlement of the Nagorno-Katabakh conflict”. Considering that the “Project of Hovhannisyan” “ is a creative option for solution of the

²⁶⁷ Там же.

²⁶⁸ See Hovhannisyan N., The Nagorno-Karabakh Conflict and Variants of its Solutions—Ethnopolitical Conflicts in the Transcaucasus: Its Roots and Solutions, University of Maryland, USA, 1997. (It was published at the end of 1997).

²⁶⁹ “Республика Армения”, 21 ноября, 1997.

Nagorno-Karabakh conflict", the Management of the James Baker Institute of Public Policy suggested him²⁷⁰ to prepare a research article at the beginning of March, 1998.

The suggestion was accepted and the article was represented in March, 1998, which was qualified by the Director of the Institute as a contribution in the study of the Caucasian and Caspian contemporary issues.

In our view the Nagorno-Karabakh's Status of Neutrality may be one of the realistic options, capable to provide a peaceful coexistence to the peoples of Azerbaijan and Armenia, proceeding from contemporary situation and balance of forces.

It would facilitate the establishment of security, stability and cooperation in the Transcaucasian-Middle Eastern geopolitical region.

The "Common State" Project

Since the second half of 1990s with the help of the Minsk group of OSCE on the table of negotiations were laid certain very interesting projects. They became a subject of discussions between the President of Armenia Robert Kocharyan and the President of Azerbaijan Heydar Aliiev. They had met many times which aroused some hopes that the solution of the Karabakh problem is not so far.

The negotiations were going between two presidents usually tet-a-tete, but sometimes the three Co-chairmen of the Minsk group took part. In decisive stages of negotiations two presidents were supported by the President of France Jack Shirak, President of the USA George Bush, as well as the US State Secretary Collin Powel and others.

Thus in October 1998, the USA, Russia and France, the three co-chairmen of the OSCE Minsk group, represented a new Project for the solution of the Karabakh problem, named "Common state". On November 7, 1998, it was worked out in detail and was represented to Azerbaijan, NKR and Armenia to discuss and sign it.

²⁷⁰ Там же, 20 декабря, 1997.

In the new Project the NKR's Status case was put in the first place as priority item. In that document Nagorno-Karabakh was defined as statal and territorial entity in the form of Republic, which constitutes a common state with Azerbaijan within internationally recognized borders. The borders of the NK shall correspond to the borders of the former Nagorno-Karabakh Autonomous Oblast.

According to the Project Azerbaijan and NK have to sign an agreement on delimitation of spheres of competence and reciprocal delegation of powers between the Azerbaijani and NK relevant authorities. It was suggested to Azerbaijan and NK to create a Joint Committee whose mission shall be to define policies and activities within the sphere of joint competence.

Azerbaijan in Stepanakert and NK in Baku shall establish their representations. Besides that Nagorno-Karabakh shall have the right to establish direct external contacts with foreign states, regional and international organizations in the fields of economics, culture, science, sport, humanitarian affairs. For this purpose NK shall have appropriate representation abroad.

Alongside with these rights, NK shall participate in execution of the foreign policy of Azerbaijan, with respect to the issues touching the NKR's interests. It included a very important point, prohibiting to take decisions on those issues without consent of two Parties.

NK government, in cases, connected with its special interests, may have its own representatives in the embassies and consular missions of Azerbaijan. Its experts may take part also in international negotiations.

In that Project there is a block of issues relating to the legal sphere. According to it Nagorno-Karabakh may have its own Constitution, flag, seal and anthem, forms its own legislative, executive and judicial authorities, the Azerbaijani laws shall be in effect on the territory of NK if they do not contradict the constitution and laws of Nagorno-Karabakh. The Armenian language was declared as the primary official language in the territory of Nagorno-Karabakh.

As for the citizenship, for residents of NK as identification documents will serve the Azerbaijani passports, carrying special notation "Nagorno-Karabakh", and the exclusive right of issue of that documents

belongs to the NK government. They may take part in the elections of the President of Azerbaijan and have their representatives in the Azerbaijani Parliament.

As for the competency in military sphere, NK obtains the right to possess its own National Guard as security forces, and police forces, while the military forces of Azerbaijan (army, security forces, police forces) shall not have the right to enter NK territory, except with the latter's consent.

As for economic status, NK shall be announced a Free economic zone.

The project had a special point on returning refugees to Shushi.

As for Lachin, it, as a corridor with Armenia, should be agreed upon separately.

These are the main points of the "Common state" Project.

Despite the fact that it could not entirely satisfy the demands of the Armenian side – NKR and Republic of Armenia, especially in regards of some aspects of NKR status and rights of Azerbaijan, NKR and Armenia announced that the "Common state" project can be a **base for negotiation**.

As for Azerbaijan, it rejected the Project, considering it as unacceptable.

Paris–Key West Agreements

Probably Armenia, Azerbaijan and NKR had been never so close to reaching a radical agreement on Karabakh issue, than in spring of 2001, during the negotiations between the President of Armenia Robert Kocharyan and the President of Azerbaijan Heydar Aliiev. In case of success that meeting could occupy an extraordinary place in the series of meetings between the Presidents of Armenia and Azerbaijan.

An outstanding role in organizing of that meeting and encouragement of the conflict Parties to demonstrate political will and readiness for a unique compromise, belongs to the President of France Jack Shirak, whose Presidential palace on March 5, 2001, appeared in the center of the international community's attention. All three sides–France, Armenia and Azerbaijan, after the negotiations in Paris made very

optimistically announcements, underlying the great progress in the negotiations.

The negotiations were continued in Key West, Florida, USA, on 4–7 April, 2001, with the participation of the US State Secretary of Colin Powell at its initial stage. The USA President George Bush also facilitated actively the efforts of the Presidents of Armenia and Azerbaijan. They were received by him in the White House after the conclusion of the meeting. George Bush appreciated positively Robert Kocharyan's and Heydar Aliiev's efforts in the settlement of the NK conflict.

The Key West negotiations were regarded as finalizing one in the series of meetings of two Presidents.

Unfortunately, the text or "Paris–Key–West" principles are until now not published and still remain unknown in details to the public. So it is possible only to guess about the content of those agreements, based on some information of mass media or vague hints made briefly by different statesmen, policymakers and diplomats.

It allows us to conclude that "Paris–Key–West" agreement consists of two main parts.

The first part is relating to the so-called occupied territories, which came under the Karabakh self-defense forces control during the national-liberation war. The Parties agreed that the NKR shall revert Aghdam, Fizuli, Jebail, Kelbejar, Lachin, Qasak, Qubately and Zangelan to the control of Azerbaijan.

The second part related to the NKR status. It was recorded in the Agreement on that issue, that the territory of former NKAO which is currently not under the Azerbaijani control, is thereby transferred to the sovereignty of Armenia.

There were also some other articles, among them about Shushi, which should be open and demilitarized city, about the territorial link between Armenia and NKR (Lachin corridor), etc.

So, it was the first document where it was fixed that former NKAO was transferred to the sovereignty of Armenia. It was the most crucial point in the Karabakh problem's settlement, the first document even in the form of Project, confirming that Azerbaijan should agree to transfer

Nagorno-Karabakh to the sovereignty of Armenia. For the achievement of that consent 13 years after the decision of the NKAO's Supreme Soviet on 20 February, 1988 were required from Azerbaijan.

