





Ministry of Diaspora  
of the Republic of Armenia



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# **NAGORNO KARABAKH CONFLICT**

*THIRTY-THREE POLITICAL AND LEGAL FACTS  
AND ARGUMENTS*

*Yerevan - 2012*

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CONFLICT:**

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***The global danger of recognition of the Azerbaijan  
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masking the occupation of territories and genocide.***

***The recognition of the Azerbaijan Republic by  
the Great Powers within territories not legally  
belonging to it became a kind of permission for it to  
start a war against the Nagorno Karabakh Republic  
in 1992.***

## TERRITORIAL ISSUES IN THE HISTORICAL AND LEGAL CONTEXT OF THE NAGORNO KARABAKH CONFLICT

**Argument I:** There exists no single legal argument or any other document, which could serve as a ground for the contemporary Azerbaijan Republic's (AR) claims to Nagorno Karabakh (NK). There is not a single norm of international law, either a treaty on NK, or a USSR Law, which could cast doubt on the legitimacy of the establishment of the Nagorno Karabakh Republic (NKR). In terms of international law, the establishment of the NKR is impeccable.<sup>1</sup>

**Argument II:** The Nagorno Karabakh Autonomous Oblast\* (NKAO) was de facto withdrawn from its subordination to Baku in 1989, under the USSR,<sup>2</sup> when a special form of administration was introduced in the region. That was the last status of the region under the USSR.

**Argument III:** In 1991, the NKR appeared on the political stage, as the successor to continuously existing Armenian independent and semi-independent state entities such as Principality of Khachen, the Karabakh Melikdoms,\*\* the Karabakh Khanates and the NKAO, the latter having been formed as a Soviet-style national state-like entity.

\* Oblast - Russian word for "region"

\*\* Melikdom - Medieval Armenian principality in Karabakh

Historically Nagorno Karabakh has never been part of any independent state named "Azerbaijan" or any geographical territory bearing that name.

**Argument IV:** With the August 30, 1991 declaration "On the Reestablishment of State Independence of the Azerbaijan Republic"<sup>3</sup> and the constitutional act "On State Independence of the Azerbaijan Republic",<sup>4</sup> dated October 18, 1991, Baku refused the legal succession of the former Azerbaijan Soviet Socialist Republic (AzSSR). Instead, the statehood of the Azerbaijan Democratic Republic (ADR) that had appeared on the world map in 1918 as a result of Turkish military intervention was reestablished there. The ADR's appeal for membership in the League of Nations<sup>5</sup> had been declined and it left the historical stage without recognized borders.

**Argument V:** In a purely legal sense, in 1991, the AR seceded from the USSR without Nakhichevan and Nagorno Karabakh, since they were not part of the country, the legal successor of which the AR had become. In 1991, the AR had no legal right to declare its independence within the borders of the AzSSR, as a result of its refusal of the legal succession of the AzSSR.

**Argument VI:** In 1991, the AR could not have obtained independence within the borders of the former AzSSR, even in the case of becoming the legal successor of the AzSSR.

Azerbaijan was the only republic among the former Soviet republics that at the time of the dissolution of the USSR had territories within its borders subject to international treaties and resolutions equated to them,<sup>6,7,8,9</sup> which barred Baku from declaring independence within the borders of the former AzSSR. One such treaty is the multilateral Treaty of Kars, signed in 1921,<sup>8</sup> which barred Baku from spreading its sovereignty over Nakhichevan, a territory placed only under the *patronage* of the AzSSR.

**Argument VII:** During the dissolution of the USSR, the AR did not declare its borders, although it should have done so when it refused the legal succession of the AzSSR. Consequently, the AR reestablished a statehood that had no legitimately recognized borders. From the legal point of view, this circumstance renders impossible the application of the principles of territorial integrity and inviolability of frontiers towards the AR.

**Argument VIII:** In September-December of 1991, before the international recognition of the AR, (it was admitted to the UN in March 1992) the NKR had been established in and now controls territories not belonging to the AR. In 1991, the people of Nagorno Karabakh declared their independence not by a sudden act of self-determination but through the advancement of Nagorno Karabakh's status as a national state-like entity.

