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**A NEW LEGAL APPROACH TOWARDS THE NAGORNO-KARABAKH
CONFLICT PEACEFUL RESOLUTION****Abstract:**

The current research aims at proposing a new legal approach regarding the Nagorno-Karabakh conflict between The Nagorno-Karabakh (Artsakh) Republic and Azerbaijan, as well as The Republic of Armenia as a third party involved in the case.

The conflict emerged with its current embodiment in late 1980s, due to the national movement of the Armenians in Karabakh for self-determination and reunification with Armenia. The non-violent phase of the conflict lasted no more than half a year and soon after the emergence of the Armenian movement, Azerbaijani then authorities with the help of the Soviet Internal Security Forces and OMON, launched a military attack towards the Armenian population in Karabakh intending to disarm the local Armenian self-defense militia detachments and uproot the Armenian livings in the given region.

The active phase of the conflict, i.e. war of national liberation of Karabakh Armenians against the newly independent Azerbaijani Republic lasted from 1991 till 1994. During the war the newly independent Republic of Armenia conducted humanitarian, military and moral support to its compatriots in Karabakh. Azerbaijan in its turn gained the full support of The Republic of Turkey, as well as solidarity of some Islamic states etc. Russia was amongst the sole countries conducting a policy of keeping balance between belligerents both by arms supply and diplomatic stance. Generally by the Russian mediation the Armenian sides and the Azerbaijani side signed a truce agreement in May, 1994 which is in force up till now.

The OSCE Minsk Group is delegated the mandate to provide a multilaterally acceptable peaceful resolution for both sides. The negotiations so far proved a little success, though they are an effective tool in keeping the fragile peace in the front line.

The current research presents a thorough investigation of the historical roots of the Nagorno-Karabakh conflict, the current legal paradigm of the conflict, as well as some basic postulates and theoretical approaches necessary for understanding and dealing with the conflict both on the scientific and academic sphere and on the "realpolitik" level.

As the quintessence of the paper, the author suggests a new legal approach towards the conflict resolution assuming as a basis both the principles and norms of international law as well as the local conditions and factors peculiar to this single conflict.

Keywords:

Geopolitics in South Caucasus, Nagorno-Karabakh Republic, Conflict Resolution

JEL Classification: F50, F51, F54

Introduction:

The Nagorno-Karabakh conflict is considered to be one of the so-called frozen conflicts of the South Caucasus region. The conflict is deemed to be unresolved because since the outbreak of the national movement of the Armenians in Karabakh as well as after the truce agreement no ultimate peace agreement has been signed between the conflicting sides.

The legal and philosophic understructure of the current study is – how to provide a permanent peace for the parties – from which the whole structure of the analysis springs up.

The first article of the Charter of the United Nations reads “[*The Purpose of the United Nations*] ... to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace”. We can clearly observe that the word “peace” is repeated 5 times in the first clause of the first article of the most important international treaty, to which the Republics of Armenia and Azerbaijan are parts. It is a well-known axiom that the system of the principles of the international law can be entirely perceived only in the vertical connection with the purposes/goals of the international law. The purposes of the international law are the desired state of the international affairs. Thus, they are the Alpha and Omega of the lawmaking and law enforcement processes in the international law [Kocharyan, 2002, 85]. The scientific search of the peace is the cornerstone of the current study.

Historical Overview:**1. 18th C. – Formulation of the bilateral balance in Transcaucasia:**

Artsakh (Karabakh) is an integral part of historic Armenia. During the Urartian era (9-6th cc. B.C.) Artsakh was known as Urtekhe-Urtekhini. As a part of Armenia, Artsakh is mentioned in the works of Strabo, Pliny the Elder, Claudius Ptolemy, Plutarch, Dio Cassius, and other ancient authors. Armenia’s north-eastern border, according to several ancient sources, was the River Kura, which places Artsakh within the Armenia. In the works of the above mentioned authors, it is noted that the Kura River formed the border between Armenia and Caucasian Albania [Brief History of Artsakh (Nagorno-Karabakh), 2013, 2].

After the division of Greater Armenia (387 A.D.), Artsakh became part of the Eastern Armenian kingdom, which soon fell under the Persian rule. At that time, Artsakh was a part of the Armenian *marzpanutyun* (province). At the end of the 5th century, Artsakh and neighboring Utik were united under the local dynasty of Aranshahiks, led by King

Vachagan III (487-510 A.D.), and experienced a period of tangible growth in science and culture [Elbakyan, 2012, 150].

In 16-17th centuries a number of unique state-like administrative-political units were formed in Artsakh, called “*melikutiun*”, which then led the struggle of the Armenians against the Ottoman and Turkic invasion [Elbakyan, 2012, 151]. During the rule of the Persian Nader Shah, the five Armenian melikdoms were united in a single political composition, called *Principalities of Khamse* (meaning “Five Principalities” in Arabic). The Principalities of Khamse was comprised of Gulistan, Jraberd, Khachen, Varanda and Dizak Armenian melikdoms.

The subsequent downfall of the Armenian melikdoms came after the disruption of the political unity among the Armenian princes. In the middle of the 18th century for the first time Turkic tribes invaded the Eastern Armenia making the stronghold of Shushi their first foothold in the Armenian highland [Croissant, 1998, 11]. Earlier inhabiting the surroundings and the vicinity of Artsakh-Karabakh, Turkic/Muslim tribes began spreading in the mountainous parts of the Armenian land. As a result, thousands of Armenians abandoned the land during the last decade of 18th century [Shnirelman, 2003, 592].

The unification of the Turkic tribes on the territory of the present-day Azerbaijani Republic as well as Artsakh Republic, took place since the 15th century. Formerly nomadic tribes moved to a half-nomadic and sometimes even settled way of life, thus an urgent need for new lands shaped the pivot of the enmity and struggle against the indigenous people of the region, including the Armenians [Melik-Shahnazaryan and Khachatryan, 2007, 17-18].

The aforesaid strategic antagonism stipulated the content of the Armenian-Turkic relations in the Transcaucasian front till the end of the Artsakh liberation war (1994).

2. Armenian-Tatar clashes 1905-1907 – Fight for living space:

The Armenian–Tatar clashes were bloody inter-ethnic/inter-national confrontation between the Armenians and Tatars/Muslims throughout the Caucasus in 1905–1906/7. Mass clashes erupted throughout the whole region – beginning from Baku (February, 1905), spreading to Nakhijevan (May), Shushi (August), Elisabethpol (November), occasionally rocking Tiflis, Genje (Gandzak) and other villages and districts with mixed Armenian and Tatar population.

There are multiple factors causing the quasi war between these sides. Those factors were generated and upheld by the Tsar and Sultan regimes (realism theory) and also stipulated by the interests and national aspirations of the Armenians and Tatars. One of the peculiarities of the Transcaucasian region during the Russian Empire times was

that there were no predominantly Russian-populated cities/areas in those times, and that was considerably hampering the russification of the indigenous population. On the other hand, the consequent overrepresentation of the Armenians in the local municipalities as well as industrial establishments became identified and apprehended by the Russian ruling circles as a threat to the Russian domination in the region [Baberovski, 2004, 307-352]. The Armenian aspirations towards strengthening their potential in the Eastern Armenia (*i.e.* Russian Armenia) and keeping national identity run counter to the Russian policy in the region. Provocation of ethnic clashes between the dominating Armenians and underrepresented non-Christians (Tatars) created an opportune moment for the Russian authorities to re-change the balance of power in the region as well as to check the loyalty of the Transcaucasian Muslims [Ibid.]. In their reports to the Government, British diplomats were stating that the Russian administration had been practicing the *divide et impera* mechanism against the two main nations of the region instead of keeping the appropriate balance [Bourne and Watt, n.d., 185-186].

Yet, there was another aspect of the Armenian-Tatar feud giving a significant push to the antagonistic moods in the region. The point is that the political socialization and nation-building among the Tatar tribes in Transcaucasia were largely conducted by the Ottoman ideological and administrative circles, which had become regarding the Pan-Turkism as a vigorous ideology that could enhance the influence of the Empire in the neighboring regions. The natural allies of the Anatolian Turks were Transcaucasian Türks. Since that time they regarded Armenians as well as the Russian dominance in Transcaucasia as a natural obstacle on their path. In one of the reports discovered in the Tsar Russia archives the reasons of the Tatar antagonism against the Armenians are enumerated as such, “... *the obscurant and fanatic Tatar population deeply loathes the Armenians... The Armenians [comprising the majority of the population in Karabakh] have surpassed the Tatars... [The Armenian-Tatar clashes] are ignited by the bulk of Turkish agents, swarming in the region and spreading the plague of the Pan-Islamism and Pan-Turkism*” [Galoyan, 2002, 4].