That's why the NKR and Armenia agreed to sign that document.

Very strange was the position of Azerbaijan and its President Heydar Aliiev. Soon he surprised very much not only Armenia and NKR, but also France, the USA, Russia, OSCE and international community, when he denied even the existence of any "Paris agreements". Thus he put in an embarrassing situation all statesmen and high rank diplomats, and first of all Jack Shirak, as well as the American leadership, who had done so much for organizing that meeting between Robert Kocharyan and Heydar Aliiev, and for reaching a preliminary agreement, which could become a historical one.

Later, in mid-2002, Heydar Aliiev changed his position and was obliged to recognize, that after all, really, there were the "Paris principles". But he tried to interpret those principles as suggestions on exchange of Lachin for Meghri, which was immediately refuted by the President of Armenia Robert Kocharyan. The President of Armenia stated that the interpretation of the President of Azerbaijan did not correspond to the facts.

The Minister of Foreign Affairs Vardan Oskanyan who was one of the key participants of the negotiations, had expressed an opinion on so strange a behavior of Heydar Aliiev, that the Azerbaijani President at first was inclined to accept the "Paris-Key-West" principles as the base for further negotiations, but later, obviously under the pressure of his high rank colleagues, refused to do so.

Despite that fact, as said the Minister of Foreign Affairs Vardan Oskanyan, "The principles of the settlement of the Karabakh problem after negotiations of Armenian and Azerbaijani Presidents in Key West did not undergo changes". He stressed that the Armenian side "does not concentrate its attention on Key West principles in order not to slow down the whole peace process". He also mentioned that "the mediators (the Minsk group three co-chairmen of Russia, France, USA - N. H.) have not come up with new proposals since the "Paris principles" and the Key West talks between the Armenian and Azerbaijani presidents in 2001".

He made this announcement at the end of December 2004. And, really, it would be very hard to retire entirely from the principles of "Paris-Key West" agreements.

The Pierre Lellushe and Ana Palacio Proposal

In October, 2004, the Head of the NATO Parliamentary Assembly Pierre Lellushe and Spanish Ex-Foreign Minister Ana Palacio visited Armenia and Nagorno-Karabakh Republic in a delegation of the German Office of the Marshall Foundation (US). Both in Armenia and NKR they had opportunities to get acquainted with the situation in two Armenian states, to meet and talk with statesmen, political leaders, representatives of different social groups, to observe the political and socioeconomic conditions in NKR and both pronounced for Karabakh's involvement in the negotiating process.

On returning back, they had published on December 21, 2004, a joint article in the French newspaper "Figaro" named "Putin and Spirits of Empire". They expressed an idea that "Western democracies should initiate settlement of conflicts at post Soviet era". In that context they, these two distinguished policymakers of Western Europe, singled out the problem of the Nagorno-Karabakh, suggesting in reality a new option for the Karabakh conflict settlement. They stated that "Europeans, Americans and Russians should make compromise that will lead to obtaining of Armenian control over Karabakh for some time". On developing their ideas on this very interesting and original suggestion, P. Lellushe and A. Palacio stated that "the Armenian control over Karabakh should be interim with subsequent referendum for Karabakh's status in 5-10 years".

So, it is quite a new approach to the solution of the Karabakh issue, which deserves a serious attention and discussion by the sides involved in the conflict, not only NKR, Armenia and Azerbaijan, but also Russia, France, United States and other countries of OSCE and Eurounion.

Azerbaijan's response was immediate and negative. This time its attitude expressed the Azeri parliament. On 29 December, 2004, it sent a

letter of protest to the Chairman of the NATO Parliamentary Assembly P. Lellushe, demanding from him an explanation about his statement that it is necessary to "hand over Nagorno-Karabakh under the provisional control of Armenia".

As for Armenia, the FM V. Oskanyan positively estimated the proposal of P. Lellushe and A. Palacio, stating that though "this is not fully acceptable but is an interesting and realistic article".

* * *

The review of several options, suggested for the Karabakh conflict settlement in the last years, show that they reflect new tendencies in that field.

We mean first of all the O. Luchterhandt's conception on NK right to state independence, "Status of Neutrality", "Commom state", "Paris-Key-West" principles and the latest proposal, made by the NATO PA Chairman and the ex-Spanish Minister of Foreign Affairs. All these variants typologically belong to the non-standard solutions of the NK problem, demonstrating necessity for a new approach. The policymakers and scholars are more and more accepting that the Karabakh conflict by its character, historical roots, ethno-linguistic factors, forcible attachment to Azerbaijan, etc., principally differs from other ethnopolitical conflicts, particularly in the ex-Soviet space. They already recognized that the Karabakh conflict is not like and similar to the Abkhazian, South Ossetian and Transnistrian conflicts. So, an option which is acceptable for one of them, cannot automatically be acceptable for others.

A reflection of this new approach can serve the announcement made by the American ex-Chairman of the OSCE Minsk group Perina, on 12 December, 2002. He stated that the problems of Abkhazia, South Ossetia and Transnistria, cannot be regarded from the point of view of their independence. Their settlement is possible within Georgia and Moldova.

But as for Nagorno-Karabakh, Perina announced that it's a quite different issue and for resolving it another approach and other kind of solutions, similar to that of the East Timor is necessary. As it is well known, East Timor, which was annexed by Indonesia, struggled for a

long period for secession and creation of its own independent state. International community and after all Indonesia itself, recognized the East Timor's right to state independence and it became the member of the United Nations. According to the Perina's conception the East Timor's model should be an acceptable one for the solution of the Karabakh problem.

The Karabakh problem was separated from the other ethnopolitical conflicts also by the US State Secretary Colin Powell in his speech at the 12th meeting of the Council of ministers of the OSCE member countries held in December 2004. On speaking about the regional conflicts, he stated that "The frozen conflicts in the rebellious regions of Georgia and Moldova and in Nagorno-Karabakh remain in frozen situation after 15 years the Cold War ended"²⁷¹.

So, Colin Powell did not include Nagorno-Karabakh in the category of "rebellious regions", as Abkhazia, South Ossetia and Transnistria. Those territories were mentioned as part of Georgia and Moldova, while Nagorno-Karabakh was mentioned under its own name and not as a part of Azerbaijan.

The Azerbaijani mass media, as Baku "Zerkalo" ("Mirror") and other newspapers, expressed an opinion, that "The US does not recognize Karabakh a part of Azerbaijan". For similar conclusion they used, among others, the fact of publication by the USA National Geographic Society a map, where the Karabakh was not included within Azerbaijan, but was represented as "disputable territory" along side with the North Cyprus, the Western bank of Jordan, Abkhazia and Ossetia²⁷².

"Yeni Zaman", another Azerbaijani newspaper from Baku, expressed the dissatisfaction of the Azerbaijani society that "the United States of America is the only country after Armenia, who on the governmental level directly supports the Karabakh Armenians" and it is recorded in the US budget²⁷³.

It is also noteworthy to underline the fact, as it was mentioned in the American mass media, that yet in 1970s in the CIA secret files was stated

²⁷¹ "Голос Армении", Ереван, 9 декабря 2004.

