

Towards a Fair and Just Resolution

The Mountainous (Nagorno) Karabakh Conflict

September 2010

YEREVAN-STEPANAKERT

The political conflict between Mountainous (Nagorno or Upper) Karabakh and Azerbaijan dates back to 1918, when for the first time in history a state named Azerbaijan was founded with the break-up of the Russian Empire. Never in its history has Azerbaijan had sovereignty over the Mountainous Karabakh region. The conflict resumed in 1988 and gradually escalated into an armed confrontation, when Azerbaijan responded violently to the peaceful popular quest of the Mountainous (Nagorno) Karabakh Autonomous Region to be reunited with Soviet Armenia. In 1991, the Mountainous Karabakh Republic was founded and it initiated the process of its independence in compliance with the domestic legislation of the USSR and in conformity with the principles and attributes required by international law for the creation of an independent state.

The **Armenian Revolutionary Federation-Dashnaktsutyun** is internationally recognized as a major political force both in Armenia, Karabakh and in the Armenian communities worldwide.

Founded in 1890 and a member of the Socialist International, its programme is based on social justice, democracy and national self-determination for the Armenian people.

The ARF-Dashnaktsutyun led the effort toward the establishment of the first Armenian Republic in 1918 and was the party in power for the duration of its existence. Following the Sovietization of Armenia in 1920, the ARF-Dashnaktsutyun was banned by the Communists and its leadership exiled.

In the Diaspora, the ARF-Dashnaktsutyun fought Soviet rule over Armenia and championed the cause of Armenian rights and independence; it played a leading role in organizing a social and cultural framework aimed at preserving the Armenian identity.

The ARF-Dashnaktsutyun officially re-emerged in Armenia during the dissolution of the USSR, in 1990. In Mountainous Karabakh (Nagorno Karabakh), the ARF-Dashnaktsutyun was the political party in power during the initial years of the establishment of the Republic of Mountainous Karabakh (MKR). Presently, the ARF-Dashnaktsutyun is the major opposition party represented both in the parliaments of the Republic of Armenia and the Republic of Mountainous Karabakh.

**ARF-Dashnaktsutyun Bureau
International Secretariat**

**12/1 Mher Mkrtchyan
Yerevan, Armenia, 0010**

**E-mail: intsec@arf.am
Website: www.arfd.info**

**Phone: +37410-52-18-90
Fax: +37410-52-14-53**

CONTENTS

Executive Summary.....	1
Brief history of the conflict	2
Before Sovietization	2
Mountainous Karabakh under Soviet Azerbaijani Rule: 1921-1988	4
The Karabakh Movement.....	7
1988 - 1991	7
The Karabakh War.....	9
The Cease-Fire Agreement.....	10
The Peace Process.....	10
Mediation by the Russian Federation and the Commonwealth of Independent States	10
OSCE Mediation Efforts and the Ongoing Peace Process	11
State Building	16
Blockade of Mountainous Karabakh and Armenia	17
Conclusion.....	18
ARF-D Position on the Mountainous (Nagorno) Karabakh conflict	19
Appendices.....	22
Appendix 1, Decision of the Special Session of the NKA Council of People's Deputies of XX Session	22
Appendix 2, Article 3, an extract from the Law of the USSR on the Procedures of the Resolution of Problems on the Secession of a Union Republic from the USSR	22
Appendix 3, Declaration of Independence	22
Proclamation of the Mountainous Karabakh Republic, 1991 (adopted at a joint session of legislative bodies).....	22
Appendix 4, League of Nations: Extract from Journal 17 of the First Assembly, Geneva 1920 (page 139)	23
Appendix 5, Ethnic Cleansing Campaigns	24
Shushi Massacre	24
Sumgait.....	25
Pogroms in Baku	26
Forcible Deportation of 24 Armenian Villages of Nagorno Karabakh known as Operation "Ring"	26
Maragha	27
Destruction of physical evidence of a territory's Armenian identity: the Armenian Cemetery in Djulfa, Nakhichevan	27
Basic Facts	29
MAPS.....	30

TOWARDS A FAIR AND JUST RESOLUTION

THE MOUNTAINOUS (NAGORNO) KARABAKH CONFLICT

Executive Summary

The political conflict between Mountainous (Nagorno or Upper) Karabakh and Azerbaijan dates back to 1918, when for the first time in history a state named Azerbaijan was founded with the break-up of the Russian Empire. The conflict resumed in 1988 and gradually escalated into an armed confrontation, when Azerbaijan responded violently to the peaceful popular quest of Mountainous (Nagorno) Karabakh to be reunited with Soviet Armenia. This happened during the collapse of the Soviet Union, when new independent states re-emerged in the South Caucasus.

In 1988, the Nagorno Karabakh Autonomous Oblast (NKAO, Mountainous Karabakh Autonomous Region), an autonomous entity within the structure of Soviet Azerbaijan and historically Armenian land, petitioned the central government in Moscow asking to be reunited with Soviet Armenia. This legal and peaceful call for self-determination aimed to rectify Stalin's "nationalities policy" of 1921 which sought to divide and conquer by pitting nationalities against each other whereby Mountainous Karabakh and its Armenian population (over 95 percent) was forcibly placed under the administrative rule of the Azerbaijan Soviet Socialist Republic. For the next 70 years, Azerbaijan subjected Mountainous Karabakh to various forms of ethnic and religious discrimination, economic mistreatment and intentional demographic manipulation resulting in ethnic cleansing.

The beginning of the Karabakh Movement was marked by a remarkable expression of will when during the second half of 1987 over 80 thousand people signed a petition expressing their support for the re-unification of Mountainous Karabakh with the Armenian SSR. It was this expression of will that set the foundation for the Council of People's Deputies in NKAO to hold an extraordinary session on February 20, 1988, and to appeal to the Supreme Council of Azerbaijan SSR with the request to secede from its structure, to Soviet Armenia — for re-unification, and to the USSR — to recognize the transfer.¹

Disregarding Soviet and other applicable international laws, the Soviet Union and Azerbaijan SSR arbitrarily denied Mountainous Karabakh's appeal for self-determination.²

The free will of the people of Mountainous Karabakh Autonomous Region, expressed in accordance with their constitutional right, provoked the harsh response of the Azerbaijan SSR and was followed with sanctioned pogroms, mass killings and actions of ethnic cleansing in the cities of Sumgait, Baku, Kirovabad, Shamkhor, Mingechaur, and later throughout Azerbaijan.

In an attempt to regulate the situation, the Supreme Soviet of the USSR established a special authority in Mountainous Karabakh Autonomous Region on June 20, 1989, which placed the territory under the direct supervision of the Soviet central government thereby affirming Azerbaijan's inability to exercise formal control over Mountainous Karabakh. The supervision of the economy, internal governing bodies, cultural and educational institutions of the Mountainous Karabakh Autonomous Region was transferred to the appropriate institutions of the Russian Soviet

¹ See Appendix 1, Decision of the Special Session of the NKAO Council of People's Deputies of XX Session

² See Appendix 2, Article 3, an extract from the Law of the USSR on the Procedures of the Resolution of Problems on the Secession of a Union Republic from the USSR

Federative Socialist Republic and the Armenian SSR. By the end of 1989, Mountainous Karabakh Autonomous Region was not under Azerbaijan's administrative control and *de facto* not within Azerbaijan SSR.

On September 2, 1991, Nagorno Karabakh declared independence.³

The situation escalated to armed conflict as Azerbaijan resorted to military aggression in an effort to suppress Mountainous Karabakh's action. This violence was followed by the 1991-1994 war in the Mountainous Karabakh Republic (MKR) instigated by Azerbaijan, which claimed thousands of MKR casualties and destroyed an estimated 80 percent of Mountainous Karabakh Republic's economy. Since the cease-fire agreement of 1994, the conflict awaits final, peaceful, and equitable resolution through negotiations.

Since 1992 the main vehicle for the resolution of the Mountainous Karabakh conflict has been the Minsk Group of the Organization for Security and Cooperation in Europe (OSCE), which has sought to mediate a durable peace settlement. The OSCE Minsk Group co-chairs, namely the United States, Russia and France, have come forward with a series of proposals to solve the crisis.

"The establishment of the state of Mountainous Karabakh was carried out in conformity with the principles and attributes required by international law for the creation of an independent state and in compliance with the domestic legislation of the USSR."

The Republic of Armenia and the Republic of Mountainous Karabakh adhere to the peaceful settlement of the conflict and value the establishment of an environment of confidence necessary to continue the negotiations in a constructive way. The leadership of Azerbaijan has always asserted and threatened that it would reclaim MKR through military force. In recent months, the Republic of Azerbaijan has been intensifying its habitual militaristic policy, dangerously increasing its military budget and violating the arms limitation norms stipulated by international treaties. Azerbaijan's war rhetoric, at the highest level, continues to add tension to the overall environment of the region.

The worst Armenian-Azerbaijani ceasefire violation in Karabakh since 2008 was very recently reported on the night of June 18, 2010 when four Armenian troops and one Azerbaijani soldier were killed in an Azerbaijani commando raid on a Karabakh Armenian outpost in northern Mountainous Karabakh. While the raid was organized and carried out by the Azerbaijani side, and while the United States and the OSCE Minsk Group Co-Chair countries strongly condemned the use of force and called it an unacceptable violation of the 1994 ceasefire agreement, they fell short of outrightly condemning Azerbaijani authorities for this serious violation of the ceasefire.

Brief history of the conflict

BEFORE SOVIETIZATION

Mountainous Karabakh, the mountainous areas of the historic Armenian province of Artsakh, has formed part of Armenia throughout history. Its Armenian roots reach back to before the first millennium BC. Armenian princely dynasties successively presided over Artsakh (Karabakh), guaranteeing its sovereignty through treaty arrangements with neighboring powers.

The Russian Empire, expanding southward in the Transcaucasus, annexed Karabakh in 1805. This action was officially recognized in the Treaty of Gulistan in 1813 by Persia, which until then had ruled

³ See Appendix 3, Declaration of Independence

the region. After the 1917 Russian Revolution and the collapse of the Russian Empire, there emerged in 1918 the briefly independent Republics of Armenia and Azerbaijan. The dispute over Karabakh between the Karabakh Armenians and Azerbaijan, on whose side the Ottoman Turkish army intervened, dates from this period, when the borders of the new states were to be drawn. Azerbaijan's claim on Mountainous Karabakh was mainly based on the assertion that in the Russian Empire's Elizavetpol *gubernia* (province) Muslims constituted the majority in seven of the eight districts, and a minority only in the mountainous areas of Karabakh; hence, the province as a whole should be incorporated into the newly founded Republic of Azerbaijan. Furthermore, for Azerbaijan, the steppes and mountainous of the Elizavetpol province were not contrasting entities, on the contrary they were the complementary components of a single unit.

In 1918, 330,000 Armenian people lived within the then-existing borders of Mountainous Karabakh. They made up 95 percent of its population, with 3 percent Azerbaijanis and 2 percent others. As a result of the Turkish-Azerbaijani aggression in 1918-1920 aimed at a total cleansing Mountainous Karabakh of Armenians, an estimated 20 percent of all Armenians were killed.

In July 1918, the First Armenian Assembly of Mountainous Karabakh declared the region self-governing and created a National Council and government. The size of Mountainous Karabakh was then significantly greater than the portion that subsequently became the Nagorno Karabakh Autonomous Oblast. In August 1919, the Karabakh National Council entered into a provisional treaty agreement with the Azerbaijani government. Despite signing the Agreement, the Azerbaijani government continuously violated the terms of the treaty. This culminated in March 1920 with the Azerbaijani massacre of Armenians in Karabakh's former capital, Shushi, in which more than 20,000 Armenians were killed. In this light, the Ninth Karabakh Assembly nullified the treaty in whole and pronounced union with the Republic of Armenia.

"From 1918 to 1920, the League of Nations and the leading world powers recognized the disputed status of Mountainous Karabakh. The League of Nations neither recognized the sovereignty of the Azerbaijan Republic over Karabakh nor accepted the Azerbaijan Republic as its member-state, because of its dispute with Armenia over Karabakh."