Because of its geographically dominating position, Artsakh-Karabakh was chosen by the Pan-Turkic agents as the primary stronghold in Transcaucasia. Branches of Pan-Turkic organizations were created in Shushi, Karabakh [Elbakyan, 2012, 131-132]. The center of the anti-Armenian propaganda and military aggression against the defenseless Armenian population was the Pan-Islamic committee in Baku. There are certain evidences that the Transcaucasian Muslims were being supported by the Ottoman Empire. One of the members of the Central Committee of the newly-emerging Committee of Union and Progress, Behaeddin Shakir Bey in one of his letters dispatched to the “Muslim Brothers of Caucasus” wrote, “*Armenians are our enemies. Besides, they are the fiercest obstacle on your way to get freedom from Russians. Make a certain plan on weakening them*” (March, 1906) [Demoyan, 2006, 29-30]. Thus, during the Armenian-Tatar clashes, the Ottoman Empire gave a comprehensive support to Tatars with an intention to undermine the Russian influence in the region as well as to shake the Armenian rising potential [Ibid.]. As an

eyewitness, Luigi Villari states, "*Tartar (i.e. Tatar – E.E.) intellectuals are ... furiously anti-Armenian, and have not been without Government backing, as an offset to the Armenian and Socialist movements*" [Villari, 1906, 169]. Later in 1907 the Russian intelligence services also alarmed that the Sultan was preparing for the war, thus the concentration of the troops at the Ottoman-Russian border as well as backing up the anti-Russian – anti-Armenian factions were thoroughly prearranged acts [Galoyan, 2002, 1] rather than just "plots" as comprehended then by the Armenian circles ("*But there is another view, shared by the bulk of the Armenians, according to which Tartar outbreaks are merely part of a much wider movement of a Pan-Islamic character. It is a vast conspiracy organized in Constantinople and in Teheran, to bring about a union of the whole Mohammedan world, to exterminate the Christians of the Middle East*" [Villari, 1906, 173]).

By scrutinizing the seats of war, it is easy to conclude that the clashes were not something sporadic or merely ignited by the central authorities, but an organized fighting with the certain logics around the security and economic interests in terms of the then political reality. For instance in Baku the main target of the Tatars was the oilfields belonging to the Armenians. Especially they were badly damaged in the second phase of the Baku fights in August of 1905. The clashes, burst out in the central areas, signaled to the Muslims in Armenia (in particular Nakhijevan and Artsakh-Karabakh) at the possibility to strengthen the positions in those districts. After the Baku clashes, Muslim communities in Nakhijevan began smuggling consignments of weapons from Persia [Villari, 1906, 270]. On the 25th of May, acting on a prearranged plan, bands of armed Tatars attacked the market area in the district capital, the town of Nakhijevan, looting and burning Armenian businesses and killing any Armenians they could find. Later, in a revenge attack, Armenians attacked a Tatar village, killing 36 people [Ibid., 270-274]. The Armenian-inhabited parts of Nakhijevan were largely devastated.

In Arstakh-Karabakh the rural districts as well as strategic strongholds were the main area of conflict. Mass unrest began on the Shushi-Evlakh and Shushi-Goris roads soon after the Baku fights. The clashes in the city of Shushi erupted on the 16th of August and lasted for 6 days. Despite the fact that the Armenians in Shushi enjoyed the advantage of position and were better accustomed to the military art, they did not manage to resist the main attack of the Tatars which caused the destruction and devastation of the Armenian market district [Karapetyan, 2004, 526]. On September 13, 1905, the Paris edition of the New York Herald published an article, entitled "*Holy War Waged*". It reads, "... *The districts of Zangezour and Jebrail are swarming with Tartar (Tatar – E.E.) bands under the leadership of chiefs, and in some cases accompanied by Tartar police officials. Green banners are carried and a 'Holy War' is being proclaimed. All Armenians, without distinction of sex or age are being massacred.*

The anti-Armenian moods contributed to the political consolidation of the Transcaucasian Turks. One of the first organizations (if not the first) unifying the

Muslim Tatars/Turks of Transcaucasia from the national-political aspect, was the “*Qafqaz Ümummüsəlman Müdafie Komitəsi – Difai*” (“Pan-Islamic Defence Committee - Difai”). The main objective of the party was proclaimed fighting the Armenians (esp. the Armenian armed party of *Dashnaktsutyun*) [Əzizov, 2009, 84]. In March, 1907, hand in hand with the Transcaucasian, Northern Caucasus and Crimean Muslim organizations, the Difai convened a kurultai¹ in Elisabethpol (*nowadays* Gence) [Ibid., 102]. The kurultai adopted a 5-point declaration which was sharply directed at the Armenians in Artsakh-Karabakh. It read, “1) To convene in the near future a suchlike convocation in Crimea intended to establish a Pan-Muslim union, similar to the Armenian “Dashnaktsutyun” and by means of terror to exact concessions from the government, as the mentioned Armenian organization has done; 2) to oppose the Difai against the Armenian “bastards” in Karabakh (Shushinsky uyezd), 3) to terrorize the representatives of the administration and courts, 4) to buy with the help of the Muslim capitalists of Baku all the lands from Agdam to the Khandjail station (Khojaly Station – E.E.) from Armenians in order to resettle them solely by the Muslims², and 5) To force the Shushans (Muslim dwellers of Shushi – E.E.) to live by all means in Shushi and as a whole make Karabakh a Muslim province [Əzizov, 2009, 102-103; Galoyan, 2002, 3]”. The Difai established its branch – Karabakh Union Assembly - in Shushi, also simply referred to as “Karabakh Committee”. Karabakh Committee was the strongest and most influential ramification of the Difai, with approximately 400 members enrolled [Əzizov, 2009, 102]. Soon they resorted to the above mentioned tactics and locked the Shushi-Evlakh road, essential for the supplies to Armenians [Galoyan, 2002, 4]. Besieging Armenians enabled to plunder and bombard/shell the local villages. In the middle of January, 1906, the Armenian villages of Askeran subdistrict - Khoramurt, Khanabad, Kyatuk, Kilechbagh, Shushikend, were shelled by the Turks. Breaching the truce in Autumn of 1905, Turks headed by one of the feudals from Baluja (*at present* Aygestan) attacked the road joining Khankend (*formerly* Vararakn, *at present* Stepanakert) to Khnatsakh (north to Khankend) and commenced fire on Armenians. Turks also attacked the Armenian village of Pahlul [Barkhudaryan, 1895, 152] and forced the inhabitants to leave for Khankend. Thus, the roads leading from Shushi to the north and north-east were blocked by Turks. On the same time, Turks attacked the Armenian population also in the north-eastern part of the nowadays Republic of Armenia (*formerly* Kazakhsky uyezd). That part of the history is left out of our study, however is a bright example that the struggle for new lands, communications and influence was not limited with the Karabakh front, but was peculiar to all the areas Armenians and Tatars lived in adjacency.

¹ *Kurultai* was a political and military council of ancient Mongol and Turkic chiefs and khans.

² The denotation “Muslims” had more a unifying ethnic meaning for the Turkic tribes rather than religious. A Muslim residing, for example, in Ismailli could say, “I am a Muslim, and I have Talyshs in my neighborhood”, however, Talyshs are mostly Shia Muslims. The ethnonym “Muslims” was applicable to the Turkic tribes of both the Democratic Republic of Azerbaijan (1918-1920) and the Azerbaijani SSR until the adoption of the Constitution in 1936, when the ethnonym “Azerbaijanis” was forged for them [Melik-Shahnazaryan and Khachatryan, 2007, 19-20].

3. Post-colonial era and Soviet Russia interference (1918-1921): – After the collapse of the Russian empire in February, 1917, Russia underwent one of the memorable revolutions in the history of mankind – Socialist Revolution, headed by the Bolsheviks in October, 1917. With a firm intention to preserve the newly-established power and make the population side with them, the Bolshevik regime unilaterally decided to withdraw from the WWI adopting the Decree on Peace. Under the provisions of the Erzincan armistice, the Russian troops were withdrawn from the Caucasus front (Western Armenia and Persia). The Ottoman leadership in its death agony seized the opportunity to occupy the evacuated territories. The Armenian quasi professional – partisan guerillas remained as the only power resisting the Ottoman offensive into Transcaucasia. Secondly, the Ottoman Empire by any means was trying to constrain the Transcaucasian side to seceding from Russia, still legally keeping the title upon those territories.

The discrepancy among the Transcaucasian side was obvious especially in the matters of war and peace with the Ottomans. Finally, in the midday of the 26th of May, 1918 Seim adopted a resolution of self-dissolution, *“Taking into account that the general disagreements among the three nations of the independent Transcaucasia arose concerning the issue of war and peace, making the existence of a single and authoritative power impossible for the whole Transcaucasia, the Seim thus ascertain the fact of the dissolution of Transcaucasia and depose its authority”* [Vratsyan, 1993, 158-159]. The same day the Georgians proclaimed their independence. On the same day the National Council of Azerbaijan did the same [Mirza-Bala, 1938, 135-136]. Devoid of any potential to undertake the process of nation-building on one hand, left with no other choice on the other, the Armenian National Council declared its exclusive sovereignty over the “Armenian districts” [Vratsyan, 1993, 161]. It was uneasy for the Armenian then elite to clarify what territories are claimed by them to be under the Armenian title, because 1) significant parts of the Armenian-inhabited and historically Armenian lands (Nakhijevan, Zangezur, Karabakh) were those times out of the military control of the Armenian armed forces, 2) the Western Armenia, always claimed and regarded by Armenians as their fatherland was occupied by the Ottoman forces and devastated from the indigenous Armenian population, 3) in the Eastern/Russian Armenia, Armenians nowhere held the overwhelming majority over Muslims and other minorities which exacerbated the inter-ethnic relations as well as state-building in Armenia. It is noteworthy, that the first and last points were equally applicable and can be easily ascribed to the neighboring Azerbaijan too, which had a challenge of not only state-building, but also nation-building. The Azerbaijani act of independence read, *“Henceforth, the people of Azerbaijan has the right to self-government and Azerbaijan – encompassing the South and East Transcaucasia is a competent sovereign state”* [Paşayev, 2006, 5-7]. The way to further territorial disputes was wide open.