²⁷² See "Azg", Yerevan, December 22, 2004.

²⁷³ Ibid.

that "Nagorno-Karabakh is an Armenian historical territory and it always attempted by the legal way to unite with Armenia"²⁷⁴.

In conclusion we would like to indicate that now, unlike the 1980s–1990s, significant changes took place in the approach to the settlement of the Nagorno-Karabakh conflict.

Now more dominating principle is becoming the rejection of restoration of the old status quo, reestablishment of the Azerbaijani sovereignty and control over NKR.

In the contemporary world the self-determination right in the form of secession and state independence is paving way more successfully.

Nagorno-Karabakh, by its historical legacy, freely expressed the political will and long-lasting struggle of its people had deserved that right.

²⁷⁴ Ibid.

EPILOGUE

RECOGNITION OF NEW REALITIES – THE WAY TO THE SOLUTION OF KARABAKH ISSUE

Sixteen years have passed since the beginning of the national-liberation struggle of the Armenians of Artzakh-Karabakh against the Azerbaijani colonial rule, thirteen years since the proclamation of Nagorno Karabakh Republic and ten years after the cease-fire agreement. These data are unique and significant landmarks on the way of formation of new juridical, military and political realities both in the development of Karabakh issue and in the creation of new geopolitical situation in Southern Caucasus.

Juridical Realities

Neither historically, nor legally or politically Artzakh has ever belonged and could possibly have belonged to Azerbaijan, at least for the mere reason that till until 1918 in the history there has never been any republic named "Azerbaijan". The territory on which in 1918 for the first time was established the Republic of Azerbaijan in the history was known as Caucasus Albania, Aran, Shirvan, etc.

While Artzakh, as an integral part of Armenia, existed since times immemorial, as evidence numerous antique Greek, Roman and other sources, being the 10th province of Armenia

Since ancient times the population of Artzakh consisted of Armenians and its ethnic contents has not essentially changed during centuries. Armenians still were the overwhelming majority of the region's

population, more precisely they made 95% of Karabakh's population at the beginning of XX century.

Thus, according to the undeniable historical facts, till the beginning of XX century there has not existed any nation called "Aeries" and no state called "Azerbaijan". Mentioning of these facts is necessary not only for restoring the historical truth, but for understanding of the further development of events.

In the end of May 1918 the statehood of Georgia and Armenia was reestablished, and on May 28 of 1918 for the first time on the political map of South Caucasus appeared Azerbaijan as a new independent state. Paradoxical as it is, Azerbaijan right away represented its territorial claims to its neighboring countries, as to Georgia in terms of Saingilo (Zakatala and Kakhi), and to Armenia, laying claim to Karabakh, Nakhijevan and Zangezur. Thus on this very blank space arouse the Karabakh issue.

The new, inexperienced, but self-confident leaders of Azerbaijan together with their territorial claims for the neighboring countries turned to the League of Nations with an appeal of membership. Fortunately, they were to deal with competent people, who knew history. The Council of League of Nations on the very ground of territorial claims that Azerbaijan had for its neighboring countries - Armenia and Georgia, rejected Azerbaijan's appeal for membership to the League of Nations stating that "In present conditions the Charter of League of Nations does not allow membership of Azerbaijan to the League of Nations".

Thus the most authoritative international organization did not recognize the claims that Azerbaijan lay to Karabakh and the other territories, belonging to other countries, and on this basis refused to open its doors in front of it.

But that which the Musavat government of Azerbaijan did not manage to achieve, was promptly done by the Communist leaders of Azerbaijan in 1921.

It is necessary to dwell a bit on the elucidation of this issue, for it will help to understand how Karabakh came to be within the borders of Azerbaijan.

On November 29, 1920 Soviet power was established in Armenia, and on December 1 of 1920 the leader of the Revolutionary Committee of Azerbaijan Nariman Narimanov officially announced that Azerbaijan henceforth has no territorial claims to Armenia and Azerbaijan recognizes Karabakh, Nakhijevan and Zangezur as integral parts of Soviet Armenia. But later on the Azeri government abruptly changed its position claiming that Karabakh be annexed to Azerbaijan, motivating it with the statement that joining Karabakh to Armenia "may set anti-Soviet groups in Azerbaijan". This motivation, of course, is beneath criticism.

On July 4 1921 the Caucasus Bureau of Russian Communist Party, after considering the question, nevertheless, decided to join Karabakh to Armenia. But on the very next day, on July 5, after Narimanov's protest, it changed its decision and stopped at joining Karabakh to Azerbaijan, ignoring the protests of Armenian government.

Thus Karabakh was torn away from its Motherland Armenia and appeared under the foreign Azeri domination.

From the juridical point of view the decision of Bolsheviks as that of July 4 (in favor of joining Karabakh to Armenia), so that of July 5 (in favor of joining Karabakh to Azerbaijan) are illegal and illegitimate. Here we mean three circumstances.

First, in 1921 Russia, Armenia and Azerbaijan were still separate independent states. They were not yet united into one state - USSR. As it is known, the Soviet Union was formed on December 30 1922. Consequently, the Karabakh issue was not settled by Armenia and Azerbaijan themselves, but by a third country, in this case at Soviet Russia's bidding, which in accordance with the international rights did not have any rights or authority for this.

Disregarding this 'small' nuance, in the evaluation of the resolution of the Caucasus Bureau both Armenian and Azeri researchers erred, the Armenian side supporting the July 4 resolution, considering it the only just one, and the Azeri side that of July 5, 1921.

Second, the resolution on territorial problem was not adopted by a juridical organ, in the competence of which usually belongs reviewing these problems, but by a party organ, and not even the central one, but some provincial one, such as the Caucasus Bureau of Russian Communist

party. It's an unprecedented and unheard of phenomenon in the world experience.

Third, the will and the wishes of the Armenian nation of Karabakh were completely ignored. Making 95% of Karabakh's population, it many a times clearly and firmly expressed its political will to join Armenia and decisively spoke against being separated from the motherland-Armenia.

But the Bolshevik party bigwigs were guided only by other criteria, putting at the basis of their politics the principle 'divide and rule'.

The resolution of the Caucasus Bureau not only is illegitimate, but shocks with its illiteracy. Annexing Karabakh to Azerbaijan was 'substantiated' in the following way: "Issuing from the necessity to establish national peace between the Muslims and the Armenians...leave Nagorno Karabakh within the borders of Azerbaijani SSR". We may just as well ask, why Karabakh within the territory of Azerbaijan means peace, while the version of it being with Armenia is excluded? You will not find the answer to this question in the mentioned document.

Another circumstance draws attention. The text of the resolution literally points to the necessity of establishing peace between **"the Muslims and the Armenians"**. How can we account for using in one side an ethnonym – Armenians, and in other side religious belonging – Muslims? This absurdity can evidently be explained by that the partner of Armenians, with which Armenia was to preserve national peace, did not have a definite national identity, did not have an ethnonym, and the resolution-makers did not know how to call them. The nation was not yet called "Azeri" then, and the authors of the resolution came out of the situation with a dubious formulation "between the Muslims and the Armenians".