From 1918 to 1920, the League of Nations and the leading world powers recognized the disputed status of Mountainous Karabakh. The League of Nations neither recognized the sovereignty of the Azerbaijan Republic over Karabakh nor accepted the Azerbaijan Republic as its member-state, because of its dispute with Armenia over Karabakh. Furthermore, the Paris Peace Conference's Commission for the Delimitation of the Boundaries of Armenia (Commission members: Great Britain, France, Italy and Japan, February 24, 1920), had concluded: "As regards the boundary between the State of Armenia and Georgia and Azerbaijan, the Commission considers that, it is advisable for the present to await the results of the agreement, provided for in the treaties existing between the three Republics, in regard to the delimitation of their respective frontiers by the States themselves. In the event of these Republics not arriving at an agreement respecting their frontiers, resort must be had to arbitration by the League of Nations, which would appoint an inter-allied Commission to settle on the spot the frontiers referred to above, **taking into account, in principle, of ethnographical data.**"⁴ (*Emphasis added*).

On August 10, 1920, in the "Treaty of Peace with Turkey" that was signed at Sevres by the Allied Powers and Turkey, Article 92 states: "The frontiers between Armenia and Azerbaijan [...] will be determined by direct agreement between the states concerned. In [...] case the States concerned

⁴ See Appendix 4, League of Nations: Extract from Journal 17 of the First Assembly, Geneva 1920

have failed to determine the frontier by agreement at the date of the decision referred to in Article 89, the frontier line in question will be determined by the Principal Allied Powers, who will also provide for its being traced on the spot.” On the same date, Soviet Russia and the Republic of Armenia (not yet Soviet) signed an agreement in which Soviet Russia recognized Mountainous Karabakh as a disputed territory between Soviet Azerbaijan and not yet Soviet Republic of Armenia.

MOUNTAINOUS KARABAKH UNDER SOVIET AZERBAIJANI RULE: 1921-1988

The violent phase of the conflict over Karabakh ended with the Sovietization of the Trans-Caucasian republics. On November 30, 1920 the government of Sovietized Azerbaijan recognized Mountainous Karabakh as part of the newly Sovietized Armenia, but then reversed this decision several days later.

On June 12, 1921 the government of Soviet Armenia declared Mountainous Karabakh as its integral part on the basis of the repeatedly expressed will of the latter’s population.

On July 5, 1921, the Caucasus Bureau of the Russian Communist Party adopted a political decision to annex Mountainous Karabakh to Soviet Azerbaijan, thus laying the foundation for the Stalinist practice of manipulating borders in Transcaucasia. Stalin decided that Mountainous Karabakh should be included as an autonomous region within the boundaries of the Soviet Republic of Azerbaijan, in consideration of the necessity of national harmony between Muslims and Armenians.

In 1923, Mountainous Karabakh had a population of almost 158,000, 95 percent of whom were Armenians. On July 7, 1923, a full two years after the initial decision to annex Mountainous Karabakh, Soviet Azerbaijan's Revolutionary Committee resolved to dismember Mountainous Karabakh and to create on a small part of its territory the Nagorno (Mountainous) Karabakh Autonomous Oblast (Region), with a border with Soviet Armenia. It is important to mention that even today there is no consensus on the exact borders of Mountainous Karabakh. The declared autonomy of a part of Mountainous Karabakh did not become reality until the end of November, 1924. The borders of the new autonomy were carved by the Soviet leadership of Azerbaijan with no participation of Armenian representatives. As a result, only a small part of historical and geographical Mountainous Karabakh was granted limited autonomy within Azerbaijani SSR. The new autonomous unit completely excluded any Armenian-populated parts of North Karabakh as well as a few western and southern strips of land that were geographically and ethnically parts of Mountainous Karabakh. Those strips of sparsely inhabited alpine land with the small towns of Abdalar (Lachin) and Kelbajar as well as a few villages squeezed between the new-established NKAO and Armenian Zangezur, became parts of the Kurdish autonomy established on the same day as NKAO, on July 07, 1923.

[In 1924] “The borders of the [Mountainous Karabakh] autonomy were carved by the Soviet leadership of Azerbaijan with no participation of Armenian representatives.” “[T]he borders of [the Mountainous Karabakh Autonomous Region] were regularly redrawn.” “[T]he artificial buffer between Armenia and Karabakh, the administrative Lachin and Kelbajar districts, was retained.”

The history of the autonomous “Kurdistani District” (also known as “Red Kurdistan”) is short and unclear; most of the documents referring to its existence are either destroyed or “classified” both in Azerbaijan and Russia. But it is quite evident that one of its functions was to create a non-Armenian populated buffer between autonomous “Armenian Karabakh” and the rest of Armenia. The district included not only westernmost parts of the former districts of Javanshir, Shushi and Karyaghino (later Fizuli), but also most of the lands transferred from Armenian Zangezur to Azerbaijan in 1921-

22; the town of Lachin became an official capital of the Kurdish autonomy although most its governmental offices were located in Shushi. Twelve Armenian villages located in Lachin were destroyed and the populations violently deported first in 1919 and then in 1923.

In the maps of the South Caucasus published in the USSR between 1923 and 1925, despite the fact that the town of Lachin did not belong either to Armenia, or to NKAO, the Karabakh autonomy was still not an enclave and shared a border with Soviet Armenia at the southern village of Zabugh, through which ran a road that connected the two mountainous regions (*see map on p. 33, Modifications of Borders of Soviet Republics and Autonomous Units, 1920s-1930s*).

Published evidence indicates that the borders of NKAO were regularly redrawn. Both the military topographic maps of the area published during the described period, and the documentation related to the re-carving of the districts and other administrative units is still classified and not accessible to researchers. Based on the maps which are available to the public, NKAO shared a border with Soviet Armenia in Zabugh at least until 1926. In 1930, because it had lost considerable amount of its Kurdish population through migration, famine, political repressions and assimilation, and because the autonomy and especially the town of Lachin were heavily settled by Azerbaijani Turks (Tatars, who were brought there from various parts of Azerbaijan), the Kurdish autonomous area was abolished, but the artificial buffer between Armenia and Karabakh, the administrative Lachin and Kelbajar districts, was retained. Stalin's 1936 Constitution sealed this territorial arrangement.

Mountainous Karabakh was split in a way that one part could function as a separate autonomy, while the other was incorporated into the administrative regions of Soviet Azerbaijan in such a way that the physical and geographical ties between the Republic of Armenia and the Armenian autonomous region were neutralized.

"Mountainous Karabakh was split in a way that one part could function as a separate autonomy, while the other was incorporated into the administrative regions of Soviet Azerbaijan in such a way that the physical and geographical ties between the Republic of Armenia and the Armenian autonomous region were neutralized."

Granting Mountainous Karabakh the status of autonomy and placing it under the rule of Azerbaijan SSR was to legitimize the annexation of historic Armenian lands. The civil, political, socio-economic and cultural rights of the Armenian population in Mountainous Karabakh, as a result, were blatantly discriminated. The systematic character of the discriminatory policy adopted by the Azerbaijan SSR against the Armenian population in Mountainous Karabakh Autonomous Region was pushed to such an extent that throughout the entire Soviet regime and till the beginning of 1988, the Armenian population dramatically decreased. While the total number of Karabakh Armenians in 1921 was 96 percent of the overall population, by 1979 Armenians in NKAO comprised only 75 percent of the total population.

Throughout the entire Soviet totalitarian system, the Armenians of Mountainous Karabakh were consistent in their attempts to restore historical justice and to liberate the area from the unjust seizure by the Azerbaijan SSR, seeing in it the sole guarantee of their safe and secure future. Attempts to bring the problem of Mountainous Karabakh to the attention of the central bodies of the USSR were undertaken repeatedly.

Following the end of WWII in 1945, the Communist leadership of Armenia raised the question of Mountainous Karabakh (and Nakhichevan) in the Central Committee of CPSU (Communist Party of the Soviet Union) and even personally addressed Joseph Stalin for help. However, the Karabakh question was not resolved and died away in the head offices of the CPSU in Moscow by the end of the 40s.

In 1965, a group of Karabakh Armenians appealed to the Central Committee of the Communist Party of Soviet Union (CPSU) with letters heralding about the draining economic and cultural conditions of NKAO and requesting the reunion of Mountainous Karabakh with the Armenian SSR. More than 45 thousand signatures of Karabakh Armenians were enclosed with the petition.

In 1966, the Central Committee of the Communist Party of Armenian SSR petitioned the Central Committee of the CPSU to reunite NKAO with the Armenian SSR, based on the expressed will of the region's population. The same year the Secretariat of the Central Committee of the CPSU urged the Central Committee of the Communist Party of the Armenian and Azerbaijan SSRs to engage in a joint work on the issue of Mountainous Karabakh. This was soon followed by the establishment of republican commissions, which were chaired by the first secretaries of the Central Committees of the Communist Parties of the Azerbaijan and Armenian SSRs.

Social unrest broke out by the ethnic Armenian population of Nagorno-Karabakh in July 1967, in connection with the brutal murder of an Armenian boy from the village Berdashen by the Azerbaijani principal of the neighboring village. During the suppression of protests, about 20 Armenians were shot and executed in prisons, nearly 10 Armenians disappeared completely, more than 150 were subjected to repressions and, as a consequence of continuous prosecutions lasting more than two years, over 100 families were forced to leave Mountainous Karabakh.

The issue of Mountainous Karabakh was raised again in the 1970s. On November 23, 1977, within the framework of discussions held to assess the popular will regarding the new Constitution of the USSR, the question of Mountainous Karabakh received further attention at the Presidium of the Ministerial Council of the USSR. The session concluded with the following remarks:

"As a consequence of a series of historic circumstances, several decades ago Nagorno-Karabakh was artificially annexed to Azerbaijan. As such, the historic past of the area, its national composition and the aspirations and economic interests of the people were neglected. After decades past, the issue of Nagorno-Karabakh still remains relevant and causes much anxiety... It is therefore necessary to reunite Nagorno-Karabakh (Artsakh in Armenian) with Armenian SSR and thereby restore the legal order of the things."

The three-and-a-half decades between the death of Stalin and collapse of the USSR were marked by relative stability in the South Caucasus including in Mountainous Karabakh and along the Armenian-Azerbaijani frontier. The fragile *status quo* was possible exclusively due to the iron grip of the Soviet bureaucracy enforced by the army and security services that were capable of keeping under control any potential movement that could even hypothetically threaten the stability of the Soviet empire. However, along with occasional conflicts (some of them quite violent), it was during the specified period when the Nakhijevan Autonomous Republic under Soviet Azerbaijani jurisdiction was completely ethnically cleansed of Armenians and de-Armenianized, while the Armenian population in North Karabakh significantly diminished.

From 1926 to 1976 Soviet Azerbaijan's authorities created 17 new Azerbaijani villages in Mountainous Karabakh, liquidating 85 Armenian settlements in the process. As *perestroika* provided the Union republics with more autonomy to deal with internal matters, the demographic and cultural "azerbaijanization" (i.e. "de-armenianization") of Mountainous Karabakh skyrocketed.

The crash of Communist ideology and total collapse of the Soviet economy by the mid-1980s and the loosening of the grip that followed resulted in the escalation of the unresolved conflict in Mountainous Karabakh and around it; it also resulted in anti-Armenian pogroms in Baku and Sumgait and in the war for survival of the Karabakh Armenians.

The Karabakh Movement

1988 - 1991

The current struggle over Mountainous Karabakh began in February of 1988 when the Karabakh Armenians, encouraged by *perestroika* and *glasnost*, began to take steps to break free of Azerbaijani control. On February 20, 1988, the Decision of the Nagorno Karabakh Autonomous Oblast (NKAO, Mountainous Karabakh Autonomous Region) Regional Soviet of People's Deputies, which was addressed to the highest legislative bodies of the Supreme Soviets of Armenia, Azerbaijan and the USSR, contained the official request to consider and resolve positively "the question of handing over the NKAO from Soviet Azerbaijan to Soviet Armenia."

The response within Soviet Azerbaijan was brutal acts of violence and pogroms organized by Soviet Azerbaijani authorities directed against the defenseless Armenian civilian population. On February 26, 1988, the international community witnessed the massacre of Armenians in Sumgait, the third largest city of Azerbaijan and its second largest industrial center. Individual Armenians were attacked in their homes, at their businesses and on the streets. Azerbaijani authorities exerted no effort to apprehend or prosecute the perpetrators.⁵

On June 13, 1988, the Supreme Soviet of the Azerbaijan SSR denied the application of the Karabakh legislature. This was counterbalanced on June 15 by Armenia's Supreme Soviet, which approved Karabakh's proposal and appealed to the Soviet government to resolve the matter.