However, compared to the Azerbaijani side, Armenia, as already mentioned above, was much weaker because of the total collapse of the state system. After stopping the Ottoman/Turkish invasion into Armenia in the vicinities of Yerevan (at a distance of 7kms), the Armenian delegation signed a peace and friendship treaty with the Ottoman representatives. The Treaty was signed in the wake of the Ottoman invasion as well as the concluding phase of the WWI. Thus, it was denounced and stopped being in force after the defeat of the Central Powers, especially after the withdrawal of the Ottoman Empire from the war (*Armistice of Mudros*). Regardless of the short life of the treaty, it changed a balance of power during the 5 months in force. First of all, Armenia was confined to a small territory of 9000-12000km squares essentially deprived of building a steady state. The third article of the treaty provisioned that the Ottoman government will be informed about the future agreement on mutual border regulation agreement between Armenia and Azerbaijan, which put the Armenian foreign policy under the Ottoman control. According to the annexes of the treaty, the Ottoman Empire gained control over the Tbilisi-Yerevan-Julfa railway. It was also empowered to transport troops over the territory of Armenia [Vratsyan, 1993, 163]. Thus, at the first part of its existence Armenia was deprived of any opportunity to claim its right over the Armenian territories left outside the borders stated in the Treaty of Batum.

After the Russian revolution the situation in Karabakh deteriorated in summer when the Ottoman Turkish troops led by Nuri Pasha reached the Transcaucasian city of Gandzak/Genje. According to the military plan of the Ottoman commandment, the Turkish Ottoman troops would

- enter Nakhijevan via Sharur and Julfa, crush Armenian forces of those places,
- continue the offensive from Goghtan to Meghri and later via the river of Araks to Karyagino-Mughan-Kura River and Baku.

As in past, the local Turks/Azerbaijanis closed the Shushi-Evlakh road cutting supply to Armenians. Besides, in the early September the Muslims attacked the Armenian village of Gharaghshlagh (also transliterated as *Kharakhshlakh*) located on the Shushi-Goris road and linking the Armenian Zangezur and Karabakh [Vratsyan, 1993, 328]. The blockade of the two main roads leading to the heartland of Karabakh, Shushi, entailed a financial and economic collapse. Famine began to hold sway in Karabakh [Harutyunyan, 2013, 24]. In order to terminate the clutter and anarchy as well as to restore the economic life, the Armenians in Karabakh convened the First Congress of the Armenians of Karabakh which proclaimed Nagorno-Karabakh an independent administrative-political unit, elected the National Council as well as the People's government made up from seven persons. On July 24, the Declaration of the People's government of Karabakh was adopted which set forth the objectives of the newly established state power. The National Council made significant endeavors to preserve peace with the Tatar/Muslim population of Karabakh: a special governmental circular letter was devoted to the Armeno-Tatar relations in Karabakh [Harutyunyan, 2013, 24-25]. After this Congress the Azerbaijani government was trying to incorporate Karabakh into the Azerbaijani territory with the help of the Turkish troops.

Nevertheless, the situation around Karabakh was deteriorating. The second Congress of the Armenians of Karabakh came shortly after the above mentioned demolition of the strategically important village of Gharaghshlagh. The communication between Armenian Karabakh and Zangezur was cut. The Turkish troops led by Jamil Jahid (also spelled as *Jemil Javid*) had got an order from Nuri Pasha to advance regiments upon Shushi. The point is that the Armenian detachments defending Baku from the Ottoman Turkish invaders had been discomfited and subsequently more Turkish troops were free to attack Karabakh [Hovhannisian, 1971, 85]. Shortly after the capture of Baku, Jamil bey, located in Agdam – doorstep of Karabakh – issued letters to the Karabakh Armenians urging to “1) open the roads to the ... nomads and never obstacle them hereinafter, 2) immediately give up arms and obey to the Azerbaijani government, 3) cease contacts with Andranik, based in Zangezur, and “*stay away from him*””. The second Congress of the Armenians of Karabakh, convened on September 6, discussed two main issues. The first was related to the humanitarian state of the Gharaghshlagh Armenians, while the second was connected to drawing a response to the Turkish commandment. The National Council of the Turks of Karabakh, however, rejected the Armenian proposal to mediate to help the Gharaghshlaghians go back to the village, thus the first task remained unaccomplished and suspended [Simonyan, 1996, 384]. As to the second point of the agenda, then the Congress rejected the demand of the Turkish commandment and the government of Azerbaijan. The Congress expressed the will of the Armenians of Karabakh to unite with the Republic of Armenia [Harutyunyan, 2013, 27]. The Congress also decided on not resorting to arms the first thus getting prepared for an exhaustive resistance. The Congress decided to assemble a delegation to head for Agdam for negotiating with the Turkish³ commandment over the issue of resettlement of Gharaghshlaghians. Upon reaching Agdam the delegation found itself squeezed by new ultimatum by the Ottoman/Turkish commander Jamil Jahid, rejecting to discuss any question unless the Armenians of Karabakh met the demands of the Turkish ultimatum. The third Congress of the Armenians of Karabakh was convened from September 17/18-22 to discuss the renewed ultimatum [Vratsyan, 1993, 328-329]. Heated discussions took place over whether to surrender to the Turkish militia, or to take the risk of resisting the occupants. Amidst the tense continuation of the Congress, Nuri Pasha - the commander of the Caucasian army (*The Army of Islam*) of the ailing empire - arrived in Agdam from Gandzak, presenting a new 24-hour ultimatum to the Armenians/third Congress [Simonyan, 1996, 385-386]. In these circumstances, the Congress agreed on the underwritten

- Taking into account the existent power ratio as well as the Treaty of Batum, co-signed by the representatives of the Armenian National Council of Tiflis, according which the problem of Karabakh will be ultimately settled during the [Constantino]ple Conference, temporarily recognize the Azerbaijani governance,

³ As mentioned above, Azerbaijanis did not have a single ethnonym those times and were often being called “Turks” with respect to their linguistic affiliation. Until now, in non-official language Armenians commonly refer to “Azerbaijanis” as “Turks”.

- Reject the order of disarmament unless real and firm guarantees for the lives and property of Armenian people are created.

Before the new delegation managed to reach Agdam to convey the outcome of the Third Congress, Turks had begun the offensive. On 20th of September, Nuri gave order to 20 villages of Khachen to give up arms. Two days later, combined Turkish and Azerbaijani forces entered Karabakh. As postulated by a prominent Armenian daily “Mshak” – *“the bloody history of Karabakh commences”*. Turkish/Azerbaijani detachments attacked the Armenian villages of the heartland of Karabakh lying on the Askeran-Shushi road – Dahraz, Mirshalu, Varazabun, Pirdjamal, Khramort, Kyatuk, Nakhijevanik, Khanabad (Voskevaz), Karaglukh, Khlijbash. Three days later they entered Shushi. Armenians offered no resistance in order not to ignite inter-ethnic atrocities [Harutyunyan, 2013, 28-29]. After capturing Shushi, Turks dissolved the Armenian Government and arrested Yeghishe Ishkhanian - the president of the Armenian National Council of Karabakh [Nagornyj Karabax v 1918-1923: Sbornik dokumentov i materialov, 1992, 39]. Turks/Azerbaijanis managed to establish military and administrative control only in Shushi and its vicinities – Shosh, Ghaybalishen and Karaglukh villages. Armenians in Jivanshir, Varanda, Jraberd, Dizak provinces continued armed resistance against the occupants. After capturing Baku, Shushi and destroying the Armenian village of Gharaghshlagh, the Azerbaijani side resorted to the armed offensive against the Armenian Zangezur. Propaganda leaflets were spread in the frontier villages of Zangezur. The essence was to make the Armenians of Zangezur surrender by terrorizing them: *“Agree, otherwise we will slaughter you as we did with Bakilis (the Armenian civilians and militia residing in and defending Baku – E.E.)”*; *“Don’t listen to Andranik, he has sold his soul in English Pounds”* [Nersisyan, Harutyunyan and Muradyan, 1981, 245]. The day before the ultimate invasion of the Turkish troops to Karabakh – September 21 – Surkhay Bek, a Kurdish commander fighting on the Azerbaijani side, issued an ultimatum to the Armenian village of Gerenzur (also known as *Kornidzor*): *“Your long-lasting disobedience to the Azerbaijani government ... will lead the remaining (i.e. Armenian – E.E.) villages to the same lamentable fate as to Kaladarasi (also known as Gharaghshlagh – E.E.). As a representative of the lawful authorities empowered by the Turkish high patronage (emphasis mine – E.E.), I urge you to ... give up arms and surrender. I give you no more than one day for the answer”* [Simonyan, 1996, 377-378]. The Kurdish military camp was located in Kubatlu (nowadays Vorotan). Five days later, Turks/Muslims attacked the Armenian villages of Khoznavar, Khanatsakh, Tegh, Kornidzor, Maghanjugh, which was situated on the “borderline” between the soon-to-be Goris (Armenian SSR), Lachin and Kubatlu districts (Azerbaijani SSR). Fierce fighting erupted in Zangezur.