The period when Karabakh was under the domination of Azerbaijan was one of the hardest one in its history. If we sum up the quintessence of Azeri policy towards Karabakh, we will come up with de-armenization of Karabakh through driving away the Armenians, which they succeeded in doing in Nakhijevan. Such policy bore deathly danger for the Armenians of Karabakh and they, naturally, confronted it by all means.

And before concluding reviewing the juridical aspect of Karabakh issue, we think it necessary to dwell once more on elucidating one of the characteristic traits of national liberation movement of Karabakh.

The Karabakh movement was from the very beginning put on the legal constitutional ground, that is its leaders did not throw a war-cry, but strived to solve the Karabakh issue via and in the frames of Soviet Constitution. Proceeding from this the extraordinary session of People's Soviet of deputies of Nagorno Karabakh Autonomous District, upon deciding on February 20 1988 on withdrawing from Azerbaijan SSR, appealing to meet their request on joining Armenia and the Presidium of Armenian SSR to come to a positive resolution on transferring Karabakh from Azerbaijan to Armenia.

The direct reaction of Azeries to this decision were massacres of Armenians which shocked the whole world by their cruelty and inhumanness.

The government of Soviet Union and Azerbaijan refused Karabakh's request as "unacceptable". What regards Armenia, it agreed upon accepting Karabakh as its part.

But disregarding this circumstance, and the proceeding massacres of Armenians in Sumgait, Gyanja, Baku and in other cities and regions of Azerbaijan, the leaders of Karabakh movement remained true to the policy of solving Karabakh issue on constitutional ground. This is evidenced by their attitude towards the law on the rules on the Soviet republics to withdraw from USSR by the Decree of the President of USSR M. Gorbachev from April 3 1990. It's a document of historical significance, on the basis of which the former Soviet republics exercised their right on being independent and thanks to which their independence got international recognition so soon and easily.

The USSR President Decree from April 3 1990 had a special article on the rights of autonomous entities in case of withdrawing from the Soviet Union. According to the article 3 of the mentioned law, withdrawal of a soviet republic from the USSR could be implemented only through national referendum. And if the given soviet republic includes autonomous republics, districts and regions, the referendum should be held in each autonomous entity separately. And only the nation of the autonomous entities is competent to decide independently the question of its further being a part of USSR or withdrawal from it, as well as its state status.

On the basis of this fundamental law Azerbaijan declared itself independent on August 30 1991.

On the basis of the same fundamental law, the joint session of Soviet of deputies of Nagorno Karabakh Autonomous District and Shahumyan region on September 2 1991 announced separation from Azerbaijan and declaration of Nagorno Karabakh as Republic. The mentioned decision is legally substantiated and legitimate.

First, it was based on a Constitution that still functioned in the Soviet Union, and on the USSR President Decree of April 3 1990, being the only legal document, regulating the order to withdraw from the USSR, and from Soviet republics.

Second, it was in full harmony with the principles and spirit of the nation's right on self-determination, being one of the fundamental basis of contemporary international law.

Third, according to the Declaration of Independence on August 30 1991 Azerbaijan regards itself not the successor of Soviet Azerbaijan, which included also Nagorno Karabakh Autonomous District since 1921, after the illegal and arbitrary decision of Caucasus Bureau, but the first Republic of Azerbaijan, existing in 1918-1920. And Karabakh, as is known, has never been its part.

Thus, the essence of legal realities is that Azerbaijan has not any historical, legal-lawful and moral rights on Artzakh-Karabakh.

Recognition by the Azeri leaders these legal and factual realities will allow to cope with the Karabakh conflict through peaceful, political and civilized methods.

Military Realities

Azerbaijan did not recognize the competitiveness of declaration NKR and on November 26, 1991 annulled the autonomous status of Karabakh, establishing direct management. Azerbaijan's decision was qualified as "unconstitutional act" by the mission OSCE, which was proceeded by military action. Azerbaijan launched a real wide-scale war against Karabakh and its Armenian population. The military actions, that

went on till May 1994 became great tragedies for the two neighboring nations. Both sides suffered great losses - human and material.

At the end Azerbaijan lost the war. The Armenian nation of Karabakh came out of the war victoriously, managing to uphold the liberty and independence of the young Nagorno Karabakh Republic.

The victory of NKR essentially changed the military situation in the region and formed new military realities, which neither Azerbaijan, nor any other force involved in the conflict could any longer ignore.

First, the military success of Karabakh army forced Azerbaijan sign an agreement on cease-fire with the representatives of NKR.

Second, NKR became a significant military factor, promoting the appearance of new military realities in favor of NKR.

Third, according to the competent foreign authorities' assessment, the NKR army and the Armenian army together are considered to be the strongest, best-organized, disciplined and well-armed army in the South Caucasus region. Mentioning of it is necessary especially now that not only Azeri servicemen, but also first rank government officials hint on their intention to resolve the Karabakh issue by force of arms. Sometimes things come to hysteria.

In this regard it is well to say that Baku should consider carefully all the possible outcomes of new military ventures and keep in mind that if they unleash a war, it will hardly turn out a parade march for the Azeri army, which is still recovering from the recent military defeat.

Ignoring the outcomes of the war and demanding the Azeri side to restore its jurisdiction upon NKR, would mean to present Karabakh on the tray to the defeated side. As far as we know no such action has been registered in the history. Ambassador Nelson Ledski, former head of US National Institute of Democracy is quite right writing that "No doubt Armenians successfully finished this war. The Azeri side should admit that it has lost something".

Consequently, recognition of new military realities, as well as legal ones, will form a new political atmosphere and promote the denial of any illusions and the adoption of realistic decisions on the Karabakh issue.

Political Realities

Nagorno-Karabakh Republic is a de-facto independent state. In the present case it doesn't really matter that it has not yet been granted international recognition. It was borne due to the victory in the struggle for existence and liberation and on the basis of the right for self-determination with implementation of all legal and juridical mechanisms, such as referendums, elections and so on, adopted within the contemporary civilized societies. This state has its own territory, population, President, government, parliament and other power bodies, its State Emblem and flag, it functions pretty well, no worse than other governments, preserving order within the country, the rights and duties of its citizens.

The emergence on the political map of the South Caucasus NKR, a new de-facto independent state, caused significant modifications in political composition and arrangement of forces in the region. International or de-jure recognition of NKR could be still postponed, but NKR as a state can no longer be ignored or disregarded as a political factor. NKR became an organic part of political structure of the South Caucasus, influencing upon its political climate. That's a political reality.

But the phenomenon of NKR, as a new political factor, is not confined within the frames of South Caucasus. Its existence as the second Armenian state definitely influences also upon the policy of neighboring countries - Iran, Turkey and Georgia, each of which has its own interests in the region, and understands the significance of NKR as military and political factor, applying it in its policy in Caucasus.

Minks group of OSCE with its three co-chairmen - the USA, Russia and France, as well as EU and UN are on the verge of solving the Karabakh issue.

Various international organizations, such as humanitarian, public, health protecting, cultural, educational, etc. contact with NKR. All these certify to the recognition of new political reality emerged with the formation of NKR, and that NKR is not at all isolated from the external world. NKR firmly moves towards international recognition, that sooner or later will fully come true.