On July 18, 1988, the USSR Supreme Soviet, relying on Article 78 of the Soviet Constitution, which prohibited any territorial changes to a Union republic without its consent, decided to leave Mountainous Karabakh within the structure of Soviet Azerbaijan. However, by the March 24, 1988 resolution of the Central Committee of the Communist Party of the Soviet Union Arkadi Volsky was appointed Moscow's authorized representative in the territory. Beginning on January 20, 1989, the USSR Supreme Soviet established a special authority in Mountainous Karabakh, headed by Volsky, which was directly subject to the USSR government. In the summer of 1989 a legislative body, named the National Council was formed which represented all strata of the Mountainous Karabakh population.

The USSR Supreme Soviet's resolution of November 28, 1989, liquidated the "Volsky Committee." Three days later, on December 1, 1989, at the joint session of parliaments of Soviet Armenia and the Mountainous Karabakh Autonomous Region (NKAO) the reunification was accepted. Soon after, the NKAO legislative body voted in favor of secession from Azerbaijan.

In 1989, according to the official USSR census, Nagorno Karabakh had 189,000 inhabitants, of whom 76.9 percent were Armenians and 21.5 percent were Azerbaijanis.

"On February 20, 1988, the Decision of the [Mountainous Karabakh Autonomous Region] Regional Soviet of People's Deputies, contained the official request to consider and resolve positively 'the question of handing over the NKAO from Soviet Azerbaijan to Soviet Armenia'."
"The response within Soviet Azerbaijan was brutal acts of violence and pogroms organized by Soviet Azerbaijani authorities directed against the defenseless Armenian civilian population."

⁵ *See Appendix 5, Ethnic Cleansing Campaigns

On January 15, 1990, a USSR Supreme Soviet decision installed Soviet Azerbaijan's "Republic Organizational Committee" (Orgkom). The stated purpose of this body was to reestablish the erstwhile local "soviets" of Mountainous Karabakh. In reality, though, the Committee, under the direction of Azerbaijani Communist Party deputy leader Viktor Polianichko, schemed to do away with Karabakh's autonomy. Polianichko aimed to resolve the issue by ridding Karabakh of its Armenian majority. Therefore, he artificially increased the size of the Azerbaijani community in Mountainous Karabakh. This was combined with concerted military actions. From January to May 1991, the inhabitants of 24 Armenian villages in Mountainous Karabakh were forcibly driven from their homes. As a consequence, Soviet Azerbaijan placed more than half of Mountainous Karabakh's territory under military occupation.

On August 30, 1991, Soviet Azerbaijan's Supreme Soviet adopted its "Declaration on re-establishment of the national independence of the Republic of Azerbaijan" as it existed in 1918-1920.

Four days later Nagorno Karabakh initiated the same process through the joint adoption of the "Declaration of the Republic of Mountainous Karabakh" by the local legislative councils of the Mountainous Karabakh Autonomous Region and the bordering Armenian-populated Shahumian district. The only difference was that, for Karabakh, independence was declared not from the Soviet Union but from Azerbaijan. This act fully complied with existing Soviet law. Indeed, the 1990 Soviet law titled, "Law of the USSR Concerning the Procedure of Secession of a Soviet Republic from the USSR," provided that the secession of a Soviet republic from the body of the USSR allows an autonomous region and compactly settled minority regions in the same republic's territory also to trigger its own process of independence.

On October 18, 1991, the Republic of Azerbaijan confirmed its independence by the adoption of its Constitutional Act on State Independence, which politically and legally meant that the Azerbaijan SSR withdrew from the USSR. This Constitutional Act forms an inseparable part of the 1995 Constitution of Azerbaijan. The same Constitutional Act considered the establishment of Soviet power in Azerbaijan as "annexation by Soviet Russia" which "overthrew Azerbaijan's legal government." Thus, the Republic of Azerbaijan declared the establishment of Soviet power in Baku illegal, and rejected the whole Soviet political and legal heritage.

"The people of MKR have repeatedly expressed their will to live independent of Azerbaijan. The people of MKR have exercised their right to self-determination based on the principles of international law and the Constitution of the Soviet Union. Mountainous Karabakh has never been part of an independent Azerbaijan. Soviet Azerbaijani domination over Mountainous Karabakh began by the Soviet Union and ended with the collapse of the Soviet Union."

In November 1991, the Supreme Soviet of Azerbaijan adopted a resolution on the "Abolition of the Nagorno Karabakh Autonomous Oblast." Azerbaijani President A. Mutalibov then signed the law on dissolution of the Nagorno Karabakh Autonomous Region on November 23, 1991. Following the adoption of this resolution, the Azerbaijani parliament redrew Mountainous Karabakh's borders in favor of neighboring Azerbaijani districts, and changed the names of its cities and villages. In so doing, Baku flouted Articles 86 and 87 of the Soviet Constitution, which codified autonomous region status for Mountainous Karabakh and prohibited any change therein without its consent, and also violated its own law. This decision was designed to prevent Mountainous Karabakh from using the relevant articles of Soviet law to legally separate from Azerbaijan, as well as a way to more directly manipulate Karabakh's demography through territorial manipulation, forced depopulation and resettlement.

On November 27, 1991, the USSR Constitutional Oversight Committee's resolution deemed unconstitutional the Orgkom created by the Supreme Soviet decision of January 15, 1990, as well as the November 23, 1991, Azerbaijani decision abolishing Mountainous Karabakh's autonomy. It also revoked the December 1, 1989, Armenian resolution on reunification.

The actions of the USSR Constitutional Oversight Committee did not, however, annul the joint decision of the NKAO and Shahumian district to declare the establishment of the Mountainous Karabakh Republic on September 2, 1991, since that declaration was deemed in compliance with the then existing law. (The April 3, 1990 "Law of the USSR Concerning the Procedure of Secession of a Soviet Republic from the USSR," provided autonomous entities and compactly settled ethnic minorities living in a seceding republic's territory with the right of self determination, to be confirmed with a referendum.) The Mountainous Karabakh Republic was proclaimed by the NKAO and Shahumian district after the announcement of Azerbaijan's independence on August 30, 1991.

On December 10, 1991, the Mountainous Karabakh Republic held its own referendum on independence in the presence of international observers. The vote overwhelmingly approved Karabakh's sovereignty. This action of Mountainous Karabakh, which at that time was part of a still existent and internationally recognized Soviet Union, corresponded fully with the relevant Soviet law pertaining to leaving the USSR. As an initial step along the path to full sovereignty, the newly independent Mountainous Karabakh Republic created legitimate government institutions.

On December 28, 1991, elections took place for its parliament, and on January 6, 1992, the newly convened parliament of Karabakh adopted its Declaration of Independence on the basis of the referendum results.

THE KARABAKH WAR

The reaction from Azerbaijan, which physically surrounded Karabakh and its capital, Stepanakert, was to commence a campaign of indiscriminant bombardment and shelling of the Karabakh Armenians and to launch a series of ground attacks. Azerbaijani attacks commenced in early 1991, with mass bombardment of Stepanakert and other towns and villages. By the summer of 1992, Azerbaijan had seized and occupied about half the territory of the Mountainous Karabakh Republic and forcibly dislocated and displaced the Armenian inhabitants.

The Karabakh Armenians organized an army and undertook military operations which allowed them to seize Azerbaijani-held areas used to launch attacks on Stepanakert and nearby towns, and to break the Azerbaijani-imposed blockade of Karabakh by establishing a ground connection to Armenia.

On May 8, 1992, the Karabakh Defense Forces took the strategically important town of Shushi, from which the Azerbaijanis had been shelling Stepanakert. On May 18, they established a land link with Armenia across the Lachin region, thus breaking the blockade on Karabakh. In the summer of 1992

Azerbaijan occupied approximately 60 percent of the territory of Mountainous Karabakh and displaced the population.

Facing continuing efforts by the Azerbaijani forces aimed at the destruction of the Karabakh Armenians, Mountainous Karabakh reached out to the international community. It then prepared for a limited counteroffensive to secure for its inhabitants some level of safety. At the same time,

"In the Karabakh-Azerbaijan war (1991-1994), Azerbaijan was the aggressor. MKR defended its right to live securely and was successful; Azerbaijan is responsible for launching the war and for all of its consequences."

Mountainous Karabakh moved ahead with establishing itself as the first fully functioning democracy in the region.

On September 20, 1992, the Mountainous Karabakh parliament petitioned the United Nations, the Commonwealth of Independent States, and individual countries for recognition of the Mountainous Karabakh Republic.

On March 27, 1993, the Karabakh Defense Forces, responding to an Azerbaijani spring offensive, launched counterattacks at two strategic cities, Kelbajar and Fizuli. The capture of Kelbajar on April 3 freed Karabakh from Azerbaijani attacks on its North and West. From July 23 to September 4, 1993, Karabakh Defense Forces took control of Agdam, Fizuli, Jebrail, and Horadiz, which secured the civilian population of Mountainous Karabakh against any indiscriminate attacks of the Azerbaijani army. From December 22, 1993, to May 1994, the re-formed Azerbaijani army launched new unsuccessful attacks on Karabakh.

THE CEASE-FIRE AGREEMENT

In early 1994, after a series of military failures along the frontline, Azerbaijan undertook a major attempt to restore its positions. Fierce fighting took place from North to South. Despite serious losses in human forces and equipment, the Azerbaijani leadership rejected to abandon its opportunistic plans. However, by April 1994, the counter-offensives in different directions allowed Karabakh's armed forces to take several strategically important heights, compelling Azerbaijan to accept a Russian-brokered armistice.

On May 5, 1994 official delegates from Azerbaijan, Mountainous Karabakh and Armenia met in the Kyrgyz capital of Bishkek to sign a protocol (the Bishkek Protocol), which later developed into the cease-fire agreement.

A week later, the defense ministers of Armenia and Azerbaijan, Serge Sargsyan and Mamedraffi Mamedov, as well as the commander-in-chief of the Artsakh Defense Army Samvel Babayan signed the armistice agreement, which envisaged cessation of all hostilities from midnight May 12, 1994. The agreement has no expiration date and remains in force until the final agreements are reached.

Following the negotiated cease-fire, Mountainous Karabakh has continued to demonstrate to the international community its ability to maintain and promote highly developed governmental institutions, political parties, and free local, parliamentary and presidential elections.

"[The] cease-fire in May 1994, [...] was signed by the parliamentary speakers of the republics of Armenia, Azerbaijan and Mountainous Karabakh in Bishkek, Kirgizstan. This act amounted to the first recognition of the Republic of Mountainous Karabakh's distinctiveness as a political and territorial entity in the negotiations."

The Peace Process

MEDIATION BY THE RUSSIAN FEDERATION AND THE COMMONWEALTH OF INDEPENDENT STATES

In late 1991, Russia offered to mediate the dispute between Nagorno Karabakh and Azerbaijan. The presidents of Russia and Kazakhstan, Boris Yeltsin and Nursultan Nazarbayev, visited Nagorno

Karabakh and, thereafter, a joint declaration was signed by representatives of Armenia and Azerbaijan. Although the mediation effort failed to resolve the conflict, it did provide for the establishment of a cease-fire in May 1994, which was signed by the parliamentary speakers of the republics of Armenia, Azerbaijan and Mountainous Karabakh in Bishkek, Kirgizstan. This act amounted to the first recognition of the Republic of Mountainous Karabakh's distinctiveness as a political and territorial entity in the negotiations.

OSCE MEDIATION EFFORTS AND THE ONGOING PEACE PROCESS

On 24 March 1992, during the Helsinki Additional Meeting of the CSCE Council (now, OSCE), it was decided by the ministers that the Chairman-in-Office should visit the region in order to contribute, in particular, to the establishment and maintenance of an effective cease-fire, as well as to the establishment of a framework for an overall peace settlement. The ministers also determined that it was necessary for the Chairman-in-Office to convene a peace conference in Minsk as soon as possible. The OSCE ministers stated that elected representatives of Mountainous Karabakh⁶ would be invited to the Minsk Conference as interested parties after consultation with member states of the Minsk Group.⁷ The conference, however, did not take place due to a failure of the States to agree on whether the Mountainous Karabakh delegation would participate directly or as part of the Armenian delegation. Although a formal conference did not occur, the designated participants continued to meet as the "Minsk Group" with the goal of resolving the dispute.

The period stretching from 1992 to 1993 was marked by the introduction of close co-operation of mediators including direct bilateral and tripartite negotiations between and among the official representatives of Azerbaijan and Mountainous Karabakh on the one hand and Armenia, Azerbaijan and Mountainous Karabakh on the other. As an outcome, half a dozen agreements on cease-fire, among which those concluded in May 1992 between the presidents of Armenia and Azerbaijan in Tehran (Iran) and that of September 1992 between the heads of military departments of the parties to conflict in Moscow, stand out as significant attainments.