In Karabakh, Turks and Azerbaijanis intended to enhance the sphere of their military dominance to the southern parts of Artsakh – Dizak and Varanda. The newly appointed Tatar mayor of Shushi – Khosrov bey Poladov – went on a military shift from Shushi to the Tatar-inhabited village of Qajar, Varanda. The Armenians understood that the maneuver was to make them submit to the Azerbaijani rule. According to the intelligence data (October 7) dispatched to the commander of the territorial army of Dizak, the Turkish and local Muslim (i.e. Azerbaijani – E.E.) troops *“armed with canons and machine guns are willing to transit to Kariagino via Varanda in order to disarm the central villages of Dizak”* [Ibid., 427]. To prevent the blockade and further devastation of neighbouring Dizak, 300 armed Armenians from Varanda together with 100 compatriots from Dizak attacked the Turkish-Azerbaijani joint forces and defeated them (the battle of Msmna) [Vratsyan, 1993, 331]. An imminent threat to

Dizak and Varanda villages was eliminated, however the village of Qajar – laying on the strategic road from Varanda to Dizak - remained as a firm stronghold for Azerbaijanis.

Before passing on to the next stage of the political history of Karabakh since the end of the WWI, some crucial points, worthy of notice, should be underlined,

- ❖ The Armenians of Karabakh had determined their will towards political reunification with Armenia. That was a result of the same identity they shared with other Armenians as well as a political aspiration for “United Armenia”, i.e. all Armenian lands under the same title.
- ❖ The then legal paradigm prevailing in Transcaucasia excluded the principle of self-determination as a means of re-shaping the national borders or exercising inalienable rights of peoples. The system of political processes in Transcaucasia was obviously underdeveloped compared to that in the western part of the world because of the colonial past and non-existence of the nation-states before 1918.
- ❖ The only method of pursuing interests and accomplishing political will was war. That is the exact reason falling behind the actions of Armenians and Azerbaijanis/Turks in Karabakh as well as in Zangezur and Nakhijevan similarly contested by the sides. Azerbaijanis, trying to capture the heartland of Karabakh, were intentionally blocking the main roads of the land to cut the supply of Armenians. Besides, they launched a military campaign to disarm Armenians and demolish their villages. Consequently, the demographic composition was brutally changed with the Armenian population number getting decreased.
- ❖ A foreign interference by Ottoman Turks considerably shifted the power ratio in favor of Azerbaijanis/Muslims. Defeated in the west, Turks were moving to the east, with an intention to capture vast territories and get undefeated out of the war. Thus, they were supplying Azerbaijanis with ammunition and using their anti-Armenian interests in the scope of their offensive. With the help of Turks, Azerbaijanis emptied Nakhijevan from Armenians and seized it (July, 1918). Two months later Karabakh underwent the Turkish and Azerbaijani joint offensive (see above).
- ❖ Republic of Armenia, as stated above, was devoid of any real opportunity to claim the Karabakh territory under its title. However, during this phase it never recognized Karabakh and Zangezur as Azerbaijani territories. In an official telegram dispatched to the Azerbaijani government (September 2, 1918), the official Yerevan warned that *“the [state] borders between republics of Armenia and Azerbaijan are not yet fixed and no peace agreement has been signed so far. Representatives of Armenia, taking into account the ethnic principle (nowadays acknowledged as “principle of self-determination of peoples” – E.E.), deem that the mountainous parts of Karabakh, that is parts from former Jivanshir, Shushi and Karyagino uyezds, as well as the northern part of the former Zangezur uyezd with its 70 per cent Armenian population ... should be included within the Armenian borders. However, representatives of Azerbaijan not refusing the need to exercise the ethnic principle in general, ... finds that Karabakh and Zangezur ... should be included in the borders of Azerbaijan”* [Simonyan, 1996, 342-343]. In the same document, Armenia recognizes the above mentioned provinces as *“contested ones, subject to unfinished negotiations”* [Ibid., 343-344].

The Central Powers were defeated in WWI. Under the 16th clause of the Armistice of Mudros, the Ottoman troops had to withdraw from Caucasus (i.e. Transcaucasia).

Moreover, the 15th article of the Armistice provisioned that the Allies could occupy Batum, Baku and other cities of Transcaucasia [Mehmet, 1990, 1]. Turks withdrew from Karabakh. British authorities and military replaced them. On the 17th of November British troops led by General Thomson landed in Baku [Abrahamian, 1989, 14]. Seven days later Thomson issued a decree posing martial law in the city. The British military representation declared that the political issues and territorial disputes are outside their competence. They used to refer to the soon-to-be Paris Peace Conference to settle the territorial matters [Harutyunyan, 2013, 30-31]. Generally the balance of power between Armenia and Azerbaijan (especially in Karabakh) had inclined in favor of Azerbaijan because of the interference of the Ottoman Empire. Consequently, the British authorities established in Baku sided with Azerbaijanis with an intention to preserve their dominance in the oil-rich city which also meant owning the strategic key to the Middle East. Despite the ostensible neutrality, the British authorities endeavored to constrain Armenians in Karabakh to submit to Azerbaijan, thus aiming at neutralizing any possible “hot spot” in the territories under their control. Otherwise, the colonial rule could be undermined and disrupted by the remaining allies (e.g. France) or Bolshevik Russia. One of the historiographers of that period Simon Vratsyan – the last Prime Minister of the First Republic of Armenia – notes, “*For the English the fate of Karabakh, as well as Zangezur, was determined: they have decided upon giving those lands to Azerbaijan*” [Vratsyan, 1993, 330].

A true exemplification of the aforesaid is the official stance the British occupational forces took against the military expedition of General Andranik’s Armenian Special Striking Division into Karabakh. The matter of the fact is that after the invasion of Turkish and Azerbaijani forces into Karabakh which resulted in the occupation of Shushi, the Armenian militia commanders of Dizak and Varanda⁴ appealed to Andranik for assistance [Hovhannisian, 1971, 88]. In a bid to hinder the expedition of Andranik, the opposite side restored fighting in Zangezur. Moreover, on the 28th (15th) of October, Nuri pasha issued a renewed ultimatum to the population of Zangezur ordering to give up arms and surrender to the Azerbaijani rule [Simonyan, 1996, 430]. The state in which the Armenians of Karabakh found themselves after the Turkish/Azerbaijani occupation, that is – blockaded from all sides – as well as the common threat to Karabakh and Zangezur propelled Andranik to move his troops to Shushi. As to the political system of Karabakh, we can easily behold a slight difference. Because of the armed incursion, there was diarchy in Karabakh both from military and administrative perspectives. The Armenians of Karabakh possessed military might, however that was not enough to defend the land from invasions. Neglecting the resolutions of the congresses of Armenians, Azerbaijanis were trying to establish a full control over the territory of not only Karabakh but also Zangezur. Thus, according to the modern-time paradigm of scientific realities, the struggle of Armenians in Karabakh may be regarded as an act of self-defense/struggle for self-

⁴ The two other Armenian provinces – Jraberd and Khachen – had lost regular communication with the outside world, since the troops of Sultan bey Sultanov had obstructed the roads.

determination. In its turn, the expedition of Andranik can be viewed either as a humanitarian intervention or a self-defense measure. The latter option is reasonable if taking into account that Karabakh and Zangezur geographically comprise a single political area in addition to the fact that they were overwhelmingly populated by Armenians and shared common challenges and threats by the rival side. Thus, like the military activities in 1905-1907, the outbreak of mutual violence in 1918-1919 between Armenians and Azerbaijanis in Nakhijevan, Zangezur, Karabakh should be regarded as a full-scale war regardless of the fact that the Democratic Republic of Armenia that had proclaimed its sovereignty over the “*Armenian districts*” itself was not involved in military activities (it became involved both diplomatically (1919) and by military means (1920) in the conflict later). The scrutiny of the historiographic material points at the fact that Andranik held a competent military, as well as administrative authority over the Zangezur territory (Sisian, Goris, Kapan, Meghri), thus his actions is to be scientifically regarded as execution of power of supreme governor, rather than unorganized and sporadic acts of military campaign.