And this cannot be denied under the pretext of preserving territorial integrity of Azerbaijan. Nobody is infringing on territorial integrity of Azerbaijan. But when regarding this point, the following should be taken into consideration.

First, the principles of territorial integrity and the right on self-determination are two fundamental principles of the contemporary international law. Their confrontation is absurd and no contradictions can be between them. These two principles are equivalent in strength and none has priority over the other, as it is stated in the Helsinki declaration. It proceeds that to every conflict a concrete, individual approach should be applied.

Second, Karabakh has never been a part of independent Azerbaijan. Only for a very short period it was by force put under Azerbaijan domination, which has not had and does not have any historic, juridical political and moral rights on it. Consequently, secession of Karabakh from Azerbaijan by the constitutional way does not violate its territorial integrity. This principle should be applied there and in those cases, when it is really infringed. The nation of Karabakh just exercised its self-determination right.

Third, as world practice shows, the principle of preserving territorial integrity has never been absolutised, of which evidences the whole period after the Second World War, which gives many examples of separation and formation of new states, recognized by international community, which later became UN members. To this category belong Bangladesh, Singapore, Eritrea, and a fresh example, Eastern Timor, which became the 190th member of UN.

Typologically NKR belongs to this category of states. Formation of NKR cannot be looked at as violation of territorial integrity of Azerbaijan, and its admission as the 191st member of UN is in full harmony with the international practice, spirit and letter of the existing principles.

So, it may be stated that the new historical conditions, the new juridical, military and political realities, the new distribution of forces and the geopolitical situation in the South Caucasus, dictates a new approach

to the solution of Karabakh issue. It is based on the following fundamental principles;

First, on the denial of reestablishing of the old status, existed till 1988, and restoration of Azeri jurisdiction on NKR. NKR has to be out of Azeri jurisdiction in any form.

Second, the relations of Republic of Azerbaijan and Nagorno Karabakh Republic should be as equal with equal with no element of subordination.

Third, the modifications in regards of the de facto independent status of NKR could only be in the direction of its de jure independence.

Forth, NKR is already finished with its enclave situation and can no longer be put in it. It should be permanently and directly connected by overground and air communication with Armenia, especially in case the version of unification of Karabakh with Armenia doesn't work.

Fifth, ensuring of the security of NKR on international guarantee should be added to the above mentioned.

All these issues can be solved behind a table of negotiations, and NKR should be their equitable participant, for the young Krabakh state is not an object, but is a subject of negotiations.

NKR is already a democratic state devoted to the European ideals. Its further consolidation would mean triumph of European values in one of the South Caucasus states, consequently, on the whole South Caucasus geopolitical area.

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NIKOLAY H. HOVHANNISYAN
THE KARABAKH PROBLEM

THE THORNY ROAD TO FREEDOM AND INDEPENDENCE

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optimistically announcements, underlying the great progress in the negotiations.

The negotiations were continued in Key West, Florida, USA, on 4–7 April, 2001, with the participation of the US State Secretary of Colin Powell at its initial stage. The USA President George Bush also facilitated actively the efforts of the Presidents of Armenia and Azerbaijan. They were received by him in the White House after the conclusion of the meeting. George Bush appreciated positively Robert Kocharyan's and Heydar Aliiev's efforts in the settlement of the NK conflict.

The Key West negotiations were regarded as finalizing one in the series of meetings of two Presidents.

Unfortunately, the text or "Paris–Key–West" principles are until now not published and still remain unknown in details to the public. So it is possible only to guess about the content of those agreements, based on some information of mass media or vague hints made briefly by different statesmen, policymakers and diplomats.

It allows us to conclude that "Paris–Key–West" agreement consists of two main parts.

The first part is relating to the so-called occupied territories, which came under the Karabakh self-defense forces control during the national-liberation war. The Parties agreed that the NKR shall revert Aghdam, Fizuli, Jebail, Kelbejar, Lachin, Qasak, Qubaty and Zangelan to the control of Azerbaijan.

The second part related to the NKR status. It was recorded in the Agreement on that issue, that the territory of former NKAO which is currently not under the Azerbaijani control, is thereby transferred to the sovereignty of Armenia.

There were also some other articles, among them about Shushi, which should be open and demilitarized city, about the territorial link between Armenia and NKR (Lachin corridor), etc.

So, it was the first document where it was fixed that former NKAO was transferred to the sovereignty of Armenia. It was the most crucial point in the Karabakh problem's settlement, the first document even in the form of Project, confirming that Azerbaijan should agree to transfer

Nagorno-Karabakh to the sovereignty of Armenia. For the achievement of that consent 13 years after the decision of the NKAO's Supreme Soviet on 20 February, 1988 were required from Azerbaijan.

That's why the NKR and Armenia agreed to sign that document.

Very strange was the position of Azerbaijan and its President Heydar Aliiev. Soon he surprised very much not only Armenia and NKR, but also France, the USA, Russia, OSCE and international community, when he denied even the existence of any "Paris agreements". Thus he put in an embarrassing situation all statesmen and high rank diplomats, and first of all Jack Shirak, as well as the American leadership, who had done so much for organizing that meeting between Robert Kocharyan and Heydar Aliiev, and for reaching a preliminary agreement, which could become a historical one.

Later, in mid-2002, Heydar Aliiev changed his position and was obliged to recognize, that after all, really, there were the "Paris principles". But he tried to interpret those principles as suggestions on exchange of Lachin for Meghri, which was immediately refuted by the President of Armenia Robert Kocharyan. The President of Armenia stated that the interpretation of the President of Azerbaijan did not correspond to the facts.

The Minister of Foreign Affairs Vardan Oskanyan who was one of the key participants of the negotiations, had expressed an opinion on so strange a behavior of Heydar Aliiev, that the Azerbaijani President at first was inclined to accept the "Paris-Key-West" principles as the base for further negotiations, but later, obviously under the pressure of his high rank colleagues, refused to do so.

Despite that fact, as said the Minister of Foreign Affairs Vardan Oskanyan, "The principles of the settlement of the Karabakh problem after negotiations of Armenian and Azerbaijani Presidents in Key West did not undergo changes". He stressed that the Armenian side "does not concentrate its attention on Key West principles in order not to slow down the whole peace process". He also mentioned that "the mediators (the Minsk group three co-chairmen of Russia, France, USA – N. H.) have not come up with new proposals since the "Paris principles" and the Key West talks between the Armenian and Azerbaijani presidents in 2001".

He made this announcement at the end of December 2004.

And, really, it would be very hard to retire entirely from the principles of "Paris-Key West" agreements.

The Pierre Lellushe and Ana Palacio Proposal

In October, 2004, the Head of the NATO Parliamentary Assembly Pierre Lellushe and Spanish Ex-Foreign Minister Ana Palacio visited Armenia and Nagorno-Karabakh Republic in a delegation of the German Office of the Marshall Foundation (US). Both in Armenia and NKR they had opportunities to get acquainted with the situation in two Armenian states, to meet and talk with statesmen, political leaders, representatives of different social groups, to observe the political and socioeconomic conditions in NKR and both pronounced for Karabakh's involvement in the negotiating process.