"The certain deadlock that appears to characterize the current phase of the negotiations on conflict settlement in many respects pinpoints to the fact that the Republic of Mountainous Karabakh, being de jure a party to the conflict, is de facto withdrawn from the process of negotiations."

Mediation efforts by the Russian Federation in cooperation with the Minsk Group led to the parties' agreeing to a formal cease fire on 12 May 1994. In December 1994, at its Budapest meeting, the OSCE determined to form a multinational OSCE peacekeeping force to support the cease fire. The OSCE established a High-Level Planning Group (HLPG) comprised of military experts seconded by participating members of the OSCE with a mandate to develop a plan for the establishment, force structure requirements and operations of a multinational OSCE peacekeeping force for Mountainous Karabakh and make recommendations for all other logistical issues related to the peacekeeping force.

In August 1995, the Chairman-in-Office of the OSCE appointed a "Personal Representative of the Chairman-in-Office on the Conflict Dealt with by the OSCE Minsk Conference." The post of the

⁶ "Elected and other representatives of Nagorno-Karabakh will be invited to the Conference as interested parties by the Chairman of the Conference after consultation with the States participating at the Conference."

⁷ "Armenia, Azerbaijan, Belarus, Czech and Slovak Federal Republic, France, Germany, Italy, Russian Federation, Sweden, Turkey and United States of America."

Personal Representative continues to this day and represents the Chairman-in-Office in matters relating to Mountainous Karabakh and is assisted by five field assistants who monitor the line of contact between the parties.

During the OSCE Summit in Lisbon (Portugal, December 1996) a crisis within the tripartite framework of negotiations caused by disagreements of the parties to the conflict on key issues, basic principles, and methodology regarding the overall settlement of the conflict came to fore. The last meeting held within the tripartite framework (Azerbaijan, Mountainous Karabakh, and Armenia) under the auspices of OSCE Minsk Group took place in Helsinki from April 1 to 4, 1997.

During the time period stretching from May 1997 to November 1998, the Co-Chairs of the OSCE Minsk group made three major proposals on the Mountainous Karabakh conflict resolution. The first two plans offered by the OSCE Minsk Group were accepted by Azerbaijan and Armenia, but met the rejection of Mountainous Karabakh. The third proposal evolving around the idea of creating a “general state” included finding a durable solution to the problem by the resumption of peace talks without preliminary conditions and enabled the people of Mountainous Karabakh to realize their right to self-determination. Although the proposal was accepted by the Mountainous Karabakh and Armenian Republics, Azerbaijan turned it down.

Between 1997 and 1999 there were four proposals representing different methodologies with respect to the Mountainous Karabakh conflict settlement discussed within the framework of Minsk Group mediation; the first one, known as a “package deal,” presumed finding concurrent solution to all problems, including the final status of Mountainous Karabakh. The package proposal put forward by the co-chairmen of the OSCE Minsk Group between May and July 1997, consisted of two parts: “Agreement I” dealing with the issues of ending the conflict, withdrawal of troops, deployment of peacekeeping forces, return of internally displaced people and security matters, and “Agreement II” on the final status of Mountainous Karabakh. The two separate packages, according to the report of the Ministerial council of OSCE 1997, were offered “...to give the parties to conflict possibility to agree and carry out each of them during separate timetables, but with clear understanding that eventually all the remaining questions should be resolved.” While the reaction of Baku and Yerevan regarding the proposal was positive, Stepanakert rejected it.

“The negotiations should aim to an unconditional recognition of MKR independence and to ensuring her security, and should not circumvent the issues of the occupied Shahumyan region and the Getashen sub-region, as well as the occupied areas of Mardakert and Martuni and the rights of hundreds of thousands of Armenians displaced from Azerbaijan”

The so-called “step-by-step” solution proposed in September 1997, presumed first signing “Agreement I” before “Agreement II” would be considered, while the issue of Lachin corridor linking Mountainous Karabakh with Armenia was transferred to “Agreement II.” It was assumed that Mountainous Karabakh would keep the existing arrangements until the final decision on its status was made. Before that, however, it would be granted with the internationally recognized “intermediate status.” This proposal met the rejection of the authorities of the Mountainous Karabakh Republic.

The proposal relating to the creation of a “general state” offered in November 1998, represented a somewhat streamline model of a general state of Azerbaijan and Mountainous Karabakh, with more or less horizontal relations between Baku and Stepanakert. The offer was rejected by Azerbaijan on the ground of violation of the principle of its territorial integrity as well as the principles agreed at

the OSCE summit in Lisbon in December 1996, when all the participants, except Armenia, prioritized the principle of Azerbaijan's territorial integrity.

Towards the end of 2000 the agenda of Nagorno-Karabakh peace talks integrated meetings between Armenia and Azerbaijan at the highest level, preceded by the preparatory meetings of their ministers of foreign affairs.

It was this particular framework of meetings that drew much attention during the talks held in Paris between the Presidents of Armenia and Azerbaijan under the aegis of the President of France Jacques Chirac (January and March, 2001). Later, on April 3-6 2001, Key West (Florida, USA) the U.S. hosted the next round of negotiations between the Presidents of Armenia and Azerbaijan held within the framework of "two plus three," that is, with the participation of the OSCE Minsk Group Co-Chairs.

In 2001 the mediatory initiative of France and the U.S. put forward a somewhat modified plan on the Karabakh conflict resolution, which combined elements from the previous model with the so-called "Goble Plan." The proposal was considered at a meeting held between the presidents of Armenia and Azerbaijan in April 2001, in Key West, but did not mark any breakthrough in negotiations.

Despite the consecutive meetings held between the presidents of Azerbaijan and Armenia in 2002, the mediation efforts fell short of bringing any significant change in the peace talks.

With the new president coming to power in Azerbaijan in 2003, the so-called "step-by-step" process of Mountainous Karabakh conflict resolution adhered to by the latter included, among other things, the withdrawal of Armenian forces from the "occupied territories," and granting Mountainous Karabakh "the highest level of autonomy within the territorial confines of Azerbaijan."

"The regional status quo in the South Caucasus is the result of Azerbaijan's policy aimed at shattering the right of the self-determination of the people of Mountainous Karabagh, unleashing a war and losing it. Not only was Mountainous Karabakh able to defend its right to life, but it created a democratic state conforming to all international norms."

On April 16, 2004, the Co-Chairs of the OSCE Minsk Group managed to arrange consultations with the Ministers of Foreign Affairs of Armenia and Azerbaijan in Prague (Czech Republic). This new phase of meetings that marked the renewal of active consultations with the parties to conflict on finding a durable solution to the Mountainous Karabakh conflict came to be known as the "Prague Process". During the meeting held on April 28, 2004, in Warsaw, the presidents of Armenia and Azerbaijan charged the heads of their foreign policy departments to continue maintaining consultations with the Co-Chairs of the Minsk Group.

From March till May 2005, the Co-Chairs held several separate consultations with the Ministers of Foreign Affairs of Azerbaijan and Armenia aimed at paving the way for the meeting between the presidents of Armenia and Azerbaijan, which took place on May 15, 2005, in Warsaw, with the participation of Russian and French Foreign Affairs Ministers.

In May 2006, after the failed mediation initiatives both at the summit of leaders of Armenia and Azerbaijan in Rambouillet (France) and the meeting between the representatives of Armenia and Azerbaijan, the Co-Chairs of the OSCE Minsk Group acknowledged that there was no particular necessity for the intensification of negotiations because of the exhaustion of all possible proposals and principles made so far.

The proceeding negotiations on the settlement of the Mountainous Karabakh conflict continued under the aegis of the OSCE Minsk Group within the framework of the so-called “Madrid Principles.” In November 2007, the Co-Chairs of the OSCE Minsk Group jointly proposed a set of basic principles for the peaceful settlement of the Mountainous Karabakh conflict to Armenia and Azerbaijan on the margins of the OSCE Ministerial Council in Madrid.

The negotiations for a settlement received a new impetus at the Moscow meeting on November 2, 2008, initiated by the President of Russia in his capacity as Head of a Co-Chair state and the signing by the Presidents of Armenia, Azerbaijan and Russia of the “Declaration On Regulating the Nagorno-Karabakh Conflict.” Given the importance of the ongoing negotiations, one of the points of the declaration further specified that the Presidents of the concerned courtiers “...reaffirm their commitment to advancing a peaceful settlement of the Nagorno Karabakh conflict in the framework of the Basic Principles developed by the Minsk Group Co-Chairs in collaboration with the leaders of Armenia and Azerbaijan on the basis of their proposals advanced last year in Madrid.” The document also noted that the Armenian and Azerbaijani leaders agreed to continue negotiations on peaceful resolution of the Mountainous Karabakh conflict.

On June 26, 2010, in their statement issued at the G8 Summit in Muskoka, Canada, “the Presidents of the OSCE Minsk Group’s Co-Chair countries, France, the Russian Federation, and the United States of America, reaffirm our commitment to support the leaders of Armenia and Azerbaijan as they finalize the Basic Principles for the peaceful settlement of the Nagorno-Karabakh conflict.

“We welcome as a significant step the recognition by both sides that a lasting settlement must be based upon the Helsinki Principles and the elements that we proposed in connection with our statement at the L’Aquila Summit of the Eight on July 10, 2009, relating to: the return of the occupied territories surrounding Nagorno-Karabakh, interim status for Nagorno-Karabakh guaranteeing security and self-governance, a corridor linking Armenia to Nagorno-Karabakh; final status of Nagorno-Karabakh to be determined in the future by a legally-binding expression of will, the right of all internally-displaced persons and refugees to return, and international security guarantees, including a peacekeeping operation.

“Now the Presidents of Armenia and Azerbaijan need to take the next step and complete the work on the Basic Principles to enable the drafting of a peace agreement to begin. We instruct our Ministers and Co-Chairs to work intensively to assist the two sides to overcome their differences in preparation for a joint meeting in Almaty on the margins of OSCE Informal Ministerial.”

Following their meeting in Almaty, Kazakhstan, on July 17, 2010, the Heads of Delegation of the Minsk Group Co-Chair countries issued a Joint Statement, informing the public that “on the margins of the OSCE Informal Ministerial [they met] with Foreign Minister of Azerbaijan Elmar Mammadyarov and Foreign Minister of Armenia Edward Nalbandian. The Heads of Delegation of the Co-Chair countries recalled the joint statement on Nagorno-Karabakh of December 1, 2009 at the OSCE Ministerial meeting in Athens and reminded the sides of their commitment to seek a peaceful settlement to the Nagorno-Karabakh conflict based on the principles contained in the Helsinki Final Act, particularly those related to refraining from the threat or use of force, the territorial integrity of states, and the equal rights and self determination of peoples. They reiterated that the elements

“The distorted format of these negotiations should however change so that MKR becomes a full-fledged party in the negotiation process.” “The Republic of Armenia is not in a position to replace MKR in resolving this vital issue. Urgent measures therefore must be taken to return MKR to the negotiations table as a full-fledged party.”

articulated by Presidents Medvedev, Sarkozy, and Obama on July 10, 2009 at L'Aquila and repeated at Muskoka on June 26, 2010 must be the foundation of any fair and lasting settlement to the conflict. These proposed elements have been conceived as an integrated whole, and any attempt to select some elements over others would make it impossible to achieve a balanced solution. Foreign Minister Kouchner and Deputy Secretary Steinberg expressed appreciation for the efforts of President Medvedev and Foreign Minister Lavrov to bridge the differences between the parties, taking into consideration the positions discussed during the meetings in Sochi on January 25, 2010 and in St. Petersburg on June 17, 2010.

"The Heads of Delegation of Russia, France, and the United States stressed that the efforts made so far by the parties to the conflict have not been sufficient to overcome their differences. They deplored recent developments which have increased tension in the region, including the serious armed incident of June 18-19, 2010 and inflammatory public statements. They warned that the use of force created the current situation, and its use again would only lead to suffering, devastation, and a legacy of conflict and hostility that would last for generations. They urged a greater spirit of compromise to reach agreement on a common basis for continuing the negotiations. Additional actions by the sides are needed to reinforce the ceasefire of 1994 and to create a more favorable atmosphere for further political dialogue and reaching agreements. The Heads of Delegation of the Co-Chair countries renewed their commitment to support the sides in reaching a peace agreement, but reiterated that the primary responsibility to put an end to the Nagorno-Karabakh conflict still remains with Azerbaijani and Armenian leaders."