Starting his expedition, Andranik crushed the resistance of the Muslim and Kurdish chieftains headed by Sultan bey Sultanov, and took the village of Avdallar (also Abdallar, later Lachin, nowadays Berdzor) which is situated 20km away from Shushi. Local Muslim/Azerbaijani population fled from the battlefield. However, the shift of balance against Azerbaijan was contrary to the British interests. Soon, Andranik received the telegram supposedly dispatched by General Thomson (signed as “*British Commander*”), threatening Andranik that the continuation of the military campaign would be regarded as “*a hostile act against the British Empire*” [Abrahamian, 1989, 14], “*the terrible responsibility of which will lie with Andranik*” [Simonyan, 1996, 456]. In his letter of response Andranik expressed suspicions that the telegram is forged or/and unofficial, having no proper signature and carried by a blind Armenian peasant rather than official representative. Then he deliberated on the substantial reasons he had undertaken a military campaign from Zangezur to Shushi:

- i. “Almost a year Tatars have cut any type of connection between the Armenians of Zangezur and Karabakh”,
- ii. Hundreds of corpses of Armenian soldiers returning from the [WWI] front to Karabakh via Zangezur are thrown in the ravines of Zabugh and Hakaro rivers,
- iii. Thousands of Turkish Armenian (i.e. *Ottoman Armenian* – E.E.) refugees, eager to resettle in Karabakh, were barbarically murdered in July and August,
- iv. The complete destruction of the Armenian village of Kaladarasi,
- v. Attacks, plundering raids against the Armenians of Zangezur by Tatars,
- vi. Concentration of Karabakh [Armenians] in Zangezur, deprived of the opportunity to return homeland,
- vii. [And finally] the hostile attitude of Muslims against the Armenian population of Karabakh [Ibid. 458].

The next day Andranik received the “reconciliation delegation” by the British commandment, which handed to him the second telegram by Thomson. The latter reiterated the same threats. Consequently, under the British pressure Andranik

decided on taking his troops back to Zangezur. In accordance with the gentleman agreement with the British delegation, Andranik took up his duties of reinforcing the truce with the opposing side. On the proposal of Andranik, the president of the National Council of Zangezur, Mikayel Paronyan, headed a delegation to Haji Samlu to negotiate with Sultan bey Sultanov. The agenda of the talks was comprised of issues related to the region as well as strengthening the shaky cease-fire. Sultan bey accepted all the points suggested by the Armenian side. It was conditioned by the fact that Sultan bey, as mentioned above, had been defeated by the Armenian troops of Andranik before the negotiations. Besides, inspired by the military shift of Andranik, the Armenian military detachments of Khachen province had attacked Haji Samlu region approaching the center thereof – Pichan village (currently *Vakunis*). The local militia of Dizak had also activated, committing military demonstration around the bottom of Kirs Mountain, strategically important point in the heartland of Karabakh [Ibid., 464]. On the whole, regardless of the temporary armistice, Andranik had his own vision of the Karabakh issue regulation. At an official dinner in Goris with the representative of Allied Forces, Major Gibon, Andranik expanded on the knotty problem of Karabakh. Andranik and his comrades-in-arms proposed that approximately 300,000 Armenians of mountainous parts of Zangezur, Karabakh and Gandzak under no circumstances could be subdued to the Azerbaijani rule. Andranik substantiated that thesis quoting the statistics according which the Turkic-inhabited areas in those mostly Armenian-inhabited territories were resembling oases: 15,000 Turks (they meant “Azerbaijanis” – *E.E.*) residing in Shushi, 20,000 Turks and Kurds in Haji Samlu and Kelbajar. Andranik concluded that it would be abnormal and illegal if 35-40000 Turks of the region gained a right to subdue remaining 300,000 Armenians. He added that Azerbaijan could get the title over the territories stretching from Agdam to Baku [Ibid., 477-478].

The cease-fire did not last long. Inspired with the withdrawal of Andranik to Goris as well as the British policy of appeasement, the Azerbaijani forces attacked and devastated the Armenian villages of Harar, Spitakashen, Petrosashen, Arpa-Gyaduk, Tez-Kharab, Khtsaber, Dudikchi, Khandzadzor (Dizak province), Chertaz, Mashadishen, Sos (Varanda province). The first three ones were situated between Zangezur and Karabakh, thus the devastation thereof put Karabakh in a final blockade by Azerbaijan [Vratsyan, 1993, 329].

On the 29th of January during its session the Government of Azerbaijan, with the ultimate approval of the British occupational administration, appointed Khosrov bey Sultanov on the post of General Governor of Shushi, Zangezur, Jebayil, Jivanshir uyezds (former Armenian-inhabited uyezds of Elisabethpol) [Nəbibəyli, 2011, 118]. The post was established a fortnight before. In the official announcement, the British authorities stated that the General Governorate carried a temporary character, as well as re-established the fact that “... *the issue of the title over those territories among the*

*two units*⁵ should be settled in the framework of the peace conference” [Nagornyj Karabax v 1918-1923: Sbornik dokumentov i materialov, 1992, 62]. On the 6th of March, the British Representation in Shushi in the person of major Monck-Mason officially informed Armenians about the assignation of Sultanov and ordered to unconditionally fulfill the orders and resolutions of the latter [Simonyan, 1996, 490].

The Azerbaijani government itself designated and apprehended the mission of General Governorate in a different way. According to the report by the Ministry of Internal Affairs sent to the Government of Azerbaijan, the interim General Governor had to tackle the issue of “reunifying” the respective uyezds to Azerbaijan by “*fighting and totally exterminating the Armenian movement*” [Doklad pravitel’stvu, 1919]. Sultanov himself sketched out his objectives to the Muslim population of Shushi as well as to his inner circle during a speech in the Tatar part of the city. Crushing the Armenian resistance by military means as well as subduing Karabakh and Zangezur to Azerbaijan were declared by Sultanov as his main goals [Simonyan, 1996, 491]. A contemporary study by an Azerbaijani scholar Ziyadxan Nəbibəyli based on the Azerbaijani archive documents, asserts that “*an essential factor (concerning opting for the candidacy of Khosrov bey – E.E.) [was that] Khosrov bey was from ... Zangezur region, thus well-acquainted with those places. Still, the most determining factor was that Sultan bey - Khosrov’s brother – was an authorized (sic!) bey in the Hacısamlı district of the Upper Zangezur. He could uphold [Khosrov bey] by his populous armed groups against the Dashnak-Armenian General Andranik who led a disciplined and well-trained army supplied with arms and ammunitions*” [Nəbibəyli, 2011, 118]. Thus, it can be summarized that real destination for Khosrov bey Sultanov was occupying Karabakh and Zangezur and subduing those regions to Azerbaijan.

Seizing the opportunity of British connivance, Azerbaijan went on a new aggression. The Azerbaijani (ir)regular troops, headed by Turkish officers fortified in strategically important points of Karabakh such as Askeran, Khankend, Shushi [Harutyunyan, 2013, 31-32]. Azerbaijani militants from Aliyanli, Musulmanli and neighboring villages surrounded Armenian villages of Khtsaber, Hin Taghlar and Khandzadzor in Dizak province. The operation was directly coordinated by the Minister of Defense of Azerbaijan, Samad bey Mehmandarov. He proceeded to building new military barracks in Shushi, as well as sent troops to Zabugh and Zangelan. By his order local Azerbaijanis transferred ammunition to Zangelan via Karyagino [Simonyan, 1996, 487-488].

Karabakh Armenians decided to convene the fourth Congress of the Armenians of Karabakh keeping the two main issues on the agenda – the policy of the British authorities and Khosrov bey Sultanov. The representatives expressed their objection to the British policy, strictly ruling out any possibility of submitting to Azerbaijani/Sultanov rule. Reporting on the outcome of the fourth Congress, Yeghishe

⁵ Two units – Armenia and Azerbaijan. The term “*units*” intended to underline the fact that British authorities had not recognized the Transcaucasian states as sovereign ones.

Ishkhanian wrote to Andranik, *“The Armenian people of Karabakh wishes never to surrender to Azerbaijan and join the Araratian Republic⁶, the political center of all Armenians. This is the final desire and decision”* [Ibid., 492]. The Congress established a National Council as a primary executive power. Azerbaijanis retaliated by triggering the British authorities to oust two prominent Armenian leaders from Shushi – Gerasim Balayan and Levon Zarfayan. Major Monck-Mason ordered the newly-established National Council to submit to the Azerbaijani rule until the peace conference take place. Otherwise, *“any kind of resistance will be cut by severe measures”* [Abrahamian, 1989, 17]. By the end of March Sultanov multiplied the number of Azerbaijani armed forces in Karabakh, raising it to 2000 soldiers in Khankend and 1000 in Shushi. Armenians appealed to the British authorities asking them for permission to dislocate some militia from the provinces in the above mentioned cities (esp. Shushi), however their petition was rejected [Simonyan, 1996, 493-494].

It is noteworthy that not only Karabakh Armenians were objecting against the de-facto endeavors to annex Karabakh-Zangezur to Azerbaijan, but also the government of the Republic of Armenia. A week after the assignation of Khosrov bey Sultanov, the Armenian MF Sirakan Tigranyan sent a note of protest to the Azerbaijani government, stating that Karabakh and Zangezur were indispensable parts of Armenia [Vratsyan, 1993, 330] and even the temporary Azerbaijani rule over those territories was unacceptable for the official Yerevan [Harutyunyan, 2013, 33].