**Argument IX:** Recognized already as part of Soviet Armenia, Nagorno Karabakh was annexed to the AzSSR by a July 5, 1921 decision of the Caucasian Bureau of the Russian Communist (Bolshevik) Party (RCP[B]). In this way, Bolshevik Russia aimed to realize its plans of exporting the "red revolution" to the Muslim East. As opposed to the July 4, 1921 decision of the same bureau, which resolved the issue in favor of Soviet Armenia, the decision of July 5 was never debated or put to a vote, as required by protocol. That body of the RCP(B) had no right to resolve territorial issues of third-party countries, as the USSR was not yet established as a unified state. It was an occupation of Nagorno Karabakh. In the Soviet years, the decision was equated with an interstate treaty. By the decision of the Caucasian Bureau, Nagorno Karabakh as a whole should have been granted wide regional autonomy.<sup>9</sup> However, by a decree of July 7, 1923,<sup>10</sup> Baku violated the already illegal decision of the Caucasian Bureau and established the autonomous oblast on only a part of the Nagorno Karabakh, thus excluding most of the region's territory (Karvachar, Kashatagh, Shahumyan, Kovsakan, etc.). Pursuant to the 1921 decision of the Caucasian Bureau, all the territories currently under the jurisdiction of the unrecognized Nagorno Karabakh Republic should have been included in the Autonomous Oblast of Nagorno Karabakh (AONK) (this was the initial name of the region and the name itself denotes that the whole of geographic Nagorno Karabakh should have been granted autonomy). The northern

and central parts of Nagorno Karabakh (Shahumyan, Khanlar, Dashkesan, the mountainous part of Shamkhor region) are the territories that despite the Caucasian Bureau's decision were withdrawn from the AONK, which in 1936 was renamed the NKAO - Nagorno Karabakh Autonomous Oblast. The new name indicated directly that the oblast was established only on a part of NK, violating the already illegal decision of the RCP[B]. Hence, the common assumption put forward by Baku and widely circulated by the OSCE that Armenians occupied territories around Nagorno Karabakh and created a security (buffer) zone is erroneous. Today, the NKR does not control territories beyond or around Nagorno Karabakh.

**Argument X:** In March 1992, the Azerbaijan Republic was admitted to the UN within the administrative territory of the former AzSSR, and it is now recognized within these borders. However, the political act of recognition of the Azerbaijan Republic does not deprive the legal documents concerning Nagorno Karabakh and Nakhichevan of their legal force.

**Argument XI:** In terms of the legal grounds of the issue, it is not Yerevan or Stepanakert that has occupied territories, but rather Baku that has occupied Armenian territories. These are the central and northern parts of Nagorno Karabakh, which despite the decision of the Caucasian Bureau, were not included in the AONK/NKAO. It is also Nakhichevan, as the

legal fact of its occupation ensues from the multilateral Treaty of Kars signed in 1921. By its occupation of Nakhichevan, Baku has sealed for Europe the leading route to Asia. In terms of international law and the legal grounds of the issue, fair and lasting peace could be established only if Baku, Yerevan, and Stepanakert agree to the following formula of conflict settlement: the parties pledge to free the territories, which are considered occupied in terms of the legal grounds of the issue.

**Argument XII:** Recognition of the NKR has nothing to do with the territorial integrity of the AR merely because from the legal point of view the territory of Nagorno Karabakh does not belong to the AR.

**Argument XIII:** In 1920, the former AzSSR was established as a multinational republic and not a national one, which until the 1930s did not have a titular nation and was the only such republic among the other Soviet republics. Armenians of the eastern South Caucasus were viewed as one of the founders of the new multinational (not national) republic. The fact that the AzSSR was founded as a common state of Muslims and Armenians was emphasized in almost all political documents of the 1920s. This is reflected in the political motivation of the Caucasian Bureau's decision, the text of which reads, "Realizing the need for national peace between the Muslims and Armenians ...". In 1998, the OSCE

Minsk Group reverted to that idea of a common state and received a sharp refusal from Baku.