"Today, the Republic of Mountainous Karabakh grows and develops as a full-fledged democratic state. [The world community should accept] this fact and in the new international reality recogniz[e] the Republic of Mountainous Karabakh as an independent and sovereign state."

Ostensibly missing from the list of parties to the conflict is the Mountainous Karabakh Republic.

The position of the Mountainous Karabakh Republic with respect to negotiations centers around the idea that any meaningful agreement of conflict resolution should, above all else, tackle the underlying causes of the conflict (the political status of Mountainous Karabakh and its security), and then only turn to the consideration of the issues relating to the consequences of the conflict (disputable territories, refugees, restoration of communications, etc.). There is an imperative need, therefore, to restore the genuine format of the negotiations with the immediate participation of Mountainous Karabakh in negotiations held under the auspices of the OSCE Minsk Group. The certain deadlock that appears to characterize the current phase of the negotiations on conflict settlement in many respects pinpoints to the fact that the Republic of Mountainous Karabakh, being *de jure* a party to the conflict, is *de facto* withdrawn from the process of negotiations.

The current framework of negotiations with Armenia and Azerbaijan as participating sides is a clear deviation from the OSCE official decisions taken at the Budapest summit in 1994 and that of the Prague summary of the OSCE chairman-in-office dating back to March 30, 1995, with Armenia, Azerbaijan and Mountainous Karabakh recognized as parties to conflict. Only with the acknowledgement of the Mountainous Karabakh Republic as a party to the conflict and its immediate participation in negotiations will the genuine format of peace talks be restored. Without this, the mediation efforts tailored toward the resolution of the Mountainous Karabakh conflict will fall short of bringing any meaningful contribution to the peace talks and render bleak the possibility of its final solution.

State Building

The Republic of Mountainous Karabakh is a state committed to freedom, democracy, free market economy and respect of human rights. As stated in Article I of the MKR Constitution (10 December 2006), "The Mountainous Karabakh Republic is a sovereign, democratic state based on social justice and the rule of law." The Constitution divides power among the three branches of government that function separately providing for check and balance, democratic governance and continued development.

In September 1991, after seventy years of discrimination by Soviet Azerbaijan, combined with oppression by the Soviet regime, the people of Karabakh braved repression to shake off the shackles of subjugation. They are justifiably proud of overcoming the odds to be able to live in freedom under a government of their own choosing and to be masters of their own destiny.

On January 8, 1992, the Supreme Council of the Mountainous Karabakh Republic elected ARF-Dashnaksutyun member Arthur Mkrtchyan as the first president of the parliament. After he passed away on April 14, 1992, ARF-Dashnaksutyun member Georgi Petrosyan became acting president of the MKR parliament.

On December 28, 1994, the Mountainous Karabakh Parliament adopted a resolution establishing the post of president of the republic. In the presence of international observers the legislature elected Robert Kocharian president pro tempore. Two years later, on November 24, 1996, national elections were held and Robert Kocharian was reelected president by popular vote, with the presence of international observers. After Robert Kocharian accepted the position of Prime Minister of Armenia, new presidential elections were held in August 1997, with former Foreign Minister Arkady Ghoukasian elected for a five year term. He went on to serve another full term as president. During the 2007 presidential elections in NKR, Bako Sahakyan was elected with 85 percent of the vote and is now currently the president of the Republic of Mountainous Karabakh.

Today, the Mountainous Karabakh Republic is a serious and reliable partner of the international community. MKR is committed to peace and stability in the region of the South Caucasus and shares the highest values of democracy and liberty and respect for human rights and freedoms. Despite the consequences of the war and blockade, MKR has made impressive progress on its path to post-war reconstruction and economic development as well as successful state and democracy-building. In the face of tremendous devastation brought on by the war and the continued Azerbaijani blockade, Karabakh has successfully rebuilt its infrastructure and reformed its economy to a free-market system. MKR has made impressive economic progress, reflected in increased foreign investments and improved social well-being.

The Republic established its own legally and democratically elected governing bodies: it is a presidential republic with a cabinet of ministers headed by a prime minister and a multi-party parliament. Since 1995, MKR has held several presidential, parliamentary and local administration elections that were monitored by international observers and were characterized as free, transparent and democratic.

The Republic introduced a legislative framework making progress on the path of democratic reforms and state building. On December 10, 2006, this process received its logical continuation after the MKR adopted its own Constitution strengthening its sovereignty and law enforcement. Along with improvement of domestic legislation, since the very beginning of its existence, the MKR has also joined different international conventions and proclamations, aiming to create a free, rule-of-law and democratic state.

Blockade of Mountainous Karabakh and Armenia

From the onset of the Karabakh Movement in 1988, Azerbaijan has resorted to attacks against Armenian citizens, declared war and imposed a complete blockade against Mountainous Karabakh. It attempted to isolate the Armenian population of Karabakh from the international community and create unbearable living conditions. These actions were condemned by world governments. In particular, the 1992 Freedom Support Act by the U.S. Congress restricted any direct assistance to Azerbaijan due to the blockade. Title 9: Section 907 of the Act says: "United States assistance under this or any other Act ... may not be provided to the Government of Azerbaijan until the President determines, and so reports to the Congress that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh." Only in 1992, after a successful military counter-operation, could the Karabakh Defense Army partially eliminate the blockade and open a land connection between Karabakh and Armenia. The consequences of further aggression by Azerbaijan against Mountainous Karabakh have resulted in a new territorial arrangement, whereby MKR shares long border with the Republic of Armenia and Iran, even though the MKR-Iran border closed.

Today, Azerbaijan continues its blockade of MKR and Armenia. Moreover, since 1993, Turkey, as a close ally of Azerbaijan, also imposed a blockade on Armenia trying to exert pressure on Armenians in the Karabakh settlement process.

Conclusion

Never in its history has Azerbaijan had a complete and effective sovereignty over the Mountainous Karabakh region. At any given moment since 1918, when the first Azerbaijani state had been established, such sovereignty can at least be disputed.

In 1991, Nagorno-Karabakh initiated the process of its independence in compliance with the domestic legislation of the USSR. After the collapse of the Soviet Union, two states were formed: the Republic of Azerbaijan and the Republic of Mountainous Karabakh. The establishment of both these states has similar legal basis and therefore, the establishment of the Republic of Mountainous Karabakh on the basis of the right for self determination should not be considered in the scope of the territorial integrity of Azerbaijan.

In 1991, Azerbaijan, rejecting the Soviet legal heritage of 1920-1991 and affirming the fact that the Republic of Azerbaijan is the successor of the Republic of Azerbaijan of 1918-1920, lost all pretensions to the territories passed to Soviet Azerbaijan in July 1921, namely Mountainous Karabakh, even if the latter's transfer was to be considered legitimate. Therefore, the Mountainous Karabakh Republic was formed on territories over which the Republic of Azerbaijan had no sovereignty.

The establishment of the state of Mountainous Karabakh was carried out in conformity with the principles and attributes required by international law for the creation of an independent state.

It is an indisputable fact that the Republic of Mountainous Karabakh encompasses all the attributes necessary to be recognized as an independent state as determined by international law, including the Montevideo Convention on Rights and Duties of States (Dec. 26, 1933).

Specifically, international recognition requires:

- (i) a permanent population;
- (ii) a defined territory;
- (iii) a permanent administration organized under common political institutions exercising exclusive jurisdiction on the defined territory and people; and
- (iv) capacity to enter into relations with other states.

The Mountainous (Nagorno) Karabakh Republic meets each of the requirements set by the Montevideo Convention for international recognition of statehood.

ARF-D Position on the Mountainous (Nagorno) Karabakh conflict

Karabakh is an integral part of Armenia and the Armenian Revolutionary Federation-Dashnaksutyun (Armenian Socialist Party) has pursued its reunification with Armenia. The annexation of Karabakh to Azerbaijan was a result of arbitrary machinations by Stalin in the early 1920s and the people of Karabakh have never accepted that arrangement. During Soviet rule, at every opportunity, and most recently in 1988, the majority of the population of Karabakh had peacefully raised their quest for reunification with Armenia; Azerbaijan responded by violence not only in Karabakh, but all over Azerbaijan. In Karabakh, Armenians defended themselves and in 1991, declared the formation of the Mountainous Karabakh Republic. A just and lasting resolution of the Karabakh conflict should guarantee security and viability for Karabakh and Armenia. Eventually, the *de facto* reunification with Armenia should be granted *de jure* recognition. Attaining this recognition is a priority for the ARF-Dashnaksutyun.

The Armenian Revolutionary Federation-Dashnaksutyun has always defended the right of the people of the Republic of Mountainous Karabakh (MKR) to determine their own destiny.

The people of MKR have repeatedly expressed their will to live independent of Azerbaijan. The people of MKR have exercised their right to self-determination based on the principles of international law and the Constitution of the Soviet Union. Mountainous Karabakh has never been part of an independent Azerbaijan. Soviet Azerbaijani domination over Mountainous Karabakh began by the Soviet Union and ended with the collapse of the Soviet Union.

In the Karabakh-Azerbaijan war (1991-1994), Azerbaijan was the aggressor. MKR defended its right to live securely and was successful; Azerbaijan is responsible for launching the war and for all of its consequences.

For the past 19 years, the Republic of Mountainous Karabakh has existed and continues to exist as a democratic state, with its relevant state structures and local self-government bodies.

The recognition by the OSCE Minsk Group co-chair countries,⁸ together or alone, of the independence of Kosovo, Abkhazia and South Ossetia is testament to the international community's respect for the peoples' right to self-determination.

The Advisory Opinion of 22 July 2010 of the International Court of Justice on the "Accordance with international law of the unilateral declaration of independence in respect of Kosovo" clearly states "that general international law contains no applicable prohibition of declarations of independence." Furthermore, the Court determines that "the scope of the principle of territorial integrity is confined to the sphere of relations between States."

Azerbaijani ambitions to re-conquer MKR by force are doomed to fail and will lead the region to more unforeseen upheavals.

The Advisory Opinion of 22 July 2010 of the International Court of Justice [...] clearly states "that general international law contains no applicable prohibition of declarations of independence."

Furthermore, the Court determines that "the scope of the principle of territorial integrity is confined to the sphere of relations between States."

⁸ The OSCE Minsk Group co-chair countries are the USA, France and the Russian Federation

Having *de facto* recognized the Republic of Mountainous Karabakh and having signed with it economic and other cooperation agreements, and because of lasting aggression unleashed by Azerbaijan on Armenia and on the Mountainous Karabakh Republic, Armenia has been involved as a party in the Karabakh-Azerbaijani conflict and has become the guarantor for exercising the right to self-determination of the people of Artsakh.

Due to the fact that the Mountainous Karabakh Republic has not yet been recognized by the international community, in different instances Armenia represents and defends its interests, but cannot completely replace it. Mountainous Karabakh is the main and separate party to the conflict. Thus, only the respect of the right to self-determination of the people of Mountainous Karabakh and the acceptance of the fact of Armenia being the guarantor for the full exercise of that right can give real opportunities to pursue real effective negotiations resulting in the settlement of the conflict.

The ARF-D contends that the negotiations to resolve the conflict can bear results and promote peace only when Azerbaijan signs a legal document with the Republics of Armenia and MK not to use force or the threat of force.

The 2008 Russian-Georgian war and developments in the South Caucasus created a new situation in the whole region. It has become evident that if the international community is not able to prevent the use of force, then unforeseen developments could be calamitous.

For the ARF-Dashnaktsutyun, the basis of the negotiating process should be the will of the people of Mountainous Karabakh, expressed on two occasions, through the 1991 and 2006 referendums, on the declaration of independence and the MKR constitution respectively. While we realize that negotiations imply mutual concessions, we at the same time maintain that mutual concessions, in view of all components of the settlement of the conflict, may only be commensurate, equal, concurrent and within a package solution framework. Any fundamental change in the current borders of the Mountainous Karabakh Republic will compromise the security of MKR and of the Republic of Armenia, and will increase the likelihood of war. The reality is that the legacy of the conflict over Mountainous Karabakh in the last nine decades has made the return of Azerbaijani dominion in Mountainous Karabakh unthinkable. After almost two decades of *de facto* independence, more than 99% of Mountainous Karabakh's population wants independence from Azerbaijan.