In response to the objections by Armenia, as well as Karabakh National Council, the British occupational administration on the 3rd of April announced that Khosrov bey enjoyed the full support of the British authorities, adding that *“every single movement in Karabakh-Shushi against Azerbaijan will be considered as addressed to the British Government”* [Abrahamian, 1989, 16]. This time the government of Armenia sent a letter of protest to the British Caucasian Commandment, underlying that *“neither local [Armenian] population, nor Our Government can’t accept that Zangezur and Armenian Karabakh submit to Azerbaijani-appointed authorities”* [Vratsyan, 1993, 332].

Shuttleworth himself left for Karabakh. Armenians had to convene the fifth Congress in his presence. The declaration of the Congress reaffirmed the will of the Armenian people of Karabakh to restore the order in the region, as well as, to leave in peace *“with the neighboring Turkish (Azerbaijani – E.E.) people”*. Touching the issue of the proposals made in the report of Shuttleword, the declaration read, *“... the current program does not correspond with the wishes and vital interests of the Armenian people of Karabakh... The Congress regards unacceptable any administrative program related with Azerbaijan, deeming that bringing such a program into effect by coercive means will inevitably entail inter-ethnic clashes and bloodshed. The fifth Congress of Karabakh Armenians will by no means take responsibility for such actions”* [Vratsyan,

⁶ During its two-year long existence The First Republic of Armenia was denoted by Armenians in Armenia and Diaspora differently (e.g. Yerevanian Republic, Araratian Republic etc.).

1993, 333]. Fortnight later Shuttleworth ultimately left the highland region, thoroughly convinced of the incorrigible nature of the Armenians [Hovhannisian, 1971, 193].

Henceforth, Sultanov decided on taking more “effective” measures against Armenians. On the 20th of May he ordered to blockade the roads of Lower Karabakh. Varanda and Khachen were exposed to famine. Plague took lives of hundreds of Armenians. As a next step, Sultanov’s forces closed the Shushi-Goris road, June 3, 1919. On the 4th and 5th of June armed clashes occurred in Shushi between Armenians and Azerbaijanis and Sultanov began a blockade of the town's Armenian quarters. The same day, June 5, Azerbaijani and Kurdish troops led by Sultanov looted the Armenian village of Ghaybalishen located near Shushi. Approximately 100 men survived from the population of about 700 people. Villages of Pahlul, Krkjan, Nakhijevanik, Jamillu, Khanatsakh, Dashushen were also attacked and either partly or thoroughly devastated and deprived of the indigenous Armenian population [Vratsyan, 1993, 331-335]. The members of the presidium of the Armenian National Council of Baku, discussed the events in Karabakh with the newly-appointed PM of Azerbaijan, Nasib Usubbeyov. The latter clarified the official stance of Azerbaijan: *“It doesn’t matter how sorrowful the latest events in Karabakh were. Be informed that those won’t be the last ones unless the Armenian provinces of Karabakh stop their resistance against Azerbaijan”* [Harutyunyan, 2013, 36-37]. This quotation makes evident that the Azerbaijani government had decided to annex Karabakh regardless of the political will of the local Armenian inhabitants. Taking into account the resistance of the indigenous Armenian people, the Azerbaijani government decided on committing ethnic cleansings to azerbaijanize the region. In his report (*“The condition in Karabakh related with the English policy and necessary means to tackle it”*) presented to the Azerbaijani government as well as in his negotiations with Shuttleworth, Sultanov also provisioned his plans regarding the Karabakh issue. Sultanov underlined the geostrategic importance of Karabakh to Azerbaijan. He deemed that the loss of Karabakh will entail the subsequent occupation of Nakhijevan, Ordubad and even the overall territory of Karabakh by Armenians, because the Armenians located between Baku and Genje could put the existence of the Azerbaijani state under danger. That is the very reason the occupation of Zangezur by Azerbaijani forces was a focal point in Sultanov’s plan. General Governor believed that Armenians will never recognize the Azerbaijani rule unless coercive means were brought into effect. Thus, he was inclined to present a 6-day ultimatum to the Armenians of Karabakh after which he envisioned starting military actions. Moreover, Sultanov was pondering over suggesting the Armenians of Karabakh to leave their living areas of the region [Musayev, 2002, 1].

On the 7th of August, Karabakh Armenians convened the seventh Congress of Armenians of Karabakh. Sultanov did not participate at the Congress, however, he has surrounded the city of Shushi and blockaded the Shushi-Evlakh road. The deputies of the Congress were under both physical and moral pressure. Sultanov issued a 48-hour ultimatum urging the Congress to recognize the Azerbaijani rule. Under the Azerbaijani intimidation as well as after the June massacres, the seventh Congress decided to yield to Sultanov’s threats and temporarily agree to submit to

Azerbaijan in order to evade from further bloodshed. On the 22nd of August, in Shushi, Armenian representatives signed a 26-article agreement with Sultanov. The first article read that the Agreement was in force until the Peace Congress. The second article stated that the Armenian-inhabited mountainous parts of Karabakh's Shusi, Jivanshir and Jibrayil uyezds (Dizak, Varanda, Khachen, Jraberd) temporarily recognized themselves in the territories of Azerbaijan. They preserved their local autonomy within the Karabakh governorate [Vratsyan, 1993, 338-339]. Although it was an interim agreement, it was welcomed in Azerbaijan as the final act of annexing Karabakh to Azerbaijan.

On the 24th of August, the British mission abandoned Karabakh [Abrahamian, 22]. On the 19th of February, 1920 Sultanov made it clear that hence he disregarded the soon-to-be Peace Conference and the issue of Karabakh should be settled on his own. He urged the National Council to convene a new gathering to recognize the Azerbaijani supremacy. However, the eight Congress of Armenians of Karabakh, gathered in Shosh village, declined Sultanov's demand and once again announced about reunification with Republic of Armenia [Harutyunyan, 2013, 38]. According to his plan (*see above*), Sultanov decided to subdue Armenians by military means. He received reinforcement from Baku via Jibrayil of 90 wagons of arms and ammunition. In March and April a full-scale war took place over almost the entire territory of Karabakh. Azerbaijanis seized the opportunity and devastated the Armenian town of Shushi, killing almost 8000 civilians. This phase of Armenian-Azerbaijani war in Karabakh was crucial, since for the first time Republic of Armenia officially marched its armed forces to Karabakh (April 14, 1920). The republican forces led by Drastamat Kanayan defeated Azerbaijanis and besieged Sultanov in Shushi [Ibid., 40-41]. The ninth Congress of Armenians of Karabakh reiterated the decision of the people to reunite with Republic of Armenia. The absence of the foreign actors (Ottoman/Turkish concentrations; British occupants) and the war between Republic of Armenia and Azerbaijan would enable to create a mutually acceptable balance between the newly-created two nation-states, shaping a geographic and demographic configuration which would establish a peace. However, the two-sided balance was again disrupted. In late April, Azerbaijan fell under Russian Bolshevik rule. The country lost its sovereignty, however retained the national might and used the protection of the Soviet Russia to continue claiming Karabakh and Zangezur. On the 12 May, 1920, Russian Bolshevik Red Army invaded Karabakh, presenting an ultimatum to the Republic of Armenia to withdraw its forces. On the 27th of May, Drastamat Kanayan withdrew from Karabakh: in the face of the soon-to-be Kemalist Turkish attack, Armenia could not fight in two fronts.

The rise of Russia after the collapse of the Russian Empire and Russian Civil War as well as the national rehabilitation of Turkey under the leadership of Mustafa Kemal abruptly changed the balance of power between Armenia and Azerbaijan. Unlike Azerbaijan, Armenian lost its national and military capacity during the last phase of its existence. In late September, 1920, Turkey attacked Armenia. During the Turkish-Armenian war the latter lost half of its territory and militia. Also on the 29th of

November, when the Turkish-Armenian war was still officially continuing, the Red Army invaded Armenia and proclaimed a communist rule in the country. After Azerbaijan, Armenia was the second Transcaucasian country which lost its sovereignty. However, Armenia also lost its economic and military potential – the essential tools to run national policy.

The Soviet Russia took the first step in modern times to find a legal solution to the Karabakh issue (i.e. which country it should belong to). The Bolsheviks created a seven-member committee, the Caucasus Bureau (typically referred to as the Kavburo). Under the supervision of the People's Commissar for Nationalities, the future Soviet ruler Joseph Stalin, the Kavburo was tasked to head up matters in the Caucasus. On 4 July 1921 the committee voted 4–3 in favor of allocating Karabakh to the newly created Soviet Socialist Republic of Armenia but a day later the Kavburo reversed its decision and voted to leave the region within Azerbaijan SSR.