**Argument XIV:** Because of the politicization of the issue, neither the Minsk Group, which has been conducting the negotiations over Nagorno Karabakh for nearly two decades, nor the UN or any other authoritative international organization has to date a "legal folder on the Nagorno Karabakh conflict"

**Argument XV:** By recognizing the AR in 1992 within the borders of the former AzSSR, the OSCE formulated its vision of the Nagorno Karabakh conflict as an issue of NK's secession from the AR, although from the legal point of view, the territory of Nagorno Karabakh did not belong to Azerbaijan. Thus, the OSCE presented recognition of the NK people's right to self-determination as the most favorable possible solution for the Armenian party despite the fact that the NK people's right to self-determination had been recognized long before. Baku recognized it by its declaration of December 1, 1920,<sup>11</sup> in connection with the establishment of Soviet rule in Armenia (a day earlier the AzSSR had recognized Nagorno Karabakh as an inseparable part of Soviet Armenia). The Caucasian Bureau, which later illegally annexed NK to the AzSSR, nonetheless recognized the right of the Nagorno Karabakh people to a Soviet-style national statehood. The right to self-determination was also

recognized by the USSR Law of April 3, 1990,<sup>12</sup> which authorized autonomous entities and compactly settled ethnic groups to independently decide their national and political status in case of disintegration of the Soviet Union, even up to independent statehood. The US Congress, in fact, recognized the NK people's right to self-determination in a November 1989 joint resolution (S. J. RES. 178) "To express United States support for the aspirations of the people of Soviet Armenia for a peaceful and fair settlement to the dispute over Nagorno Karabakh". At the time when the Soviet Union was a union state the delicate wording on the just settlement of the conflict "which fairly reflects the views of the people of the region" was nothing else but recognition of the people's right to self-determination. Thus, the right of the Nagorno Karabakh people to self-determination was recognized on numerous occasions. One has but to respect it. Instead, Baku offers wide autonomy to NK - something Nagorno Karabakh has had since 1921.



**SUMGAIT AND THE KARABAKH WAR AS A  
CONTINUATION OF THE TURKISH POLICY OF  
ARMENIAN GENOCIDE IN THE  
EASTERN SOUTH CAUCASUS**

**Argument XVI:** In 1915-1923, Turkey implemented its policy of genocide not only in Western Armenia, but also outside its borders, including in the eastern South Caucasus. In 1918, the Turkish regular army perpetrated widespread massacres of Armenians on its way to Baku.<sup>13</sup> The Turks presented an ultimatum to the Armenians defending Soviet Baku to surrender the town. The latter had to make a choice, not between socialism and capitalism, but between genocidal Turkey and Soviet Russia. After the occupation of Baku, the overthrow of the legitimate authorities, and the handing-over of power to the local Turks (Caucasian Tatars), the Turkish Army and the local Turkish gangs killed more than 30,000 Armenians in Baku.

The establishment by Turkey of the Azerbaijan Democratic Republic in 1918, amid the turmoil of the First World War, was nothing more than the creation of a new Turkish state outside its borders, on the historical lands of other nations. This was later repeated in Cyprus, by establishing the "Turkish Republic of Northern Cyprus".

**Argument XVII:** The ADR, which was not recognized de jure by the League of Nations, was overthrown on April 28, 1920 by the 11th Army of Soviet Russia, which "founded" the Azerbaijan Soviet Socialist Republic. At the end of the 1920s, in line with the Bolshevik plans to export socialism to the East through the multinational (not national) AzSSR, power was transferred to the Caucasian Tatars (local Turks), who later acquired a new ethnonym by "becoming" Azerbaijanis. Caucasian Tatars had become the titular nation of the AzSSR by a mere technical change in their name. The name of the republic itself is a name taken from the northern province of Iran, the historical Atropaten ("Atrpatakan" in Armenian sources).

**Argument XVIII:** The change in the name of the Caucasian Tatars (i.e. becoming *Azerbaijanis*) did not change the status of Armenians as one of the founding peoples of the AzSSR. They remained one of the founding nations of the republic because not only had the AzSSR been established as a "common union state" of Muslims and Armenians,<sup>14</sup> but also because from the legal point of view, the AONK was established within the AzSSR as a Soviet-style national state-like entity.

**Argument XIX:** During the Soviet period, the Turks who had been renamed Azerbaijanis and had taken political power in the AzSSR pursued a masked and sometimes overtly

aggressive nationalistic policy. In the 1980s, the Muslim Lezgins, Talysh, Tats, and Kurds disappeared from the ethnic map of the AzSSR. They were either forcibly assimilated or to avoid persecution, entered a kind of "national underground". During the same Soviet period, Armenians were also forced out of the republic due to economic and political persecution. During the Turkish intervention, widespread massacres of Armenians were also perpetrated in Nakhichevan. Although the Kars Treaty envisaged the return of Armenians to their homeland, this was banned under Soviet rule, and in the 1980s, the remaining Armenians were forced out of Nakhichevan. Thus, Soviet Azerbaijan completed the genocide of Armenians in Nakhichevan, which Turkey had started in 1918. It was genocide of an indigenous people carried out in a protected territory by the protecting state itself. This is a unique case in the history of the 20th century.