"[T]he basis of the negotiating process should be will of the people of Mountainous Karabakh, expressed on two occasions, through the 1991 and 2006 referendums, on the declaration of independence and the MKR constitution respectively."

In 1991, Mountainous Karabakh initiated the process of its independence in compliance with the USSR domestic legislation. The establishment of the Republic of Mountainous Karabakh was carried out in conformity with the principles and attributes required by international law for the creation of an independent state. The negotiations should aim to an unconditional recognition of MKR independence and to ensuring her security, and should not circumvent the issues of the occupied Shahumyan region and the Getashen sub-region, as well as the Azerbaijani occupied areas of Martakert and Martuni and the rights of hundreds of thousands of Armenians displaced from Azerbaijan.

The course of the final settlement of the MKR issue is that of peaceful negotiations; the distorted format of these negotiations should however change so that MKR becomes a full-fledged party in the negotiation process. The adoption of any international document without the direct participation of the key party to the conflict, i.e. the authorities of MKR, is condemnable,

inadmissible and devoid of any legal power. The Republic of Armenia is not in a position to replace MKR in resolving this vital issue. Urgent measures therefore must be taken to return MKR to the negotiations table as a full-fledged party.

The regional *status quo* in the South Caucasus is the result of Azerbaijan's policy aimed at shattering the right of the self-determination of the people of Mountainous Karabakh, unleashing a war and losing it. Not only was Mountainous Karabakh able to defend its right to life, but it created a democratic state conforming to all international norms.

Today, the Republic of Mountainous Karabakh grows and develops as a full-fledged democratic state. Accepting this fact and in the new international reality recognizing the Republic of Mountainous Karabakh as an independent and sovereign state:

- a) will be an important step in Mountainous Karabakh's democratic and national development;
- b) will be a step forward for the international community;
- c) will positively contribute to enhancing the pillars of security and the long-lasting stability of the region and is essential for peace, and the economic and political development of the whole of the South Caucasus;
- d) Finally, such recognition of the Republic of Mountainous Karabakh by members of the international family of nations can not impede their friendly relations with Azerbaijan, because never in its history has independent Azerbaijan had a complete and effective sovereignty over the whole Mountainous Karabakh region and in all aspects, Azerbaijan has failed to provide any framework for Mountainous Karabakh's free and democratic development. Furthermore, the recognition of the Republic of Mountainous Karabakh should not be viewed as an act of hostility toward Azerbaijan and should not hinder all parties involved from clearly committing themselves to effective cross-border, regional and local co-operation in the best interest of the whole population in and around Mountainous Karabakh. Azerbaijan and Karabakh can soon begin to put their tragic shared past behind them and move toward a brighter future together. Azerbaijan should be called upon to be pragmatic on the status issue and to refrain from blocking Mountainous Karabakh's membership of international organizations.

Appendices

APPENDIX 1, DECISION OF THE SPECIAL SESSION OF THE NKAO COUNCIL OF PEOPLE'S DEPUTIES OF XX SESSION

"ON A PETITION TO THE SUPREME COUNCILS OF AZERBAIJANI SSR AND ARMENIAN SSR ON THE NKAO'S SECESSION FROM SOVIET AZERBAIJAN AND ITS TRANSFER TO SOVIET ARMENIA"
February 20, 1988

After hearings and debates on a petition to the Supreme Councils of the Azerbaijani SSR and Armenian SSR on the secession of the Nagorno Karabakh Autonomous Oblast from Soviet Azerbaijan and its transfer to Soviet Armenia, the special session of Nagorno Karabakh Autonomous Oblast Regional Council of People's Deputies have decided:

Meeting the requests of the NKAO workers, to appeal to the Supreme Councils of Azerbaijani SSR and Armenian SSR to show a profound understanding of the expectations of the Armenian population of Nagorno Karabakh and to resolve the issue of NKAO's secession from Azerbaijani SSR and its transfer to Armenian SSR and at the same time to submit a petition to the Supreme Council of the USSR on a positive resolution of the issue on NKAO's secession from Azerbaijani SSR and its transfer to Armenian SSR.

APPENDIX 2, ARTICLE 3, AN EXTRACT FROM THE LAW OF THE USSR ON THE PROCEDURES OF THE RESOLUTION OF PROBLEMS ON THE SECESSION OF A UNION REPUBLIC FROM THE USSR

Article 3

"In the union republic, containing autonomous republics, autonomous oblasts and autonomous okrugs, the referendum shall be conducted separately on each autonomous entity. Peoples of autonomous republics and autonomous entities have the right to decide on their own whether to stay within the USSR or within a seceding union republic, as well as on its own legal status as a state.

While determining the results of referendum in the union republic, where there are areas of a co-residence of ethnic groups comprising the majority of the population of the given area, the results of voting shall be considered separately."

APPENDIX 3, DECLARATION OF INDEPENDENCE

PROCLAMATION OF THE MOUNTAINOUS KARABAKH REPUBLIC, 1991 (ADOPTED AT A JOINT SESSION OF LEGISLATIVE BODIES)

▪ With the participation of delegates from all levels of councils in a joint session of people's deputies of the Mountainous Karabakh (MK) regional and Shahumian district councils, by the expression of the popular will supported by a documented referendum, and by the decision taken by the authorities of the MK autonomous region and the Shahumian district between 1988-91 concerning its freedom, independence, equal rights, and neighborly relations;

- Noting specifically the Azerbaijani Republic's declaration of restoring its national independence according to its 1918-20 boundaries;
- Recognizing that Azerbaijan's policies of apartheid and discrimination have created an atmosphere of hatred and intolerance toward the Republic's Armenian population, and led to armed clashes, casualties, and the deportation of Armenian civilians from peaceful villages;
- Establishing itself on the basis of the current constitution and the laws of the Union of the Soviet Socialist Republic (USSR), which, upon the secession of a union republic from the USSR, allow the peoples of autonomous formations and coexisting ethnic groups the right to self-determination of its national-legal status;
- Noting that the territory of the Shahumian district was forcibly detached from Nagorno Karabakh, and recognizing the intentions of the Armenian population to reunify as commensurate with the norms of natural and international law;
- Intending that neighborly relations between the peoples of Armenia and Azerbaijan will be restored based on mutual respect for each other's rights;
- Taking into consideration both the complexity and controversial nature of the situation in the country, the future of the [Soviet] Union, and the uncertain future of the [Soviet] Union structures of ruling authority and government;
- Respecting and abiding by the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the principles of the International Covenant on Civil and Political Rights, and trusting in the understanding and support of the international community;

Declares

The Mountainous Karabakh Republic within the current boundaries of the MK autonomous region and the adjacent Shahumian district, the MKR

The Mountainous Karabakh Republic, basing itself on the authority given to republics by the constitution and legislation of the USSR, reserves the right to decide independently its legal status as a state on the basis of political consultations and negotiations with the leadership of other countries and republics.

Prior to the acceptance of the constitution and laws of the NKR, the constitution and legislation of the USSR, as well as other existing laws shall be in effect on the territory of the NKR unless they contradict the purposes and principles of this declaration and the specific nature of the republic.

/Signed/

Delegates of all levels participating in the joint session of the NK regional and Shahumian district councils' peoples delegation.

September 2, 1991

APPENDIX 4, LEAGUE OF NATIONS: EXTRACT FROM JOURNAL 17 OF THE FIRST ASSEMBLY, GENEVA 1920 (PAGE 139)

"Azerbaijan. The Committee decided that though the request of Azerbaijan to be admitted was in order, it was difficult to ascertain the exact limits of the territory within which the Government of Azerbaijan exercised its authority. Frontier disputes with the neighbouring States did not permit of an exact definition of the boundaries of Azerbaijan. The Committee decided that the provisions of the Covenant did not allow of the admission of Azerbaijan to the League under present circumstances."

APPENDIX 5, ETHNIC CLEANSING CAMPAIGNS

SHUSHI MASSACRE

The town of Shushi is situated on a high plateau in the center of Mountainous Karabakh, ten kilometers from the MKR capital city Stepanakert. Due to its natural geographic location the plateau has always had a strategic significance.

The first record about Shushi, the former administrative center of Mountainous Karabakh, dates back to the XVIII century. The town preserved its significance as a strategic outpost also in the beginning of the XIX century, when Transcaucasus were under the rule of the Russian Empire, and Mountainous Karabakh constituted part of the Elizavetpol Gubernya (province) of Russia. It is not by accident that one Russian military figure wrote that "the one, who will take Shushi, will rule over Karabakh."

Shushi grew and by the XIX century it became one of the spiritual centers of the Caucasus. Political thinkers and the cultural elite of the Armenians of the Caucasus were shaped here.

The first serious clash in Shushi between Armenians and Caucasus Tatars (the name used for the descendants of nomadic tribes before 1918) occurred in 1905-1906. Despite the fact that the Turks-Tartars did not achieve their goal, about 400 homes, theaters etc. were burnt.

After the collapse of the Russian Empire in 1918, the Karabakh Armenians endured one of the most difficult periods of their history. Azerbaijan made huge unfounded claims to Karabakh and Zangezur, the historic territories of Armenia. Such actions of Azerbaijan were supported by the tragic circumstances during World War I, as well as by the patronage of the criminal authorities of Turkey. In 1915, the Ottoman Empire carried out genocide of one and a half million Armenian people in Western Armenia. The young Republic of Armenia was already so exhausted that it could not defend the Armenian population and assert its rights on Karabakh and Zangezur.

However, the population of Mountainous Karabakh and Zangezur refused to recognize the jurisdiction of the newly created Azerbaijani Republic. Azerbaijan, without having any legitimate rights to control this region, tried to subjugate Nagorno Karabakh with the help of Turkish troops. On September 15, 1918 Turkish troops entered Baku, and as a result of the massacres, thirty thousand Armenians were murdered.

March 23, 1920 was the most tragic - the Turkish-Azerbaijani troops burnt and plundered Shushi, the fifth largest town in the Caucasus. Within three days, the population of the town decreased by 65%. The Turkish Musavatist armed groups eliminated 25 thousand Armenians in Shushi. Seven thousand well-furnished two-story houses and beautiful cultural and administrative buildings were ravaged and turned to ashes. The Armenian part of the town was burnt and was not rebuilt until the beginning of the 1960s.

Sergo Ordjonikidze, Georgian member of the Caucasian Bureau of the Central Committee of the Communist Party, who visited the devastated Shushi region in May of 1920, wrote in his memoirs: "Even today I remember with horror the image that we saw in May 1920 in Shushi. The most beautiful Armenian town was destroyed, smashed to the ground, and laid in ruins, and in draw-wells we saw the dead bodies of little children and women. . ."

SUMGAI

Tragic events in the Azerbaijani town of Sumgait were preceded by a wave of anti-Armenian demonstrations and rallies throughout Azerbaijan in February 1988. Pogroms, beatings, and massacres of Armenians in Sumgait, situated a half an hour from Baku, was carried out at daytime.

The peak of the crimes committed by the Azerbaijani authorities took place on February 27-29. Almost the entire town became an arena for unhampered pogroms of the Armenian population. With lists of Armenian inhabitants in hand, Azerbaijani mobs burst into the apartments of the Armenians living in Sumgait. They were armed with metal rods and stones. Axes, knives, bottles and fuel cans were used as well. According to many eyewitnesses, around 50-80 people participated in the raid of one apartment alone. Similar crowds committed outrages in the streets. The significant numbers of those killed were burnt alive after suffering beatings, tortures, and rapes. Hundreds of innocent people received injuries of varying degrees, most had to live with their inflicted injuries for the rest of their lives. There were hundreds of smashed apartments, numerous burnt and broken cars, dozens of destroyed workshops, shops and kiosks. As a direct result of those pogroms, thousands became refugees.

The Armenian pogroms in Sumgait, were reminiscent of genocidal tactics. The tragic events of Sumgait in late February of 1988, never received adequate political assessment, and its organizers and the main executors not only escaped punishment, but their names remain unknown to the world. However, documents, testimonies and other facts allow one to draw a well-defined conclusion: the pogroms were masterminded and carried out on a high state level, and its main organizers and executors were the Soviet Azerbaijani leadership of the time and were connected to various nationalistic pro-Turkish circles. This was expressed in the Moscow magazine (*Znamya*, No 6, 1989) by informed public figure George Soros, who agreed to the fact that the first Armenian pogroms in Azerbaijan were inspired by the local mafia led by the current president of Azerbaijan, Heydar Aliyev.