4. The eruption of the frozen conflict: from Soviet times to modern days:

The Nagorno-Karabakh Autonomous Oblast (NKAO) was created in 1923, leaving it with a population that was 94% Armenian. The reversal was substantiated with the economic connections the region had with Azerbaijan. The capital was moved from the devastated city of Shushi to Khankend, which was later renamed as Stepanakert. NKAO was formed on a smaller part of the mountainous part of Karabakh. The districts joining Karabakh with the Armenian heartland were cut from Karabakh and directly subdued to Azerbaijan. Until 1926 Armenia and NKAO had land communication via the city of Lachin (formerly Avdallar), however, later Azerbaijan put it under its jurisdiction. During the Soviet times Azerbaijani policy was aimed at *a)* cutting the territory of NKAO; *b)* forcing Armenians of NKAO to abandon their living places, *c)* azerbaijanize NKAO. The Armenian villages of Harar and Hogher were taken from Hadrut province, NKAO and left to Kubatlu and Fuzuli districts of Azerbaijan. The Armenian village of Gyulabli, Martuni, NKAO was forcibly joined to the district of Agdam. The Armenian population of Lesnoy and Jamillu villages was deported to Stepanakert: the villages were subsequently resettled by Azerbaijanis. For 65 years of the NKAO's existence, the Karabakh Armenians were the object of various restrictions on the part of Azerbaijan. The Azerbaijani authorities deliberately severed the ties between the oblast and Armenia and pursued a policy of cultural de-Armenization in the region, of planned Azerbaijani settlement, squeezing the Armenian population out of the NKAO and neglecting its economic needs. The census of 1979 showed that the general number of inhabitants of Nagorno-Karabakh Autonomous Region was counted as 162,200 persons, from them 123,100 Armenians (75.9%) and 37,300 Azerbaijanis (22.9%). In addition to that, it is noteworthy that until 1980 in Nagorno-Karabakh 85 Armenian villages (30%) have been liquidated and none at all Azerbaijani. Moreover, NKAO was in the leading position with the amount

of people affected with cancer which can be explained by a hypothesis that Azerbaijani authorities deliberately contaminated the rivers flowing to NKAO from the adjacent western districts [Babayan, 2006, 169-172].

During the Soviet times, in 1963 Armenians wrote a petition to the First Secretary of the Communist Party, Nikita Khrushchev, while in 1965 another document was sent to the Central Committee, this time with 45,000 signatures. In 1966, the Secretariat of the Central Committee of the Communist Party of the Soviet Union accepted a decision that tasked Armenia's and Azerbaijan's Central Committees with a joint discussion of the issue. In 1977 the Karabakh issue was once again in the spotlight as part of discussions over the USSR's new constitution. However, no solution emerged because of the Azerbaijani sabotage. With the beginning of the dissolution of the Soviet Union in the late 1980s and early 1990s, the question of Nagorno-Karabakh re-emerged. On February 20, 1988, NKAO weighed up the results of an unofficial referendum on the reattachment of Nagorno-Karabakh to Armenia, held in the form of a petition signed by 80,000 people. On the basis of that referendum, the session of the Soviet Oblast of Nagorno-Karabakh adopted the appeals to the Supreme Soviets of the USSR, Azerbaijan and Armenia, asking them to authorize the secession of Karabakh from Azerbaijan and its attachment to Armenia. Azerbaijan retaliated by organizing pogroms in Sumgayit and Baku. Some skirmishes also took place in Armenia, however immeasurable with the death toll of Sumgayit and Baku massacres. During the first 2-3 years of the conflict Armenians, residing in Azerbaijan, and Azerbaijanis/Turkic speaking peoples, residing in Armenia, abandoned the country of residence. The non-violent phase of the conflict lasted no more than half a year and soon after the emergence of the Armenian movement, Azerbaijani then authorities with the help of the Soviet Internal Security Forces and OMON, launched a military attack towards the Armenian population in Karabakh intending to disarm the local Armenian self-defense militia detachments and uproot the Armenian livings in the given region. The active phase of the conflict, i.e. war of national liberation of Karabakh Armenians against the newly independent Azerbaijani Republic began on 1991. The battlefield of the war was in and outside the territory of NKAO. The kernel and internal logics of the war was the following – Azerbaijanis were using their settlements inside and outside NKAO as a stronghold for launching ground and air attacks, Armenians were counter-attacking, taking those territories under their control. Short-term cease-fires were used by the sides for the reallocation of the forces, after which Azerbaijan used to continue offensives. Besides, Azerbaijan again resorted to the long-tested strategy, that is – blockading the roads of Karabakh and trying to annihilate and/or deport the Armenian population of the region (*see above*). In the beginning of the war, Azerbaijanis had concentrated large amount of militia and ammunition in Shushi, the stronghold of Karabakh having a dominating position over Stepanakert. By early 1992 the bombing intensified. In a course of one week the city was bombed with over 1,000 shells (800 of which were reactive shells). This left 20 civilians dead. Altogether, over 2,000 civilians were killed and thousands more injured in the bombardment in 1992; moreover, the city's infrastructure was completely

severed with the destruction of sewage networks, water pipes, gas and electricity. On April 27, the Armenian military leaders' plans were approved to move in and capture the town. On the 8th of May, the Armenian troops took control of Shushi, the Azerbaijani militia and the local population abandoned the city, mostly fleeing to Lachin. Secondly, Armenians gained control over Lachin itself, thus enabling to establish a land communication between Armenia and the enclave of NKAO. Armenians also attacked and took control over the small vilages neighboring Stepanakert and Askeran or lying on the strategically important roadways. In March-April, 1993 Armenians advanced on the north-western part of the front, seizing the territory of the Kelbejer district, located between Armenia and western boundaries of NKAO. The capture of Kelbejer enabled Armenians to decrease the line of front and create the second "corridor" for Armenia to send humanitarian and military aid. On 23 July, after several attacks, Armenians established a full military control over the city of Agdam, which was historically served as a military outpost to attack the Armenian villages of Varanda (Martuni) and Khachen (Askeran, Stepanakert/Khankend). Azerbaijanis continued ground military offensive from the territories of Fizuli, Jebayil, Zengilan and Kubatlu districts, located on the south and southwestern parts of the former NKAO. The liquidation of the Azerbaijani military camps in Zengilan and Kubatlu had a strategic importance for both Armenia (Zangezur province) and Karabakh, since those regions were used to bomb the cities of Kapan and Goris as well as "Lachin corridor". Besides, the takeover of the districts of Zengilan, Jebayil and Fizuli (partly), neighboring with Iran through the river of Araks, once again enabled the war-torn Armenia (including Karabakh) to shorten the line of contact between the warring sides. During the summer and autumn of 1993 Armenians seized control over those territories. The local Azerbaijani and Kurdish population was everywhere given a free pass from their living spaces turned into battlefields by the Azerbaijani government. Azerbaijani leader Heydar Aliyev tried to regain the lost districts during the winter offensive of 1993-1994. The main target was the mountainous district of Kelbejer, adjacent to the Lachin corridor. However, Azerbaijanis failed in it.

The war was concluded by the Armistice agreement reached on 12 May, 1994. It is generally observed until now. No territorial or demographic exchange has been made between the sides.

5. Critical analysis of the conflict. A new Approach:

The OSCE Minsk Group is delegated the mandate to provide a multilaterally acceptable peaceful resolution for both sides. The negotiations so far proved a little success, though they are an effective tool in keeping the fragile peace in the front line. Currently, negotiations are held on the basis of the Madrid proposals represented by co-chairs in November, 2007. The Madrid Principles are the following

- Withdrawal of Armenian forces from the regions surrounding Nagorno-Karabakh (i.e. former NKAO – E.E.);
- Definition of an interim status for Nagorno-Karabakh Republic;
- Resettlement of these regions with Azerbaijani refugees;
- Provision of an overland link connecting Nagorno-Karabakh to Armenia through the Lachin corridor;
- Conduct of a referendum on the final status of Nagorno-Karabakh in some undefined, future date;
- Return of Azerbaijani refugees to the territory of Nagorno-Karabakh itself [Babajanyan, 2013].

These principles carry the outdated logic of the early phase of the current conflict. The foundations of those proposals were laid in 1992, when the war was not ended and the balance of power was different. Moreover, the Armenian side was a newly-independent nation and had to yield at the negotiations.

The current study comes to prove that the (Nagorno-)Karabakh conflict is a much more complicated conflict and had emerged long before 1921 or 1988.

- Demographic dimension: Transcaucasia is a region connecting the East and West, South and North. Because of its strategic importance it was invaded by different tribes and rulers throughout the history. The Turkic tribes invaded Armenia, including Artsakh-Karabakh at the time of country's feudal disunity. The interference of nomadic tribes, wielding a fresh military and demographic power, changed the normal chain of events. The demographic changes were usually initiated by the foreign rulers who had been occupied the region. For example, from 1604 Shah Abbas implemented a "scorched earth" policy in the region to protect his north-western frontier against any invading Ottoman forces, a policy that involved the forced resettlement of around 300,000 Armenians from their homelands. Next rulers of Persia used to forcibly draw Kurdish tribes to the provinces of Karabakh, adjacent to Syunik-Zangezur, with a general intention to avoid the unification of two Armenian princedoms under one title. As a result of this shifts, as well as high grade of fertility among the Muslim communities, compared to the Christian Armenians, the demographic balance was shifted against Armenians.
- Territorial component: Geographically Artsakh, Syunik and Nakhijevan comprise a single political-administrative unit, located above the North of the river Araks. The demographic changes made these regions disputed. Moreover, Azerbaijan partitioned the territory of Karabakh-Artsakh itself putting Armenians in a „natural blockade“. Currently Artsakh shares border with other Armenian provinces, as well as with Iran. The border/line of cease-fire with

Azerbaijan is shared only in the North (Mrov Range) and East. The curtailment of the bilateral border is a robust safeguard that neither Azerbaijan nor Armenia (including Artsakh) will attack each other. Any territorial concession by the Armenian side (as provisioned by the Madrid principles) will provide an opportunity for Azerbaijanis to renew attacks. Besides, the Azerbaijani side will regain the opportunity to make settlements in Karabakh to change its composition.