**Argument XX:** In February 1988, in response to the political demand of the people of Nagorno Karabakh to reunite with Armenia, Baku perpetrated the Sumgait massacres. Later, widespread violence and massacres continued in Khojalu, Shushi, Baku, Kirovabad, and other Armenian-populated areas. During the whole of the twentieth century and especially during the years of dissolution of the Soviet Union, the policy that was implemented against the Armenians of Azerbaijan was, in fact, a crime against humanity, realized in tune with the same Turkish policy of

Armenian Genocide, regardless of the fact that it has not yet received adequate international acknowledgment. Moreover, the world is silent about it. Some facts from the timeline of implementation of this policy:

- 1918** – The Turkish regular army puts dozens of Armenian villages to the sword on its way to Baku;
- September 1918** – The Turkish regular army and Turkish gangs slaughter more than 30,000 Armenians in Baku;
- March 1920** – Armenian-populated Shushi and surrounding villages are burned down;
- February 1988** – Sumgait massacres;
- January 1990** – Pogroms against Armenians in Baku;
- April 1992** – Slaughter of the peaceful population of the village of Maragha in the NKR.

The AR refused to be the successor of the AzSSR in order to dodge the responsibility for these acts of genocide. If Nagorno Karabakh had legally belonged to the Azerbaijan Republic, then the international community and, foremost, civilized Europe, would have demanded its withdrawal from the jurisdiction of genocidal Baku. Today, the opposite is being done. The Minsk Group of the Organization for Security and Co-operation in Europe (OSCE) is trying to entrust NK to a republic where the concepts of "patronage" and "jurisdiction" are understood as the right to organize genocide.

**Argument XXI:** The main victims of the Nagorno Karabakh conflict are the Armenians who were exiled from their ancestral lands in the eastern South Caucasus, Nakhichevan, and central and northern Artsakh. To date, no segment of the former AzSSR Armenians has received any moral, material, or territorial compensation. Some refugees are located in the liberated regions (Karvachar, Kashatagh [Lachin], Kovsakan), which pursuant to the 1921 decision of the Caucasian Bureau, should have been part of the AONK and are now under the legal control of the NKR.

**Argument XXII:** The genocide of the Armenians of Azerbaijan exposed the following typical reality of Turkish political culture - wherever Turks managed to establish their statehood, they carried out a policy of forcible assimilation of the natives. Whenever they faced insurmountable resistance, they implemented a policy of physical annihilation, as was openly implemented in the 19th century against the Armenians in Western Armenia. In the 1970s, the same policy was carried out in the occupied Northern Cyprus. The same style could be seen in the ADR, which was founded by Turkey and later in the AzSSR and in Nakhichevan. Because of this historically formed political behavior, statehood has become a tool of genocide in the hands of the Turks. This can explain the fact that nearly all indigenous peoples have disappeared from the multinational map of the eastern South Caucasus. Many of them are still wary of coming out of the "national underground", where they found themselves during the Soviet years.

## THE NAGORNO KARABAKH CONFLICT IN THE TRAPS OF THE POLITICAL GAMES OF THE GREAT POWERS AND EUROPE

**Argument XXIII:** In the context of the dissolution of the Soviet Union, the issue of Nagorno Karabakh was first politicized by the United States. In November 1989, the US Congress passed a joint resolution, which called for "encouraging Soviet President Gorbachev to engage in meaningful discussions with elected representatives of the people of Nagorno Karabakh regarding their demands of reunification with the Armenian homeland...; promoting in its bilateral discussions with the Soviet Union an equitable settlement to the dispute over Nagorno Karabakh, which fairly reflects the views of the people of the region...". It was evident that the US was morally supporting the liberation movement of the Nagorno Karabakh people. Two years later, when the dissolution of the Soviet Union was inevitable, and from the point of view of the West, Nagorno Karabakh had already played its role as a detonator in the collapse of the USSR, the US announced that it intended to recognize the newly independent states within the borders of the former Soviet republics. The wording "to assist the just settlement of the conflict around Nagorno Karabakh that would truly reflect the views of the region's people" was forgotten, although the problem was still the same.