On returning back, they had published on December 21, 2004, a joint article in the French newspaper "Figaro" named "Putin and Spirits of Empire". They expressed an idea that "Western democracies should initiate settlement of conflicts at post Soviet era". In that context they, these two distinguished policymakers of Western Europe, singled out the problem of the Nagorno-Karabakh, suggesting in reality a new option for the Karabakh conflict settlement. They stated that "Europeans, Americans and Russians should make compromise that will lead to obtaining of Armenian control over Karabakh for some time". On developing their ideas on this very interesting and original suggestion, P. Lellushe and A. Palacio stated that "the Armenian control over Karabakh should be interim with subsequent referendum for Karabakh's status in 5-10 years".

So, it is quite a new approach to the solution of the Karabakh issue, which deserves a serious attention and discussion by the sides involved in the conflict, not only NKR, Armenia and Azerbaijan, but also Russia, France, United States and other countries of OSCE and Eurounion.

Azerbaijan's response was immediate and negative. This time its attitude expressed the Azeri parliament. On 29 December, 2004, it sent a

letter of protest to the Chairman of the NATO Parliamentary Assembly P. Lellushe, demanding from him an explanation about his statement that it is necessary to "hand over Nagorny-Karabakh under the provisional control of Armenia".

As for Armenia, the FM V. Oskanyan positively estimated the proposal of P. Lellushe and A. Palacio, stating that though "this is not fully acceptable but is an interesting and realistic article".

* * *

The review of several options, suggested for the Karabakh conflict settlement in the last years, show that they reflect new tendencies in that field.

We mean first of all the O. Luchterhandt's conception on NK right to state independence, "Status of Neutrality", "Commom state", "Paris-Key-West" principles and the latest proposal, made by the NATO PA Chairman and the ex-Spanish Minister of Foreign Affairs. All these variants typologically belong to the non-standard solutions of the NK problem, demonstrating necessity for a new approach. The policymakers and scholars are more and more accepting that the Karabakh conflict by its character, historical roots, ethno-linguistic factors, forcible attachment to Azerbaijan, etc., principally differs from other ethnopolitical conflicts, particularly in the ex-Soviet space. They already recognized that the Karabakh conflict is not like and similar to the Abkhazian, South Ossetian and Transnistrian conflicts. So, an option which is acceptable for one of them, cannot automatically be acceptable for others.

A reflection of this new approach can serve the announcement made by the American ex-Chairman of the OSCE Minsk group Perina, on 12 December, 2002. He stated that the problems of Abkhazia, South Ossetia and Transnistria, cannot be regarded from the point of view of their independence. Their settlement is possible within Georgia and Moldova.

But as for Nagorno-Karabakh, Perina announced that it's a quite different issue and for resolving it another approach and other kind of solutions, similar to that of the East Timor is necessary. As it is well known, East Timor, which was annexed by Indonesia, struggled for a

long period for secession and creation of its own independent state. International community and after all Indonesia itself, recognized the East Timor's right to state independence and it became the member of the United Nations. According to the Perina's conception the East Timor's model should be an acceptable one for the solution of the Karabakh problem.

The Karabakh problem was separated from the other ethnopolitical conflicts also by the US State Secretary Colin Powell in his speech at the 12th meeting of the Council of ministers of the OSCE member countries held in December 2004. On speaking about the regional conflicts, he stated that "The frozen conflicts in the rebellious regions of Georgia and Moldova and in Nagorno-Karabakh remain in frozen situation after 15 years the Cold War ended"²⁷¹.

So, Colin Powell did not include Nagorno-Karabakh in the category of "rebellious regions", as Abkhazia, South Ossetia and Transnistria. Those territories were mentioned as part of Georgia and Moldova, while Nagorno-Karabakh was mentioned under its own name and not as a part of Azerbaijan.

The Azerbaijani mass media, as Baku "Zerkalo" ("Mirror") and other newspapers, expressed an opinion, that "The US does not recognize Karabakh a part of Azerbaijan". For similar conclusion they used, among others, the fact of publication by the USA National Geographic Society a map, where the Karabakh was not included within Azerbaijan, but was represented as "disputable territory" along side with the North Cyprus, the Western bank of Jordan, Abkhazia and Ossetia²⁷².

"Yeni Zaman", another Azerbaijani newspaper from Baku, expressed the dissatisfaction of the Azerbaijani society that "the United States of America is the only country after Armenia, who on the governmental level directly supports the Karabakh Armenians" and it is recorded in the US budget²⁷³.

It is also noteworthy to underline the fact, as it was mentioned in the American mass media, that yet in 1970s in the CIA secret files was stated

²⁷¹ "Голос Армении", Ереван, 9 декабря 2004.

²⁷² See "Azg", Yerevan, December 22, 2004.

²⁷³ Ibid.

that "Nagorno-Karabakh is an Armenian historical territory and it always attempted by the legal way to unite with Armenia"²⁷⁴.

In conclusion we would like to indicate that now, unlike the 1980s–1990s, significant changes took place in the approach to the settlement of the Nagorno-Karabakh conflict.

Now more dominating principle is becoming the rejection of restoration of the old status quo, reestablishment of the Azerbaijani sovereignty and control over NKR.

In the contemporary world the self-determination right in the form of secession and state independence is paving way more successfully.

Nagorno-Karabakh, by its historical legacy, freely expressed the political will and long-lasting struggle of its people had deserved that right.

²⁷⁴ Ibid.

EPILOGUE

RECOGNITION OF NEW REALITIES – THE WAY TO THE SOLUTION OF KARABAKH ISSUE

Sixteen years have passed since the beginning of the national-liberation struggle of the Armenians of Artzakh-Karabakh against the Azerbaijani colonial rule, thirteen years since the proclamation of Nagorno Karabakh Republic and ten years after the cease-fire agreement. These data are unique and significant landmarks on the way of formation of new juridical, military and political realities both in the development of Karabakh issue and in the creation of new geopolitical situation in Southern Caucasus.

Juridical Realities

Neither historically, nor legally or politically Artzakh has ever belonged and could possibly have belonged to Azerbaijan, at least for the mere reason that till until 1918 in the history there has never been any republic named "Azerbaijan". The territory on which in 1918 for the first time was established the Republic of Azerbaijan in the history was known as Caucasus Albania, Aran, Shirvan, etc.

While Artzakh, as an integral part of Armenia, existed since times immemorial, as evidence numerous antique Greek, Roman and other sources, being the 10th province of Armenia

Since ancient times the population of Artzakh consisted of Armenians and its ethnic contents has not essentially changed during centuries. Armenians still were the overwhelming majority of the region's

population, more precisely they made 95% of Karabakh's population at the beginning of XX century.

Thus, according to the undeniable historical facts, till the beginning of XX century there has not existed any nation called "Aeries" and no state called "Azerbaijan". Mentioning of these facts is necessary not only for restoring the historical truth, but for understanding of the further development of events.

In the end of May 1918 the statehood of Georgia and Armenia was reestablished, and on May 28 of 1918 for the first time on the political map of South Caucasus appeared Azerbaijan as a new independent state. Paradoxical as it is, Azerbaijan right away represented its territorial claims to its neighboring countries, as to Georgia in terms of Saingilo (Zakatala and Kakhi), and to Armenia, laying claim to Karabakh, Nakhijevan and Zangezur. Thus on this very blank space arouse the Karabakh issue.