An Azerbaijani witness, S.Guliyev, testified to the reactions of authorities: "Near the windows of a militia point a man was beaten. The militia gave the town to be torn to pieces. The militia was not in town. I didn't see it".

"The militia knew everything", - stated the witness D.Zarbaliyev, the son of the Interior ministry official. According to the testimony of Arsen Arakelian, he phoned the militia department several times (the telephones of all the Armenians were disconnected), begging to save his mother Asya Tigranovna from being beaten nearly to death. She was burnt and survived by a mere miracle; the bandits abandoned her thinking she was dead.

From the report of the Moscow Human Rights Center of the "Memorial" Association:

"On February 27-29, 1988, the pogroms of the Armenians occurred in Sumgait, situated on the territory of Azerbaijan near the city of Baku, which were accompanied by mass violence, robberies, and massacres, which led to the flow of refugees from Sumgait to Stepanakert and Armenia. No timely investigation of the circumstances of pogroms, determination and punishment of the guilty ones were carried out, which led to the escalation of the conflict."

A.Sakharov, who was shocked by the events in Sumgait, wrote: "No half measures, no talks about friendship of peoples can calm down the people. If someone doubted this before Sumgait, then after this tragedy no one has the moral right to insist on maintaining NKAO under the territorial jurisdiction of Azerbaijan."

POGROMS IN BAKU

The violent and brutal acts committed against the Armenians in Shushi, which went unpunished and to which the international community turned a blind eye, allowed Azerbaijani authorities and the mobs which they employed to continue the bloody pogroms in other parts of Azerbaijan. Incursions against Armenians intensified and included the entire territory of the Azerbaijani SSR, reaching its pinnacle on January 1990 in Baku, when hundreds of Armenians became victims of the hatred of Azerbaijani nationalists.

During November and December 1988, Armenian pogroms took place throughout Azerbaijan. The largest of them were in Baku, Kirovabad, Shemakh, Shamkhor, Mingechaur, and the Nakhijevan ASSR. In Kirovabad, Azerbaijani mobs entered old people's home, dragged them to the countryside, and brutally killed 12 helpless elderly Armenian men and women, including invalids (this case was highlighted in the mass media). In the winter of 1988, the population of dozen Armenian villages of several rural regions of the Azerbaijani SSR were deported. The population of more than 40 Armenian areas in northern Nagorno Karabakh (which were not included into the Nagorno Karabakh autonomy during its formation), including forty-thousand Armenians of Kirovabad, shared the same fate. After those events, only a small part of the Armenian population remained in Azerbaijan, mainly in Baku. 50,000 people remained out of the 215,000 that lived in Baku in 1988. On January 12-13, 1990, the Armenian pogroms in Baku were organized. On January 13, after 5 p.m., a crowd of tens of thousands people, gathered in a rally in Lenin's Square, divided into several groups and began methodical, house-to-house "cleansing" of Armenians. They either killed people or took them to the sea-port, or to the airport and forced them to leave. "On January 15, pogroms and assaults continued in Baku. By preliminary information, the pogroms during the first three days resulted in the death of 33 people. Yet this number should not be considered final, as not all of the dwellings in Baku were checked..." (*Izvestia*, January 16, 1990).

There are many documented cases of brutalities and murders committed with extreme cruelty. There were cases of body dismemberment, disembowelment of pregnant women, and burning people alive. During the Armenian pogroms in Baku, furious crowd tore a man to pieces and threw his remains into an ash can (*Soyuz*, May 19, 1990). "They cut him into pieces," an Azeri woman said about her Armenian husband. "He was crying 'Kill me;' I was tied up and could only cry, 'Kill him.' I asked them to kill my husband to rid him of his painful death."

At a press-conference in Moscow soon after the pogroms, one of the leaders of the Azerbaijani People's Front, E. Mamedov, said, "I personally witnessed the murder of two Armenians near the railway station. The crowd poured them with petrol and burned them, and it was about 200 meters away from the regional Militia Department. There were about 400-500 soldiers of interior forces, but no one tried to put cordons around the region and disperse the crowd."

The exact number of victims remains unknown so far - according to various sources of information, from 150 to 300 people were killed. Pogroms continued until January 20, when the Union troops entered the city.

FORCIBLE DEPORTATION OF 24 ARMENIAN VILLAGES OF NAGORNO KARABAKH KNOWN AS OPERATION "RING"

Since the beginning of 1991, the leadership of Azerbaijan launched a new psychological attack against the Armenian population of the NKAO and the Shahoumian district. Leaflets were

disseminated in the district with the categorical demand for the Armenian population to leave the territory of Mountainous Karabakh at the earliest possible date.

On January 14, the Presidium of the Supreme Council of Azerbaijan adopted a decision on unification of two neighboring districts, the Armenian-populated Shahoumian region and the Azerbaijani-populated Kasum-Ismaïlovsky region, into one Geranboy region. The goal of the Azerbaijani leadership was obvious: to liquidate yet another Armenian-populated region, deporting its population and settling Armenian villages with Azerbaijanis. By that time, 20 thousand people lived in the Shahoumian district, 82% of whom (according to unofficial data) were Armenians.

On January 22 at the Stepanakert airport, the OMON (special task units of militia) of the Ministry of Internal Affairs of Azerbaijan rudely detained a group of Deputies of the Russian Parliament, who arrived with a task force dedicated to studying the situation in the region.

The situation in Mountainous Karabakh and in the nearby regions became heated. Among the punitive measures against the Armenian population, operation "Ring" is worth mentioning. It was carried out jointly by the OMON forces of the Ministry of Internal Affairs of Azerbaijan and Internal Forces of the USSR from the end of April until the beginning of June 1991. Under false pretense of "passport regime checking," an unprecedented act of state terror was executed, aiming at suppressing the Karabakh national liberation movement. Killings, violence, indescribable acts of vandalism and jeering at people of all ages, even children were commonplace.

The first victims were the residents of the Getashen and Martounashen Villages in the Khanlar region of Azerbaijan. Twenty-four Armenian villages suffered three-week deportations: two in the Khanlar region of Azerbaijan, three in the Shahoumian district, fifteen in the Hadrout region and four in the Shushi region of NKAO. As a result of these actions in Karabakh, more than 100 people were killed, and additional several hundred hostages were taken.

MARAGHA

On April 10, 1992 Azerbaijan committed a barbaric massacre of the population of Maragha village in Martakert (Mountainous Karabakh), during which almost 100 unarmed villagers, mostly women, children, and elderly persons were slaughtered in cold-blood and close to 100 more were taken hostage. The massacre was repeated on April 22-23, 1992, when a handful of survivors came back to the village to bury their dead.

One of the most tragic events of recent Armenian history is the slaughter of unarmed civilian population in the village of Maragha. The horrible tragedy is well documented and is confirmed by many international human rights organizations, including Human Rights Watch/Helsinki.

DESTRUCTION OF PHYSICAL EVIDENCE OF A TERRITORY'S ARMENIAN IDENTITY: THE ARMENIAN CEMETERY IN DJULFA, NAKHICHEVAN

The historic Armenian Cemetery of Djulfa (known in Armenian as *Jughha*) is located in the southern portion of Nakhichevan, near the Iranian border. Nakhichevan is a historic part of the Armenian homeland and was an integral part of the first Armenian Republic of 1918-1920. In 1921, it was arbitrarily severed from Armenia and placed under Azerbaijani rule as part of the Soviet Union's accommodation with Kemalist Turkey and Moscow's "divide and conquer" gerrymandering of borders in order to facilitate its control of the region. During the Soviet era, the indigenous Armenian population was pushed out of Nakhichevan through discrimination, economic pressure, and other policies advanced by the Soviet Azerbaijani authorities.

The historic Armenian cemetery in Djulfa spans through the 6th to 17th centuries. At its peak, there were some 10,000 intricately carved stone crosses (*khatchkars*) spread across three hills, marking the different eras of Armenian history. By 1998, following the systemic destruction of the *khatchkars* by Azerbaijani authorities over the decades, only 2,000 remained.

Khatchkars are cross-stones about one meter wide and up to 2.50 meters high, richly decorated with Christian symbols, flowers and arabesque climbing plants as well as with subjects from daily life.

These delicately engraved stones represent a 1500-year-old tradition of Armenian stone masons. *Khatchkars* are unique and were used as free-standing steles but also as ornaments in the masonry of Armenian churches and cloisters. Since the early Middle Ages they have been used as tombstones in cemeteries.

In 1998, Azerbaijani forces continued the systematic destruction of the remaining 2,000 *khatchkars* in the Djulfa Cemetery. Eyewitnesses on the Iranian border cited the use of bulldozers to demolish the *khatchkars*, the remnants of which were transported by train. Following three weeks of attacks, roughly 800 *khatchkars* were destroyed. Through the intervention of groups such as UNESCO and ICOMOS, the demolition was temporarily halted. Following the example of the Taliban, on November 9, 2002, the demolition of the Djulfa Cemetery resumed, with hundreds of the remaining *khatchkars* destroyed.

Following the example of the Taliban who destroyed the statues of Buddha in Bamian, Afghanistan, Azerbaijan has obliterated Nakhijevan's centuries-old historical monuments, hoping to prove that the region was never an Armenian territory...

Beginning December 10, 2005, approximately 200 Azerbaijani soldiers amassed at the Nakhichevan-Iran border to demolish the remaining grave markers at the Armenian Djulfa Cemetery. Using heavy hammers and pickaxes, soldiers of the Azerbaijani army reduced the displaced *khatchkars* to a heap of rubble, which were loaded onto lorries and emptied into the River Arax.

In early March 2006, Nakhijevan's authorities stationed a shooting-ground on the site of the Julfa Cemetery. Lying over thousands of human remains, that firing-ground is the exemplary manifestation of Azerbaijan's moral values. Situated very close to the Iranian border, it can never serve soldiers in need of shooting practice. In fact, it was hurriedly established to conceal Azerbaijan's criminal actions: the Azerbaijani authorities turned the site of the former cemetery into a "military zone" so that they could ban foreign missions and observers from entering it.

Following the example of the Taliban who destroyed the statues of Buddha in Bamyian, Afghanistan, Azerbaijan has obliterated Nakhijevan's centuries-old historical monuments, hoping to prove that the region was never an Armenian territory...

Basic Facts



MKR Flag



MKR Coat of Arms

Name	Mountainous (Nagorno) Karabakh Republic or Republic of Artsakh
Capital	Stepanakert
Language	Armenian
Population	140,100*
Ethnic Composition	95 percent Armenian, 5 percent minorities (Greeks, Russians, Ukrainians, Assyrians, Georgians, etc.)
Religion	Christian, 95 percent of the population are adherents of the Armenian Apostolic Church, with some Orthodox, Evangelicals and Jews
Location	Situated in the southeastern part of the Caucasus Minor, from the West it borders Armenia, from the North and the East with Azerbaijan, from the South with Iran. It includes the eastern part of the Karabakh Plateau and extends from the West to the East running into Lower Karabakh that forms the major part of the Kura-Arax wide plain.
Area	11,500 sq. km**
Relief	Mountainous
Highest Peaks	Mt. Mrav 3,340 m., Mt. Kirs 2,725 m
Largest Body of Water	Sarsang Reservoir
Rivers	Terter, Khachen
Main Law	Constitution of the Republic of Mountainous Karabakh***
Administrative Divisions	Includes seven regions and the Capital of the Republic
Largest Towns	Martuni, Martakert, Askeran, Hadrut, Shushi
Currency	Armenian Dram, AMD
Time Zone	GMT + 04:00
Country Code	+374

* As of 2009 statistics.

** According to the Constitution of the Republic of Mountainous Karabakh.

*** Adopted on December 10, 2006, via nation-wide referendum.

MAPS

The political conflict between Mountainous (Nagorno or Upper) Karabakh and Azerbaijan dates back to 1918, when for the first time in history a state named Azerbaijan was founded. After the 1917 Russian Revolution and the collapse of the Russian Empire, there emerged in 1918 the briefly independent Republics of Armenia and Azerbaijan. The dispute over Karabakh dates from this period, when the borders of the new states were to be drawn. Never in its history has Azerbaijan had sovereignty over the Mountainous Karabakh region. Azerbaijan's claim on Mountainous Karabakh was mainly based on the assertion that in the Russian Empire's Elizavetpol *gubernia* (province) Muslims constituted the majority in seven of the eight districts, and the minority only in the mountainous areas of Karabakh; hence, the Azerbaijani assertion went, the *gubernia* as a whole should be incorporated into the newly founded Republic of Azerbaijan.