**Argument XXIV:** The conflict was also politicized by Europe, which was interested in the rapid dissolution of the Soviet Union. Today, Europe also shows a lack of principles in its evaluation of the conflict. The following are two diametrically opposed documents adopted in Europe. The first one is Resolution 42/165 adopted by the European Parliament on January 21, 1993, which not only expressed concern about the dramatic situation of 300,000 Armenians forcibly exiled from Azerbaijan and mentioned that the OSCE should make an effort to start negotiations between Baku and NK authorities, but it also stated that through its harsh blockade Baku was trying to involve Armenia in the military conflict. The second document is Doc. 1416, adopted on January 5, 2005 by the Parliamentary Assembly of the Council of Europe (PACE), which ignored the plight of hundreds of thousands of forcibly exiled Armenians from Azerbaijan and indirectly accused Armenia of occupying the territories of a neighboring state. This was despite the UN Security Council Resolution 822, which mentioned that the “local Armenian forces” had broken the blockade and seized control of the surrounding regions.

**Argument XXV:** The issue was also politicized by Russia, which during the dissolution of the Soviet Union was facing the threat of an uncontrolled collapse. The “legal powder keg” was the law adopted by the USSR on April 3, 1990,<sup>15</sup> which authorized autonomous entities and compactly settled ethnic groups within a Soviet republic to freely and

independently decide their own legal status (up to outright independence), in case of secession of the Soviet republic from the USSR. In order to deter its autonomous republics from possibly making use of the Law of April 3, 1990, Russia did not participate in the “parade of independence” of the Soviet republics in 1991, and only in December of the same year, together with Belarus and Ukraine, did it found the Commonwealth of Independent States (CIS) on the remnants of the Soviet Union. It is obvious why any mention of the Law of April 3, 1990, was not in Russia’s interests. Western countries and especially the US, which were interested in the peaceful and quick dissolution of the Soviet Union and were afraid of possible resistance from Moscow, hurried to announce that they would support the territorial integrity of Russia, and that in the post-Soviet space, they would recognize the newly independent states within the borders of the former Soviet republics. By accepting the condition, Moscow backed the position of the West on the issue of recognizing new states within Soviet borders. It is clear that this has directly affected the settlement of the Nagorno Karabakh conflict, as Russia itself was directly linking the independence of NK with the USSR Law of April 3, 1990. Amidst the turmoil of the dissolution of the Soviet Union, it went unnoticed that the NKR had declared its independence on a different and legally more powerful basis than the USSR Law of April 3, 1990. The NKR established its independence in territories not belonging to the AR, without seceding or

withdrawing from it. It is difficult to imagine that decades after those events, the USSR Law could jeopardize post-Soviet Russia (especially when the latter did not declare its secession from the USSR and remained its successor). However, even today, the inertia of the 1990s is still in place and the misleading opinion dominates that Nagorno Karabakh has made use of only the USSR Law of April 3, 1990 and seceded from the AR. The reality is that as soon as Baku refused the legal succession of the AzSSR and restored the statehood of the ADR, Nagorno Karabakh obtained the status of a territory to which the Azerbaijan Republic ceased to have any legal relation.

**Argument XXVI:** The main obstacle facing the current conflict resolution processes, including that of Nagorno Karabakh, is not the contradiction between the principles of self-determination and territorial integrity of states “invented” at the end of the 20th century. The authors of this “invention” represent the US and those European countries, which by the adoption of the Helsinki Final Act, decided that the borders, which appeared as a result of the Second World War, represent the end of self-determination processes in Europe and that these borders are inviolable. At the end of the 20th century, the reunification of Germany, the division of Czechoslovakia, and the collapse of Yugoslavia showed that this idea could not stand the test even in Europe. Self-determination continued to change the borders in Europe