The new, inexperienced, but self-confident leaders of Azerbaijan together with their territorial claims for the neighboring countries turned to the League of Nations with an appeal of membership. Fortunately, they were to deal with competent people, who knew history. The Council of League of Nations on the very ground of territorial claims that Azerbaijan had for its neighboring countries - Armenia and Georgia, rejected Azerbaijan's appeal for membership to the League of Nations stating that "In present conditions the Charter of League of Nations does not allow membership of Azerbaijan to the League of Nations".

Thus the most authoritative international organization did not recognize the claims that Azerbaijan lay to Karabakh and the other territories, belonging to other countries, and on this basis refused to open its doors in front of it.

But that which the Musavat government of Azerbaijan did not manage to achieve, was promptly done by the Communist leaders of Azerbaijan in 1921.

It is necessary to dwell a bit on the elucidation of this issue, for it will help to understand how Karabakh came to be within the borders of Azerbaijan.

On November 29, 1920 Soviet power was established in Armenia, and on December 1 of 1920 the leader of the Revolutionary Committee of Azerbaijan Nariman Narimanov officially announced that Azerbaijan henceforth has no territorial claims to Armenia and Azerbaijan recognizes Karabakh, Nakhijevan and Zangezur as integral parts of Soviet Armenia. But later on the Azeri government abruptly changed its position claiming that Karabakh be annexed to Azerbaijan, motivating it with the statement that joining Karabakh to Armenia "may set anti-Soviet groups in Azerbaijan". This motivation, of course, is beneath criticism.

On July 4 1921 the Caucasus Bureau of Russian Communist Party, after considering the question, nevertheless, decided to join Karabakh to Armenia. But on the very next day, on July 5, after Narimanov's protest, it changed its decision and stopped at joining Karabakh to Azerbaijan, ignoring the protests of Armenian government.

Thus Karabakh was torn away from its Motherland Armenia and appeared under the foreign Azeri domination.

From the juridical point of view the decision of Bolsheviks as that of July 4 (in favor of joining Karabakh to Armenia), so that of July 5 (in favor of joining Karabakh to Azerbaijan) are illegal and illegitimate. Here we mean three circumstances.

First, in 1921 Russia, Armenia and Azerbaijan were still separate independent states. They were not yet united into one state - USSR. As it is known, the Soviet Union was formed on December 30 1922. Consequently, the Karabakh issue was not settled by Armenia and Azerbaijan themselves, but by a third country, in this case at Soviet Russia's bidding, which in accordance with the international rights did not have any rights or authority for this.

Disregarding this 'small' nuance, in the evaluation of the resolution of the Caucasus Bureau both Armenian and Azeri researchers erred, the Armenian side supporting the July 4 resolution, considering it the only just one, and the Azeri side that of July 5, 1921.

Second, the resolution on territorial problem was not adopted by a juridical organ, in the competence of which usually belongs reviewing these problems, but by a party organ, and not even the central one, but some provincial one, such as the Caucasus Bureau of Russian Communist

party. It's an unprecedented and unheard of phenomenon in the world experience.

Third, the will and the wishes of the Armenian nation of Karabakh were completely ignored. Making 95% of Karabakh's population, it many a times clearly and firmly expressed its political will to join Armenia and decisively spoke against being separated from the motherland-Armenia.

But the Bolshevik party bigwigs were guided only by other criteria, putting at the basis of their politics the principle 'divide and rule'.

The resolution of the Caucasus Bureau not only is illegitimate, but shocks with its illiteracy. Annexing Karabakh to Azerbaijan was 'substantiated' in the following way: "Issuing from the necessity to establish national peace between the Muslims and the Armenians...leave Nagorno Karabakh within the borders of Azerbaijani SSR". We may just as well ask, why Karabakh within the territory of Azerbaijan means peace, while the version of it being with Armenia is excluded? You will not find the answer to this question in the mentioned document.

Another circumstance draws attention. The text of the resolution literally points to the necessity of establishing peace between **"the Muslims and the Armenians"**. How can we account for using in one side an ethnonyme – Armenians, and in other side religious belonging – Muslims? This absurdity can evidently be explained by that the partner of Armenians, with which Armenia was to preserve national peace, did not have a definite national identity, did not have an ethnonyme, and the resolution-makers did not know how to call them. The nation was not yet called "Azeri" then, and the authors of the resolution came out of the situation with a dubious formulation "between the Muslims and the Armenians".

The period when Karabakh was under the domination of Azerbaijan was one of the hardest one in its history. If we sum up the quintessence of Azeri policy towards Karabakh, we will come up with de-armenization of Karabakh through driving away the Armenians, which they succeeded in doing in Nakhijevan. Such policy bore deathly danger for the Armenians of Karabakh and they, naturally, confronted it by all means.

And before concluding reviewing the juridical aspect of Karabakh issue, we think it necessary to dwell once more on elucidating one of the characteristic traits of national liberation movement of Karabakh.

The Karabakh movement was from the very beginning put on the legal constitutional ground, that is its leaders did not throw a war-cry, but strived to solve the Karabakh issue via and in the frames of Soviet Constitution. Proceeding from this the extraordinary session of People's Soviet of deputies of Nagorno Karabakh Autonomous District, upon deciding on February 20 1988 on withdrawing from Azerbaijan SSR, appealing to meet their request on joining Armenia and the Presidium of Armenian SSR to come to a positive resolution on transferring Karabakh from Azerbaijan to Armenia.

The direct reaction of Azeries to this decision were massacres of Armenians which shocked the whole world by their cruelty and inhumanness.

The government of Soviet Union and Azerbaijan refused Karabakh's request as "unacceptable". What regards Armenia, it agreed upon accepting Karabakh as its part.

But disregarding this circumstance, and the proceeding massacres of Armenians in Sumgait, Gyanja, Baku and in other cities and regions of Azerbaijan, the leaders of Karabakh movement remained true to the policy of solving Karabakh issue on constitutional ground. This is evidenced by their attitude towards the law on the rules on the Soviet republics to withdraw from USSR by the Decree of the President of USSR M. Gorbachev from April 3 1990. It's a document of historical significance, on the basis of which the former Soviet republics exercised their right on being independent and thanks to which their independence got international recognition so soon and easily.

The USSR President Decree from April 3 1990 had a special article on the rights of autonomous entities in case of withdrawing from the Soviet Union. According to the article 3 of the mentioned law, withdrawal of a soviet republic from the USSR could be implemented only through national referendum. And if the given soviet republic includes autonomous republics, districts and regions, the referendum should be held in each autonomous entity separately. And only the nation of the autonomous entities is competent to decide independently the question of its further being a part of USSR or withdrawal from it, as well as its state status.

On the basis of this fundamental law Azerbaijan declared itself independent on August 30 1991.

On the basis of the same fundamental law, the joint session of Soviet of deputies of Nagorno Karabakh Autonomous District and Shahumyan region on September 2 1991 announced separation from Azerbaijan and declaration of Nagorno Karabakh as Republic. The mentioned decision is legally substantiated and legitimate.

First, it was based on a Constitution that still functioned in the Soviet Union, and on the USSR President Decree of April 3 1990, being the only legal document, regulating the order to withdraw from the USSR, and from Soviet republics.