Following Sovietization of Azerbaijan and Armenia, in 1924 the borders of the Mountainous Karabakh Autonomous Region were carved by the Soviet leadership of Azerbaijan with no participation of Armenian representatives. Mountainous Karabakh was split in a way that one part could function as a separate autonomy, while the other was incorporated into the administrative regions of Soviet Azerbaijan in such a way that the physical and geographical ties between the Soviet Republic of Armenia and the Armenian autonomous region were neutralized. The borders of the Mountainous Karabakh Autonomous Region were regularly redrawn, however, the artificial buffer between Armenia and Karabakh, the administrative Lachin and Kelbajar districts, was retained.

In 1991, the Mountainous Karabakh Republic was founded and it initiated the process of its independence in compliance with the domestic legislation of the USSR and in conformity with the principles and attributes required by international law for the creation of an independent state. Azerbaijan unleashed a war. During the Karabakh-Azerbaijan war (1991-1994), MKR defended its right to live securely and was successful. Not only was Mountainous Karabakh able to defend its right to life, but it created a democratic state conforming to all international norms.

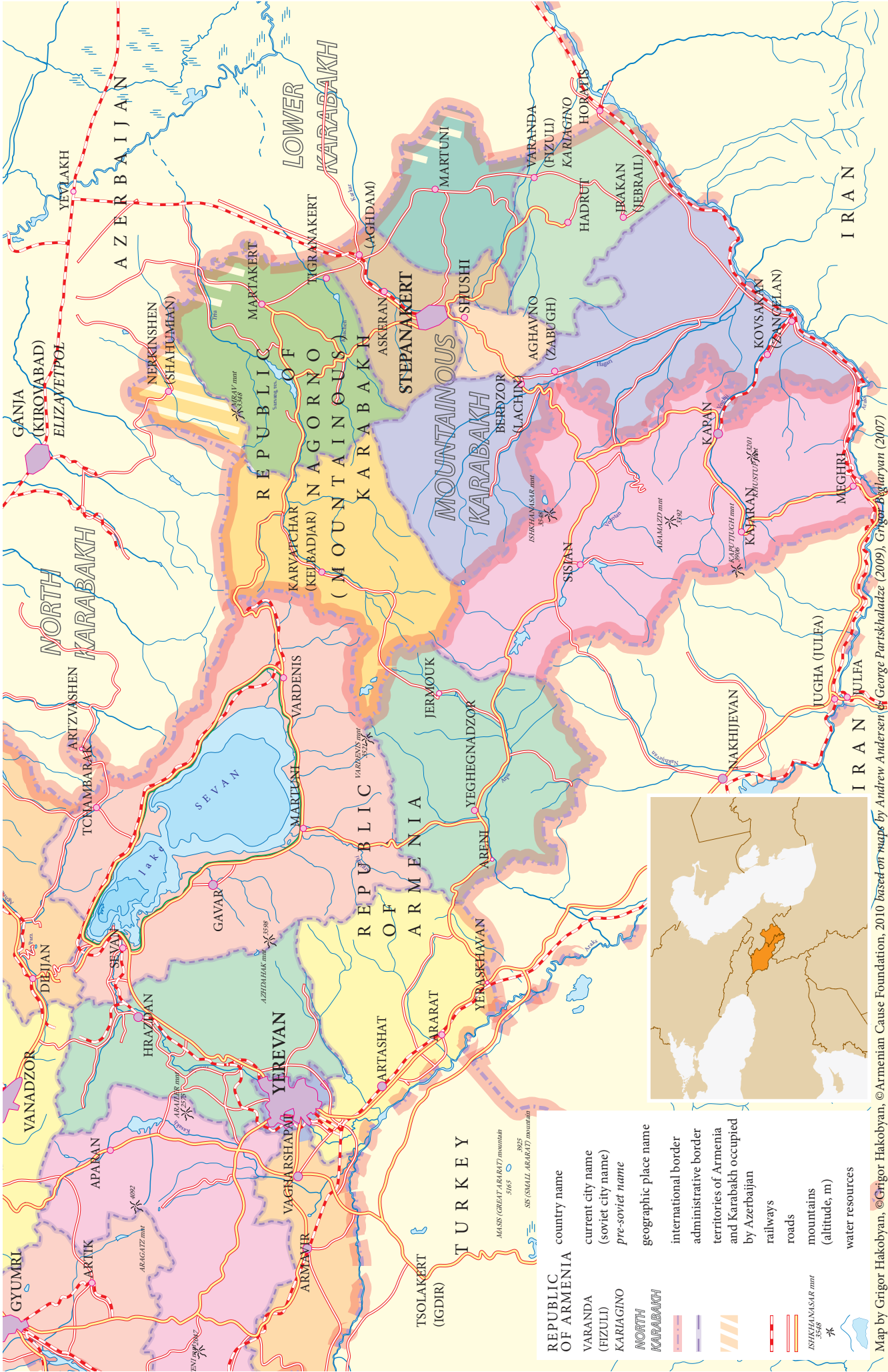
The international community today wishes to see the Karabakh conflict resolved based on the internal administrative borders of the Soviet Union, thus laying the foundations for a protracted conflict and instability in the region.

The maps on the following pages visualize these capricious border changes and the compelling realities.

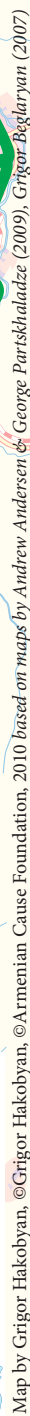
- Republic of Mountainous (Nagorno) Karabakh & Republic of Armenia (partial) - Present
- Provinces of Erevan & Elizavetpol: Russian Administrative Borders - 1914
- Modifications of Borders of Soviet Republics and Autonomous Units - 1920s-1930s
- Russian, Soviet & Present Day International & Administrative Borders - 1914, 1920s-1930s, 1988, Present

Republic of Mountainous (Nagorno) Karabakh & Republic of Armenia (partial)

Present day

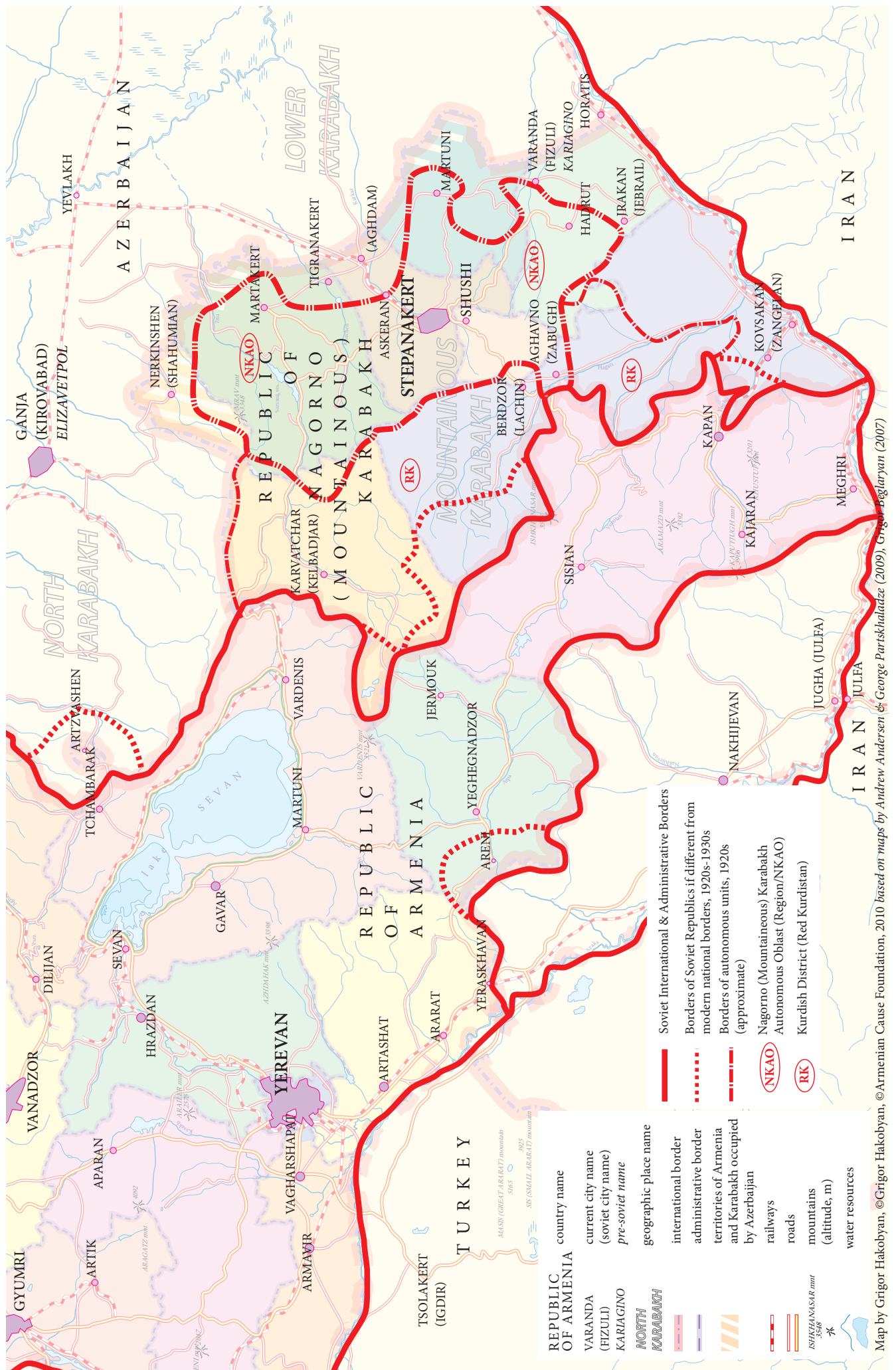


1914



Modifications of Borders of Soviet Republics and Autonomous Units

1920s-1930s



Map by Grigor Hakobyan, ©Grigor Hakobyan, ©Armenian Cause Foundation, 2010 based on maps by Andrew Andersen & George Pariskhaladze (2009), Grigor Beglaryan (2007)

Map of Nagorno-Karabakh and Surrounding Regions

Legend:

- REPUBLIC OF ARMENIA**
 - VARANDA (FIZULI)
 - KARIAGINO
- Geographic place name**
- international border**
- administrative border**
- territories of Armenia and Karabakh occupied by Azerbaijan**
- railways**
- roads**
- mountains (altitude, m)**
- water resources**

Map Labels:

- ELIZAVETPOL GUBERNIA**
- EREVAN GUBERNIA**
- SHARUR-DARALAGIAZ**
- NAKHICHEVAN**
- ZANGEZUR**
- KARIAGIN**
- Shushi**
- Djevanshir**
- Novo Bayazit**
- Etchmiadzin**
- Surmalu**
- Alexandropol**
- Yerevan**
- Ararat**
- Yeghghnadzor**
- Shirak**
- Marzashir**
- Varanda**
- Karabakh**
- Lower Karabakh**
- Upper Karabakh**
- Mountainous Karabakh**
- Stepanakert**
- Askeran**
- Martuni**
- Varanda (Fizuli)**
- Karabagh**
- Horat**
- Trakan (Jebail)**
- Kovsak (Zangilan)**
- Kapan**
- Kajaran**
- Meghri**
- Tugha (Julfa)**
- Julfa**
- Iran**
- Turkey**
- Georgia**
- Azerbaijan**
- Armenia**
- Yerevan**
- Ararat**
- Yeghghnadzor**
- Shirak**
- Marzashir**
- Varanda**
- Karabakh**
- Lower Karabakh**
- Upper Karabakh**
- Mountainous Karabakh**
- Stepanakert**
- Askeran**
- Martuni**
- Varanda (Fizuli)**
- Karabagh**
- Horat**
- Trakan (Jebail)**
- Kovsak (Zangilan)**
- Kapan**
- Kajaran**
- Meghri**
- Tugha (Julfa)**
- Julfa**
- Iran**
- Turkey**
- Georgia**
- Azerbaijan**
- Armenia**

Map by Grigor Hakobyan, ©Grigor Hakobyan, ©Armenian Cause Foundation, 2010 based on maps by Andrew Andersen & George Partskhaladze (2009), Grigor Beglaryan (2007)

Map by Grigor Hakobyan, ©Grigor Hakobyan, ©Armenian Cause Foundation, 2010 based on maps by Andrew Andersen & George Partskhaladze (2009), Grigor Beglaryan (2007)