despite their declared inviolability. It is interesting that Europe did not see a link between these changes in borders and the principle of self-determination and did not name them as such. All countries with autonomous entities or national groups that strive for self-determination began to consistently ignore this important principle. It should be noted that nearly all European countries have such issues. In 1991, the West tried to put forward the principle of inviolability of frontiers in the post-Soviet space by considering inviolable those borders, which were drawn illegitimately by Stalin during Soviet rule. The recognition of the newly independent states within illegitimate borders gave rise to a new and rougher interpretation of the principle of territorial integrity. First, the thesis of equality between the principles of territorial integrity and self-determination was circulated. Later it was argued for the supremacy of the former over the latter, although it was evident that in that case the principle of self-determination would become senseless, unviable, and redundant. Meanwhile borders in Europe and elsewhere continued to change despite the statements made on the supremacy of the principle of territorial integrity over the principle of self-determination. However, the Great Powers persist in not linking these changes to the principle of self-determination. By recognizing the independence of Kosovo, both Europe and the United States have diligently distanced themselves from the principle of self-determination and dubbed Kosovo “a special case”; Russia

recognized the sovereignty of South Ossetia and Abkhazia, not in the context of the principle of self-determination, but rather by justifying this action as its intention to save those peoples from genocide.

**Argument XXVII:** The real obstacle that the NK conflict settlement process faces is not the contradiction between the principles of territorial integrity and self-determination, but the existing contradiction between the political act of recognition of the AR within the borders of the former AzSSR and the legal grounds for such recognition. That is why the OSCE does not touch upon the issues of legitimacy of the NKR and the legal grounds for the recognition of the AR within the AzSSR borders. Were the issue studied as such, it would reveal that Europe had contradicted the declared principles of international law and recognized the Azerbaijan Republic within borders not belonging to it. And today the OSCE is trying to transfer under Azerbaijani jurisdiction the Nagorno Karabakh Republic - a state that has established itself impeccably from the legal point of view. This is in fact a policy of encouragement of genocide carried out by a Europe that has continuously stood out for its commitment to all human values and ideals.

**Argument XXVIII:** The global danger of recognition of the AR within illegitimate borders (i.e., in the borders not belonging to it) is the perversion of the principle of territorial integrity. With the "Azerbaijani precedent," the principle of

territorial integrity turns from a principle of stability and peace into a tool for masking the occupation of territories and genocide.

**Argument XXIX:** In 1992, when the West recognized the Azerbaijan Republic with Nagorno Karabakh as part of it, it led the settlement process into a trap, a deadlock, which could rightfully be named the "self-determination deadlock", where the principle of territorial integrity acts as an irremovable lid over the deliberately misrepresented principle of self-determination. A completely distorted picture of the conflict was created, according to which the people of Nagorno Karabakh have to struggle for secession from the AR, while from the legal point of view Nagorno Karabakh is not part of the AR. However, the distortion of the problem does not end here. If the immediate legal grounds of the issue are ignored, then the NK people's right to self-determination would be reduced to the self-determination of the NKAO, leaving out of consideration the fact that the NKAO's borders were drawn by Baku in violation of the Caucasian Bureau's decision, leaving the southern, northern, as well as western parts of Nagorno Karabakh outside of the borders of the NKAO. In fact, only some of them have been liberated by the NKR. Furthermore, the issue of the Azerbaijani Armenians who were driven away from their historic places of residence will also be left out of the discussion. Instead, the issue of the return of the Azerbaijani "refugees" that have participated in the blockade, the pogroms

and the war enforced by Baku against the NKR, would be raised (as it is envisaged by the Basic Principles proposed by the OSCE Minsk Group).

**Argument XXX:** The recognition of the AR by the Great Powers within territories not legally belonging to it became a kind of permission for it to start a war against the NKR in 1992. In 1991, it would have been enough for Europe and the Great Powers to announce that the conflict would be resolved based on the legal aspects of the issue, for the war to be prevented. Recognition of the AR within the AzSSR borders, ignoring the legal aspects of the issue, became, in fact, the reason for the Nagorno Karabakh war.

**Argument XXXI:** Baku consistently tries to circulate the argument that recognition of the NKR will endanger the energy projects in the region. Perhaps at the beginning of the 1990s it was a convincing argument for experts that were not well-informed about the conflict. However, after the exploitation of the Baku-Tbilisi-Ceyhan (BTC) pipeline, it became evident that recognition of the NKR did not hinder the regional economic projects. BTC has shown that the international community has to deal with the issue of suppressing the AR's ambitions of expansion. That is all. In reality, Baku cannot threaten the West with the "oil weapon" as the former is more interested than anyone in the exports of Caspian oil.