- Political and legal framework: Because of the colonial past neither Armenia nor Azerbaijan (the political unit of the Transcaucasian Turks) possessed the capability and opportunity to wage an independent national policy, including the resolution of the conflicts. The drawing of the national boundaries, as well as making the changes in the power ratio by foreign interference served as an obstacle for Armenia and Azerbaijan to determine the framework of their relations independently. In contrary to the European countries, these two states were never given a chance during the history to create the own system of balance of power. In Europe the year of 1945 saw that change when after two World Wars, the former rival countries found an applicable military and demographic configuration to persist the peace. That configuration was made by changing the boundaries of the Aggressor States as well as expulsion of the German population to Germany and Austria. The identical configuration is reached through the Nagorno-Karabakh war with the Armenian population being expelled from Azerbaijan and the Azerbaijani population being displaced from the Armenian lands. Forcing the sides to accept the Madrid principles is identical to pushing them again to the year of 1918 or behind. The same approach can be applicable to the legal paradigm of the conflict. The Europe-made principle of territorial integrity has been designated to escape “the Hitler scenario” in the future and to establish a perpetual peace in the continent. However, when this principle was postulated (1945, UN Charter) and later became binding for Armenia and Azerbaijan (1992), the countries were deprived of their sovereignty under the Soviet Union. Besides, in 1921 the Kavburo had *illegally* annexed Karabakh to Azerbaijan. Thus, from this viewpoint the formal implementation of the principle of the territorial integrity, would create injustice rather than justice among the two nations.

As manifested above, the state of affairs after the Armenian-Azerbaijani Karabakh war is the only way to preserve the peace among the two countries. All of the historical models of the Armenian-Azerbaijani coexistence proved inefficient, entailing an imminent war, whereas since 1994 the two countries undergo a relatively peaceful model of interrelation. The Madrid principles are a new kind of foreign interferences which could disrupt the shaky balance between the sides and entail a new disaster.

References:

- Abrahamian, H. (1989). Politika anglijskix zavoevatelej po otnošeniju k armjanam Arcaxa [(The policy of the English occupants towards the Armenians of Artsakh), *in Russian*]. *Lraber Hasarakakan Gitutyunneri* [(Herald of the Social Sciences), *in Armenian*], 7.
- Babajanyan, A. (2013). Going back to the Madrid Principles. *168 hours*. [online] Available at: <http://en.168.am/2013/11/20/750.html> [Accessed 19 Sep. 2014].
- Babayan, D. (2006). Problema vodnoj bezopasnosti Respubliki Armenija i Arcaxa v kontekste uregulirovanija Nagorno-Karabaxskogo konflikta [(The issue of the Water Security of The Republic of Armenia and Artsakh in the Context of the Regulation of the Nagorno-Karabakh Conflict), *in Russian*]. *Hayastani azatagrvac' tarac'ky ev Arcakhi himnakhndiry* [(The Liberated Territory of Armenia and The Artsakh Issue), *in Armenian*].
- Baberovski, I. (2004). Civilizatorskaja missija i nacionalizm v Zakavkaz'e: 1828—1914 [(The Civilizing Mission and the Nationalism in Transcaucasia), *in Russian*]. *Novaja imperskaja istorija postsovetskogo prostranstva: Sbornik statej* [(The New Imperial History of The Post-Soviet Territory: Digest of Articles), *in Russian*].
- Barkhudaryan, M. (1895). *Artsakh*. Baku.
- Bourne, K. and Watt, C. (n.d.). *British Documents on Foreign Affairs: Reports and Papers From the Foreign Office Confidential Print, Russia 1905—1906*. 3rd ed.
- Brief History of Artsakh (Nagorno-Karabakh). (2013). Yerevan: "MIA" Publishers.
- Croissant, M. (1998). *The Armenia-Azerbaijan Conflict: Causes and Implications*.
- Demoyan, H. (2006). *Turcija i Karabaxskij konflikt v konce XX - načala XXI vekov* [(Turkey and the Karabakh Conflict at the end of XX – beginning XXI cc), *in Russian*]. Yerevan.
- Doklad pravitel'stvu. (1919) [(A Report to the Government), *in Russian*]. [Report] Central State Archive of October Revolution, AzSSR, 894 fund. Baku.
- Elbakyan, E. (2012). Turkiayi Hanrapetutyuny ev Arcakhyan himnaharcy [(The Republic of Turkey and the Artsakh Issue), *in Armenian*]. *Gitakan Hodvac'neri zhoghovac'u* [(Digest of Scientific Articles), *in Armenian*], 3.
- Əzizov, E. (2009). *Difai*. Bakı.
- Galoyan, G. (2002). Te inchpes ein adrbejancinery c'ragrum "gnel Gharabaghi bolor hoghery" [(On how the Azerbaijanis planned to “buy all the lands of Karabakh”), *in Armenian*]. *HH GAA Zekuycner* [(Reports of NAS RA), *in Armenian*], 102(2).

- Harutyunyan, H. (2013). Shushin arcakhyan goyapaykarum (1918-1920) [(Shushi in the Struggle for Existence of Artsakh), in *Armenian*]. *Patma-banasirakan handes* [(Historical-Philological Journal), in *Armenian*], 1.
- Hovhannisian, R. (1971). *The Republic of Armenia: Volume 1: 1918-1919*. Berkeley, Los Angeles, London: University of California Press.
- Karapetyan, B. (2004). Shushi. In: *Gharabaghyan Azatagrakan Paterazm 1988-1994* [(Karabakh Liberation War 1988-1994), in *Armenian*], Yerevan: Armenian Encyclopedia Publishing.
- Kocharyan, V. (2002). *Mijazgayin iravunk* [(International Law), in *Armenian*]. Yerevan: Yerevan State University.
- Mehmet, G. (1990). *Atatürk ve Türkiye'nin dış politikası (1919-1938)* [(Ataturk and The Foreign Policy of Turkey), in *Turkish*]. Ankara.
- Melik-Shahnazaryan, L. and Khachatryan, A. (2007). *Ètnopolitika Azerbajdžana* [(The Ethnopolitics of Azerbaijan), in *Russian*]. Yerevan: De-Facto.
- Mirza-Bala, M. (1938). *Milli Azərbaycan hərəketi* [(The National Movement of Azerbaijan), in *Turkish*]. Berlin: Fırka divanı.
- Musayev, İ. (2002). Xosrov bəy Sultanov Dağlıq Qarabağ münaqişəsinin həlli haqqında [(Khosrov bey Sultanov on the Regulation of the Nagorno-Karabakh Conflict), in *Azerbaijan*]. "Qarabağ dünən, bu gün və sabah" I-ci Ümumrespublika elmi-əməli konfransı Tezislər [(“Karabakh: the past, present and future” Reports of the 1st Pan-Republic scientific workshop), in *Azerbaijan*], 1.
- Nagornyj Karabax v 1918-1923: Sbornik dokumentov i materialov [(Nagorno-Karabakh in 1918-1923: Digest of Documents and Materials), in *Russian*]. (1992). Yerevan: NAS RA.
- Nəbibəyli, Z. (2011). *Sultan bəy və Xosrov bəy qardaşları* [(Brothers Sultan bey and Khosrov bey), in *Azerbaijan*]. Bakı: Nurlar.
- Nersisyan, M., Harutyunyan, A. and Muradyan, D. (2014). Materialy o generale Andranike [(Materials about General Andranik), in *Russian*]. *Patma-banasirakan hands* [(Historical-Philological Journal), in *Armenian*], 4.
- Paşayev, A. (2006). *Zaqafqaziya Seyminin müsəlman fraksiyası və Azərbaycan Milli Şurasının protokolları 1918 - ci il* [(The Protocols of The Muslim Faction of the Transcaucasian Seim and National Council of Azerbaijan), in *Azerbaijan*]. Bakı: Adiloğlu nəşriyyatı.
- Shnirelman, V. (2003). *Vojny pamjati. mify, identiçnost' i politika v Zakavkaz'e* [(Memory Wars: Myths, Identity and Politics in Transcaucasia), in *Russian*]. Moscow.

Simonyan, H. (1996). *Andraniki Zhamanaky* [(The Times of Andranik), in Armenian]: Volume II. Yerevan: Kaisa.

Villari, L. (1906). *Fire and Sword in the Caucasus*. London: T.F. Unwin.

Vratsyan, S. (1993). *Hayastani Hanrapetutyun* [(The Republic of Armenia), in Armenian]. Yerevan.