Second, it was in full harmony with the principles and spirit of the nation's right on self-determination, being one of the fundamental basis of contemporary international law.

Third, according to the Declaration of Independence on August 30 1991 Azerbaijan regards itself not the successor of Soviet Azerbaijan, which included also Nagorno Karabakh Autonomous District since 1921, after the illegal and arbitrary decision of Caucasus Bureau, but the first Republic of Azerbaijan, existing in 1918-1920. And Karabakh, as is known, has never been its part.

Thus, the essence of legal realities is that Azerbaijan has not any historical, legal-lawful and moral rights on Artzakh-Karabakh.

Recognition by the Azeri leaders these legal and factual realities will allow to cope with the Karabakh conflict through peaceful, political and civilized methods.

Military Realities

Azerbaijan did not recognize the competitiveness of declaration NKR and on November 26, 1991 annulled the autonomous status of Karabakh, establishing direct management. Azerbaijan's decision was qualified as "unconstitutional act" by the mission OSCE, which was proceeded by military action. Azerbaijan launched a real wide-scale war against Karabakh and its Armenian population. The military actions, that

went on till May 1994 became great tragedies for the two neighboring nations. Both sides suffered great losses - human and material.

At the end Azerbaijan lost the war. The Armenian nation of Karabakh came out of the war victoriously, managing to uphold the liberty and independence of the young Nagorno Karabakh Republic.

The victory of NKR essentially changed the military situation in the region and formed new military realities, which neither Azerbaijan, nor any other force involved in the conflict could any longer ignore.

First, the military success of Karabakh army forced Azerbaijan sign an agreement on ceas-fire with the representatives of NKR.

Second, NKR became a significant military factor, promoting the appearance of new military realities in favor of NKR.

Third, according to the competent foreign authorities' assessment, the NKR army and the Armenian army together are considered to be the strongest, best-organized, disciplined and well-armed army in the South Caucasus region. Mentioning of it is necessary especially now that not only Azeri servicemen, but also first rank government officials hint on their intention to resolve the Karabakh issue by force of arms. Sometimes things come to hysteria.

In this regard it is well to say that Baku should consider carefully all the possible outcomes of new military ventures and keep in mind that if they unleash a war, it will hardly turn out a parade march for the Azeri army, which is still recovering from the recent military defeat.

Ignoring the outcomes of the war and demanding the Azeri side to restore its jurisdiction upon NKR, would mean to present Karabakh on the tray to the defeated side. As far as we know no such action has been registered in the history. Ambassador Nelson Ledski, former head of US National Institute of Democracy is quite right writing that "No doubt Armenians successfully finished this war. The Azeri side should admit that it has lost something'.

Consequently, recognition of new military realities, as well as legal ones, will form a new political atmosphere and promote the denial of any illusions and the adoption of realistic decisions on the Karabakh issue.

Political Realities

Nagorno-Karabakh Republic is a de-facto independent state. In the present case it doesn't really matter that it has not yet been granted international recognition. It was borne due to the victory in the struggle for existence and liberation and on the basis of the right for self-determination with implementation of all legal and juridical mechanisms, such as referendums, elections and so on, adopted within the contemporary civilized societies. This state has its own territory, population, President, government, parliament and other power bodies, its State Emblem and flag, it functions pretty well, no worse than other governments, preserving order within the country, the rights and duties of its citizens.

The emergence on the political map of the South Caucasus NKR, a new de-facto independent state, caused significant modifications in political composition and arrangement of forces in the region. International or de-jure recognition of NKR could be still postponed, but NKR as a state can no longer be ignored or disregarded as a political factor. NKR became an organic part of political structure of the South Caucasus, influencing upon its political climate. That's a political reality.

But the phenomenon of NKR, as a new political factor, is not confined within the frames of South Caucasus. Its existence as the second Armenian state definitely influences also upon the policy of neighboring countries - Iran, Turkey and Georgia, each of which has its own interests in the region, and understands the significance of NKR as military and political factor, applying it in its policy in Caucasus.

Minks group of OSCE with its three co-chairmen - the USA, Russia and France, as well as EU and UN are on the verge of solving the Karabakh issue.

Various international organizations, such as humanitarian, public, health protecting, cultural, educational, etc. contact with NKR. All these certify to the recognition of new political reality emerged with the formation of NKR, and that NKR is not at all isolated from the external world. NKR firmly moves towards international recognition, that sooner or later will fully come true.

And this cannot be denied under the pretext of preserving territorial integrity of Azerbaijan. Nobody is infringing on territorial integrity of Azerbaijan. But when regarding this point, the following should be taken into consideration.

First, the principles of territorial integrity and the right on self-determination are two fundamental principles of the contemporary international law. Their confrontation is absurd and no contradictions can be between them. These two principles are equivalent in strength and none has priority over the other, as it is stated in the Helsinki declaration. It proceeds that to every conflict a concrete, individual approach should be applied.

Second, Karabakh has never been a part of independent Azerbaijan. Only for a very short period it was by force put under Azerbaijan domination, which has not had and does not have any historic, juridical political and moral rights on it. Consequently, secession of Karabakh from Azerbaijan by the constitutional way does not violate its territorial integrity. This principle should be applied there and in those cases, when it is really infringed. The nation of Karabakh just exercised its self-determination right.

Third, as world practice shows, the principle of preserving territorial integrity has never been absolutised, of which evidences the whole period after the Second World War, which gives many examples of separation and formation of new states, recognized by international community, which later became UN members. To this category belong Bangladesh, Singapore, Eritrea, and a fresh example, Eastern Timor, which became the 190th member of UN.

Typologically NKR belongs to this category of states. Formation of NKR cannot be looked at as violation of territorial integrity of Azerbaijan, and its admission as the 191st member of UN is in full harmony with the international practice, spirit and letter of the existing principles.

So, it may be stated that the new historical conditions, the new juridical, military and political realities, the new distribution of forces and the geopolitical situation in the South Caucasus, dictates a new approach

to the solution of Karabakh issue. It is based on the following fundamental principles;

First, on the denial of reestablishing of the old status, existed till 1988, and restoration of Azeri jurisdiction on NKR. NKR has to be out of Azeri jurisdiction in any form.

Second, the relations of Republic of Azerbaijan and Nagorno Karabakh Republic should be as equal with equal with no element of subordination.

Third, the modifications in regards of the de facto independent status of NKR could only be in the direction of its de jure independence.

Forth, NKR is already finished with its enclave situation and can no longer be put in it. It should be permanently and directly connected by overground and air communication with Armenia, especially in case the version of unification of Karabakh with Armenia doesn't work.

Fifth, ensuring of the security of NKR on international guarantee should be added to the above mentioned.

All these issues can be solved behind a table of negotiations, and NKR should be their equitable participant, for the young Karabakh state is not an object, but is a subject of negotiations.

NKR is already a democratic state devoted to the European ideals. Its further consolidation would mean triumph of European values in one of the South Caucasus states, consequently, on the whole South Caucasus geopolitical area.

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NIKOLAY H. HOVHANNISYAN
THE KARABAKH PROBLEM

THE THORNY ROAD TO FREEDOM AND INDEPENDENCE

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