**Argument XXXII:** It has already been 15 years that the trilateral negotiations have been substituted by consultations of the presidents and foreign ministers of Azerbaijan and Armenia. Yet the people of the NKR have not given a mandate to any of them to sign any document on Nagorno Karabakh.

**Argument XXXIII:** Parallel to the negotiations held by the Minsk Group, negotiations on the NK conflict have also been held since 2001, in the framework of public diplomacy under the auspices of the Russian-American Dartmouth Conference. In 2006, the participants of the conference – public figures from Nagorno Karabakh, Azerbaijan, and Armenia – agreed on a document,<sup>16</sup> where a new approach to conflict resolution was offered. The Co-Chairmen of the Conference H. Saunders (US) and V. Naumkin (Russia) presented it to the authorities of the AR, the NKR, and the Republic of Armenia, to political and public circles, and to the Minsk Group. The jointly worked-out document reads that the solution to the conflict should start from building confidence between the parties, the termination of aggressive campaigns, and the creation of an atmosphere of mutual tolerance, i.e., from the peace process. The argument behind the proposed thesis is that not a single document will acquire legal power without the conciliation of the peoples involved in this conflict.

**P.S.: QUESTIONS TO WHICH ORDINARY CITIZENS  
OF THE NKR CANNOT FIND ANSWERS AS THEY  
FOLLOW THE NEGOTIATION PROCESS LED BY  
THE OSCE MINSK GROUP**

**Question I**

What is negotiated at the OSCE Minsk Group if historically, legally, and factually, Nagorno Karabakh does not belong to Azerbaijan?

**Question II**

How many times does the right to self-determination have to be acknowledged for this right to be realized?

The question arises due to the fact that the Nagorno Karabakh people's right to self-determination has been acknowledged on numerous occasions. Baku acknowledged the NK people's right to self-determination in 1920 in a declaration on the establishment of Soviet rule in Armenia. Furthermore, Baku acknowledged the right to self-determination in 1990, voting for the adoption of the USSR Law "On the Procedure of Resolving Issues Related to the Withdrawal of a Union Republic from the USSR". All former Soviet republics, including the Russian Federation, which is the successor of the Soviet Union, voted for this law. In 1989, the United States confirmed its positive attitude to the Nagorno Karabakh people's self-determination in a

Congress Joint Resolution (S. J. RES. 178) calling on the US Administration to "promote in its bilateral discussions with the Soviet Union an equitable settlement to the dispute over Nagorno Karabakh, which fairly reflects the views of the people of the region". Finally, in 1991, when Armenia declared independence within its Soviet borders, suspending the December 1, 1989 "Joint Resolution on Reunification" of the Armenian and Nagorno Karabakh leaders, it believed that the key to the NK conflict settlement was in acknowledging the NK people's right to self-determination. Even if the issue is viewed in the context of the right to self-determination, then why is the NK people's right to self-determination called into question? Is there a list of peoples, which are deprived of this right? When was the list made and who made it? What other peoples are included in this list apart from the NK people?

**Question III**

Why does the OSCE Minsk Group call the Karabakh Armenians separatists, whereas according to the legal point of view Nagorno Karabakh is not part of the Azerbaijan Republic?

**Question IV**

Which norm of international law regulates the application of the principle of territorial integrity to states with illegitimate borders (such as the Azerbaijan Republic)?



### Question V

How many years are needed for the OSCE Minsk Group co-chair countries to acknowledge the genocide of Azerbaijani Armenians – one of the founders of the former Azerbaijan SSR?

**Remark:** It took France and Russia eighty years to acknowledge the Armenian Genocide in the Ottoman Empire. The United States is yet to do so.

### MINIMUM PACKAGE OF DOCUMENTS

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- 3 The Supreme Council of the Azerbaijan Republic, Declaration on Reestablishment of State Independence of the Azerbaijan Republic, August 30, 1991. The Bakinsky Rabochy, September 3, 1991.
- 4 Constitutional Act on State Independence of the Azerbaijan Republic, October 18, 1991. The Bakinsky Rabochy, November 7, 1991.
- 5 Admission of Azerbaijan to the LN. 1920 [A].20/48/175. [VII]: Note, Dec. 6, from M. Huneus, Pres. of the Fifth Committee, submitting its report on the application of Azerbaijan to the LN and expressing itself unfavorably to this admission because this State does not appear

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